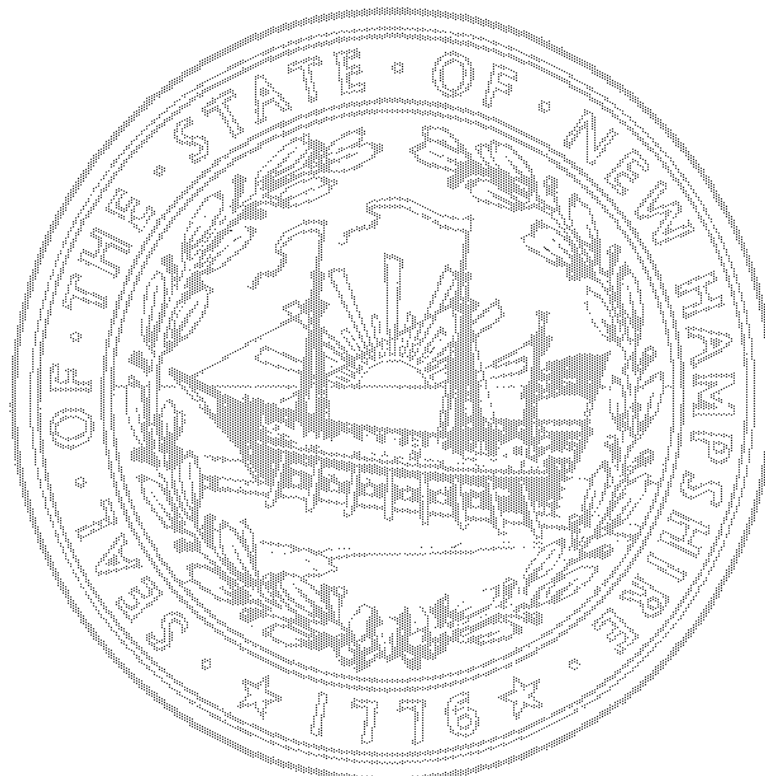


June 5, 2008
No. 23

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

COMMENCEMENT – JUNE 5, 2008 SESSION

SENATE

JOURNAL 23

June 5, 2008

The Senate met at 12:30 a.m.

A quorum was present.

Senator Larsen moved that, without objection, the prayer from our chaplain, the Pledge of Allegiance, and the introduction of guests be waived.

Senator Clegg is excused for the day.

Senator Gottesman moved adoption of the following Enrolled Bill Amendment(s): SB 309-FN.

**May 23, 2008
2008-1967-EBA
05/10**

Enrolled Bill Amendment to SB 309-FN

The Committee on Enrolled Bills to which was referred SB 309-FN

AN ACT relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 309-FN

This enrolled bill amendment makes a technical correction to the amending language in a bill section.

Enrolled Bill Amendment to SB 309-FN

Amend section 8 of the bill by replacing line 1 with the following:

8 Contestants. Amend RSA 285:15 to read as follows:

Adopted.

RESOLUTION

Senator Foster moved that the Senate adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION

Third Reading and Final Passage

ANNOUNCEMENTS

Senator D'Allesandro (Rule 44).

Senator Larsen moved, without objection, all Rule 44's are entered into the permanent record.

RESOLUTION

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of sending and receiving messages, processing enrolled bill reports and amendments.

Adopted.

In recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 1640-FN, relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill(s):

HB 65, relative to the Pease development authority.

HB 310, allowing municipalities to regulate small wind energy systems.

HB 359-FN, relative to recovery of medical assistance from an estate.

HB 765-FN, establishing a committee to study the financial liability for placement of a child with a disability.

HB 781-FN, relative to the duties of the department of safety.

HB 1174, relative to condominium association meetings.

HB 1220, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.

HB 1227, clarifying when persons elected may assume certain offices.

HB 1236, relative to motor vehicle laws.

HB 1242, relative to the prohibition on employee consumption of beverage or liquor.

HB 1260-L, relative to growth management ordinances.

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

HB 1405-FN, regulating outdoor wood-fired hydronic heaters.

HB 1442-FN-A-L, relative to the taxation of farm buildings and land under farm buildings.

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

HB 1468, establishing a mosquito control policy for state-owned lands.

HB 1471, relative to time limits for excavating and dredging permits and directing the department of environmental services to make legislative proposals regarding solid waste management.

HB 1502-FN, establishing a commission to develop alternatives to the disposal of medical sharps in household waste.

HB 1509-FN-A, establishing certain fees for operators of games of chance for the purpose of funding the education trust fund.

HB 1573-FN-L, relative to hazardous and dilapidated buildings.

HB 1594-FN, relative to hazardous material reporting requirements and establishing fees for hazardous materials facilities and employees.

HB 1615-FN-A, establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas.

HB 1628, relative to renewable energy generation incentive programs.

HB 1637, relative to reports to the cancer registry.

HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year.

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members.

HB 1646, relative to the 10-year transportation improvement plan.

June 9, 2008
2008-2163-EBA
04/01

Enrolled Bill Amendment to HB 65

The Committee on Enrolled Bills to which was referred HB 65

AN ACT relative to the Pease development authority.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 65

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 65

Amend section 5 of the bill by deleting line 2.

Adopted.

Senator Gottesman, Rule 42 on HB 65.

June 5, 2008
2008-2159-EBA
06/10

Enrolled Bill Amendment to SB 102-FN

The Committee on Enrolled Bills to which was referred SB 102-FN

AN ACT relative to the powers of state government in the event of an incident or outbreak of communicable disease.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 102-FN

This enrolled bill amendment contingently renumbers RSA sections added by the bill to avoid a conflict with HB 512-FN.

Enrolled Bill Amendment to SB 102-FN

Amend section 4 of the bill by replacing line 40 with the following:

141-C:27 No Conflict With Emergency Management Powers. Nothing in this chapter shall be

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Contingency. If HB 512-FN of the 2008 legislative session becomes law, RSA 141-C:26 and RSA 141-C:27 as inserted by section 4 of this act shall be renumbered as RSA 141-C:27 and RSA 141-C:28, respectively.

Adopted.

May 29, 2008
2008-2044-EBA
03/09

Enrolled Bill Amendment to SB 158

The Committee on Enrolled Bills to which was referred SB 158

AN ACT relative to review of activities affecting surface waters.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 158

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 158

Amend RSA 485-A:12, IV as inserted by section 2 of the bill by replacing line 3 with the following:

paragraph III, and which was not in active operation as of the effective date of this paragraph, may

Adopted.

June 11, 2008
2008-2172-EBA
08/10

Enrolled Bill Amendment to SB 173

The Committee on Enrolled Bills to which was referred SB 173

AN ACT relative to regulation of private postsecondary schools.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 173

This enrolled bill amendment makes a technical correction to a bill section heading.

Enrolled Bill Amendment to SB 173

Amend the bill by replacing amending language of section 1 of the bill with the following:

1 Private Postsecondary Career Schools; Definitions. Amend RSA 188-D:2 to read as follows:

Adopted.

June 10, 2008
2008-2170-EBA
05/09

Enrolled Bill Amendment to SB 212-FN

The Committee on Enrolled Bills to which was referred SB 212-FN

AN ACT relative to the regulation of home inspectors.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 212-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 212-FN

Amend RSA 310-A:183, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. "Home inspection" means the process by which a home inspector visually examines the

Amend RSA 310-A:191, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Any other attachments as required by the board.

Adopted.

**June 10, 2008
2008-2166-EBA
05/10**

Enrolled Bill Amendment to HB 310

The Committee on Enrolled Bills to which was referred HB 310

AN ACT allowing municipalities to regulate small wind energy systems.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 310

This enrolled bill amendment provides for contingent renumbering of a new subdivision in RSA 674 to resolve a numbering conflict if SB 342-FN-LOCAL of the 2008 legislative session becomes law.

Enrolled Bill Amendment to HB 310

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as section 7:

6 Contingent Renumbering. If SB 342-FN-LOCAL of the 2008 legislative session becomes law, then RSA 674:58 through RSA 674:62, as inserted by section 1 of this act, shall be renumbered as RSA 674:62 through RSA 674:66, respectively.

Adopted.

June 12, 2008
2008-2180-EBA
06/10

Enrolled Bill Amendment to SB 310-FN

The Committee on Enrolled Bills to which was referred SB 310-FN

AN ACT relative to changes to games of chance.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 310-FN

This enrolled bill amendment incorporates and coordinates the changes made by HB 1302-FN and HB 1509-FN-A of the 2008 legislative session, contingent on their becoming law, and incorporates changes made by 2008, 25 (HB 1172-FN).

Enrolled Bill Amendment to SB 310-FN

Amend the bill by replacing all after section 11 with the following:

12 Licensing of Game Operators; Contingent Version. RSA 287-D:2-c, VII is repealed and reenacted to read as follows:

VII. In addition to the charitable organization, game operators who operate games of chance on behalf of a charitable organization shall also be held responsible for all requirements that the charitable organization is responsible for when they operate the games of chance themselves.

13 Games of Chance; Penalty; Contingent Version. RSA 287-D:6, IV-VI are repealed and reenacted to read as follows:

IV. In addition to the provisions of paragraph I:

(a) Any person who purposely or knowingly makes a false entry in any report required under this chapter which results in a reduction of revenues due to a charitable organization shall be guilty of a class A felony.

(b) Any person who recklessly or negligently makes a false entry on any report required under this chapter which results in a reduction of revenues due to a charitable organization shall be guilty of a class A misdemeanor.

(c) Any game operator employer or game operator who fails to remit to a charitable organization all revenues due under this chapter shall be guilty of a class A felony.

V. Any game operator employer or game operator who fails to pay the charitable

organization all moneys required by this chapter shall be guilty of a class B felony for any amount less than \$500, and a class A felony for any amount equal to or greater than \$500.

VI. Any person who violates any provision of RSA 637 in a manner that deprives the charitable organization of any moneys required by this chapter, notwithstanding the penalties set forth in RSA 637:11, shall be guilty of a class B felony for any amount less than \$500, and a class A felony for any amount equal to or greater than \$500.

VII. In addition to any other penalty imposed under this chapter, a charitable organization which suffers a loss caused by the violation of any provision of this chapter may bring a civil action for actual damages suffered. If the court finds that the violation was committed purposefully or knowingly, it shall award enhanced compensatory damages of not less than 2 times the amount of actual damages suffered, and may award up to 3 times the amount of actual damages suffered. In any civil action, the prevailing party shall be awarded court costs and reasonable attorney's fees. No waiver of the provisions of this paragraph shall be enforceable.

VIII. The pari-mutuel commission may issue an order requiring any person or organization to comply with this subdivision or any rule adopted hereunder, and may require such remedial measures as may be necessary.

IX. The pari-mutuel commission may impose an administrative fine scaled to reflect a violator's prior history and the scope and severity of the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of this subdivision, any rule adopted under this subdivision, any license issued pursuant to this chapter, or any order issued pursuant to this subdivision, or upon any person who makes or certifies to a material false statement relative to any application or report required by this subdivision. In determining the amount of a fine, the pari-mutuel commission may take into consideration all relevant circumstances, including: the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the investigation by the state, and the economic impact of the violation on the state or the charity conducting or sponsoring the game. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties as provided by law. Rehearings and appeals from a decision of the commission under this paragraph shall comply with RSA 541. Fines imposed by the pari-mutuel commission shall be as follows:

(a) The fine for a minor violation shall be not less than \$25 and not more than \$500 per violation. A minor violation shall be one where the pari-mutuel commission determines that the potential for harm to the interests of the state and the charity, as well as the integrity of charitable gaming is minor and may include, but is not limited to, a game operator, a game operator employer, charitable organization, or charitable organization

member not:

- (1) Wearing a properly issued badge;
- (2) Posting 2 copies of the laws and rules;
- (3) Having a diagram available for each table where games of chance are being played indicating the type of game being played, the bet amount, the buy-in amount, and the re-buy amounts as applicable; or

- (4) Publicly displaying the name of the charitable organization.

(b) The fine for a moderate violation shall be not less than \$250 and not more than \$1,500 per violation. A moderate violation shall be one where the pari-mutuel commission determines that the potential for harm to the interests of the state and the charity, as well as the integrity of charitable gaming is moderate and may include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:

- (1) Filing a late financial report;
- (2) Operating a game not specifically listed on the game schedule;
- (3) Operating a game on a different date than licensed without approval of the pari-mutuel commission;

- (4) Committing 3 or more minor violations within 2 years; or

- (5) Knowingly operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:2-b, VII-a.

(c) The fine for a major violation shall be not less than \$1,000 and not more than \$5,000 per violation. A major violation shall be one where the pari-mutuel commission determines that the potential for harm to the interests of the state and the charity, as well as the integrity of charitable gaming is major and shall include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:

- (1) Operating a game of chance without a license;
- (2) Operating a game of chance without having the personnel or officials required;

- (3) Purposely operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:2-b, VII-a;

- (4) Operating a game of chance with game operators who are not licensed;
- (5) Failing to establish or maintain a New Hampshire bank account; or
- (6) Committing 5 or more minor violations or 3 or more moderate violations within 2 years.

(d) The pari-mutuel commission may suspend any part of a fine for just cause.

X. All fines imposed by the pari-mutuel commission shall be deposited in the special fund established pursuant to RSA 284:21-j.

14 Contingency. If HB 1509-FN-A of the 2008 regular legislative session becomes law, section 10 of this act shall not take effect. If HB 1509-FN-A does not become law, section 10 of this act shall take effect July 1, 2008.

15 Contingency. If HB 1302-FN of the 2008 regular legislative session becomes law, sections 1, 3, 5, 6, 7, 9, and 11 of this act shall not take effect, and sections 12 and 13 of this act shall take effect on July 1, 2008. If HB 1302-FN does not become law sections 1, 3, 5, 6, 7, 9, and 11 of this act shall take effect July 1, 2008, and sections 12 and 13 of this act shall not take effect.

16 Name Change; Pari-Mutuel Commission to Racing and Charitable Gaming Commission. Amend RSA 287-D:6 by replacing "pari-mutuel commission" with "racing and charitable gaming commission, wherever it occurs.

17 Effective Date.

I. Sections 1, 3, 5, 6, 7, 9, 11, 12, and 13 of this act shall take effect as provided in section 15 of this act.

II. Section 10 of this act shall take effect as provided in section 14 of this act.

III. Sections 14 and 15 of this act shall take effect upon its passage.

IV. Section 8 of this act shall take effect July 1, 2008 at 12:01 am.

V. Section 16 of this act shall take effect July 11, 2008.

VI. The remainder of this act shall take effect July 1, 2008.

Adopted.

**June 11, 2008
2008-2176-EBA
04/01**

Enrolled Bill Amendment to SB 317-FN

The Committee on Enrolled Bills to which was referred SB 317-FN

AN ACT relative to the sale of tobacco products and the appeals process
 concerning the seizure of illegal tobacco products.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 317-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 317-FN

Amend section 12 of the bill by replacing line 6 with the following:

this title. The commission shall provide a list of persons licensed under this section to

Adopted.

May 29, 2008
2008-2046-EBA
06/01

Enrolled Bill Amendment to SB 319-FN

The Committee on Enrolled Bills to which was referred SB 319-FN

AN ACT relative to third party liability and state recovery of public assistance.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 319-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 319-FN

Amend section 2 of the bill by replacing it with the following:

2 Repeal. RSA 167:4-a, IV, relative to health carrier liability for medical assistance, is repealed.

Adopted.

June 12, 2008
2008-2178-EBA
03/09

Enrolled Bill Amendment to SB 321

The Committee on Enrolled Bills to which was referred SB 321

AN ACT relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, and requiring certain operating budget reductions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 321

This enrolled bill amendment changes the title of the bill to reflect its contents and corrects certain references in the bill. This enrolled bill amendment also contingently incorporates an additional amendment to RSA 188-E:3, II enacted by HB 1563-FN of the 2008 regular legislative session.

Enrolled Bill Amendment to SB 321

Amend the title of the bill by replacing it with the following:

AN ACT relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, requiring certain operating budget reductions, relative to revenues and expenditures, and legalizing certain meetings.

Amend section 13 of the bill by replacing line 4 with the following:

RSA 263:56-d to the general fund.

Amend section 17 of the bill by replacing line 3 with the following:

senate president, and the fiscal committee of the general court, the amount of tobacco tax revenue received for

Amend the bill by replacing all after section 32 with the following:

33 Regional Vocational Centers; Construction or Renovation. Amend RSA 188-E:3, II to read as follows:

II. Upon completion, the constructed or renovated facility shall become the property of the school district ***or public academy, as the case may be.*** Provision of the site, parking, and other related areas shall be the responsibility of the local community. Site work, including but not limited to cut and fill work, compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar work within an area extending to one foot beyond the outside edge of the exterior walls of the building, shall be eligible for grants under paragraph I. Nothing shall prohibit the inclusion of the site and related

facilities which are not funded as part of construction cost by the state under this chapter from being included in a regular building aid application of the district as provided in RSA 198:15-b.

34 Contingency. If HB 1563-FN of the 2008 regular legislative session becomes law, section 33 of this act shall take effect on the effective date of HB 1563-FN and section 2 of HB 1563-FN shall not take effect. If HB 1563-FN of the 2008 regular legislative session does not become law, section 33 of this act shall not take effect.

35 Effective Date.

- I. Sections 12 and 21-23 of this act shall take effect July 1, 2008.
- II. Sections 19 and 20 of this act shall take effect July 1, 2008 at 12:01 a.m.
- III. Sections 15 and 16 of this act shall take effect as provided in section 17 of this act.
- IV. Sections 31 and 32 of this act shall take effect July 1, 2009.
- V. Section 33 of this act shall take effect as provided in section 34 of this act.
- VI. The remainder of this act shall take effect upon its passage.

Adopted.

**June 3, 2008
2008-2134-EBA
03/01**

Enrolled Bill Amendment to SB 337-FN

The Committee on Enrolled Bills to which was referred SB 337-FN

AN ACT relative to notification requirements for home education programs, adding legislative members to the home education advisory council, and establishing a commission to examine New Hampshire's home education statutes.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 337-FN

This enrolled bill amendment corrects the amending language of a section of the bill and corrects certain references in the bill.

Enrolled Bill Amendment to SB 337-FN

Amend section 1 of the bill by replacing lines 1-4 with the following:

1 Home Education; Notification. Amend RSA 193-A:5, I to read as follows:

I.**(a)** Any parent commencing a home education program for a child, for a child who

Amend RSA 193-A:10, I(c)(5) as inserted by section 2 of the bill by replacing it with the following:

~~[(e)]~~ **(5)** One member nominated by the New Hampshire ***Association of*** School Principals ~~[Association]~~.

Amend subparagraph I(h) of section 4 of the bill by replacing it with the following:

(h) One member from Christian Home Educators of New Hampshire, appointed by that organization.

Adopted.

**June 13, 2008
2008-2188-EBA
06/01**

Enrolled Bill Amendment to HB 359-FN

The Committee on Enrolled Bills to which was referred HB 359-FN

AN ACT relative to recovery of medical assistance from an estate, relative to the nursing facility quality assessment, and establishing an assessment on intermediate care facilities for the mentally retarded.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 359-FN

This enrolled bill amendment makes certain terminology changes to reflect amendments made by 2008, 25 (SB 529) of the 2008 legislative session.

Enrolled Bill Amendment to HB 359-FN

Amend the title of the bill to read as follows:

AN ACT relative to recovery of medical assistance from an estate, relative to the nursing facility quality assessment, and establishing an assessment on intermediate care facilities for the intellectually disabled.

Amend RSA 84-D:5 as inserted by section 8 of the bill by replacing line 2 with the following:

separate account in the office of the state treasurer. All funds collected under this chapter and

Amend the bill by replacing all after section 11 with the following:

12 Replace “ICF-MR” with “ICF” and “Mentally Retarded” with “Intellectually Disabled.” Replace all references to “ICF-MR” with “ICF” and all references to “mentally retarded” with “intellectually disabled” in the section heading and in RSA 84-D as inserted by section 8 of this act; the section heading and RSA 151-E:15-a as inserted by section 9 of this act; and RSA 6:12, I(b)(269) as inserted by section 10 of this act.

13 Effective Date.

- I. Section 1 of this act shall take effect 60 days after its passage.
- II. Sections 2-7 and section 11 of this act shall take effect upon its passage.
- III. Section 12 of this act shall take effect July 11, 2008.
- IV. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Senator Foster, Rule 42 on HB 359-FN.

**May 29, 2008
2008-2042-EBA
06/09**

Enrolled Bill Amendment to SB 373

The Committee on Enrolled Bills to which was referred SB 373

AN ACT relative to the application of the civil unions law to the retirement system.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 373

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 373

Amend section 1 of the bill by replacing line 1 with the following:

1 New Section; Civil Unions. Amend RSA 100-A by inserting after section 2-a the following

Adopted.

Senator Foster, Rule 42 on SB 373.

**June 5, 2008
2008-2155-EBA
08/10**

Enrolled Bill Amendment to SB 383

The Committee on Enrolled Bills to which was referred SB 383

AN ACT establishing a commission to develop a plan for the expansion of transmission capacity in the north country.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 383

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 383

Amend paragraph III of section 3 of the bill by replacing it with the following:

III. The commission shall seek input and participation from ISO-NE.

Adopted.

**May 20, 2008
2008-1954-EBA
04/09**

Enrolled Bill Amendment to SB 390

The Committee on Enrolled Bills to which was referred SB 390

AN ACT establishing a suicide prevention council.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 390

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 390

Amend RSA 126-R:2 as inserted by section 2 of the bill by replacing line 4 with the following:

progress reports, and recommending program changes, initiatives, funding opportunities, and new priorities

Adopted.

**May 22, 2008
2008-1959-EBA
08/10**

Enrolled Bill Amendment to SB 418

The Committee on Enrolled Bills to which was referred SB 418

AN ACT replacing references to “charter school” with “chartered public school”.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 418

This enrolled bill amendment makes a technical correction and changes a reference in SB 539 to conform to this bill.

Enrolled Bill Amendment to SB 418

Amend section 1 of the bill by replacing line 6 with the following:

II-III; RSA 194-B:2, VI-IX; the section heading in RSA 194-B:3; RSA 194-B:3, I-X; RSA 194-B:3, XII-XIII; the

Amend the bill by replacing all after section 5 with the following:

6 Fiscal Capacity Disparity Aid; References to Charter School Changed. Amend RSA 198:40-c, I to read as follows:

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-b, each biennium the department shall calculate fiscal capacity

disparity aid and provide that amount of aid in each year of the biennium to a municipality's school districts and to ~~[charter]~~ **chartered public** schools approved under RSA 194-B:3-a as follows:

(a) The department shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil and shall divide all quartiles in half. If there are an uneven number of municipalities in a quartile or half quartile, the department shall make the lower quartile or half quartile the one with fewer municipalities.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,000 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$1,250 multiplied by the municipality's average daily membership in residence shall be distributed pursuant to RSA 198:42.

(d) A ~~[charter]~~ **chartered public** school approved under RSA 194-B:3-a shall receive \$2,000 per pupil multiplied by the number of pupils enrolled. The calculation of ~~[charter]~~ **chartered public** school enrollment and aid distribution shall be pursuant to RSA 194-B:11, I(c).

7 Contingency. If SB 539 of the 2008 legislative session becomes law, then section 6 of this act shall take effect July 1, 2009 at 12:01 am. If SB 539 of the 2008 legislative session does not become law, then section 6 of this act shall not take effect.

8 Effective Date.

I. Section 6 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**June 2, 2008
2008-2117-EBA
06/01**

Enrolled Bill Amendment to SB 439

The Committee on Enrolled Bills to which was referred SB 439

AN ACT relative to money transmitters and mortgage servicing companies.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 439

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 439

Amend section 4 of the bill by replacing lines 1 through 3 with the following:

4 New Paragraph; License Grant. Amend RSA 399-G:6 by inserting after paragraph VI the following new paragraph:

VII. Licensees shall create written plans and implement the written plans for compliance

Adopted.

June 5, 2008
2008-2158-EBA
08/10

Enrolled Bill Amendment to SB 451

The Committee on Enrolled Bills to which was referred SB 451

AN ACT authorizing rate recovery for electric public utilities investments in distributed energy resources.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 451

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 451

Amend RSA 374-G:4, III as inserted by section 1 of the bill by replacing line 6 with the following:

applicable percentage requirements for class I and class II under RSA 362-F:3.

Adopted.

June 11, 2008

2008-2175-EBA
04/01

Enrolled Bill Amendment to SB 465

The Committee on Enrolled Bills to which was referred SB 465

AN ACT relative to the laws regulating trusts and trust companies in New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 465

This enrolled bill amendment makes technical and grammatical corrections to the bill.

Enrolled Bill Amendment to SB 465

Amend line 1 of section 4 of the bill replacing it with the following:

4 Uniform Trust Code; Definitions. RSA 564-B:1-103(27)-(28) are repealed and reenacted to read

Amend RSA 546-B:3-303(7) as inserted by section 7 of the bill by replacing it with the following:

(7) a parent may represent and bind (i) the parent's minor, incapacitated or unborn child if neither a guardian of the estate nor guardian of the person for the child has been appointed and (ii) a minor, incapacitated or unborn descendent of such child if neither a guardian of the estate of the descendent nor a guardian of the person of the descendent has been appointed.

Amend lines 1-2 of section 17 of the bill by replacing them with the following:

17 New Section; Uniform Trust Code; Governing Law. Amend RSA 564-B by inserting after section 9-906 the following new section:

Amend lines 1-2 of RSA 564-D:2, II as inserted by section 27 of the bill by replacing them with the following:

II. For purposes of subparagraph I(b), a trust instrument shall not be deemed revocable on account of the inclusion of any one or more of the following rights, powers, and interests:

Adopted.

May 29, 2008
2008-2052-EBA
06/09

Enrolled Bill Amendment to SB 468

The Committee on Enrolled Bills to which was referred SB 468

AN ACT relative to the reinsurance pool and the New Hampshire vaccine association.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 468

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 468

Amend RSA 420-K:5, XII as inserted by section 9 of the bill by replacing line 3 with the following:

employee or dependent retroactive to the applicable initial coverage date or anniversary date

Adopted.

June 5, 2008
2008-2153-EBA
05/09

Enrolled Bill Amendment to SB 472

The Committee on Enrolled Bills to which was referred SB 472

AN ACT relative to consumer protection from certain practices of payday loan, small loan, and title loan lenders and establishing a commission to study access to consumer credit for people in New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 472

This enrolled bill amendment corrects amending language in section 2 of the bill; provides for contingent renumbering of RSA 399-A:2, V, as inserted by section 6 of the bill, to resolve a numbering conflict if HB 759-FN of the 2008 legislative session becomes law; and makes technical corrections.

Enrolled Bill Amendment to SB 472

Amend the bill by replacing section 2 with the following:

2 Payday Loan; Definition. RSA 399-A:1, X is repealed and reenacted to read as follows:

X. "Payday loan" means a short-maturity, secured or unsecured loan, other than a title loan.

Amend RSA 399-A:1, VIII(b) and (c) as inserted by section 4 of the bill by replacing them with the following:

(b) Offers to serve as an agent for any person in an attempt to obtain a loan.

(c) Offers to serve as an agent for any person who has money to lend for a loan.

Amend the bill by replacing section 14 with the following:

14 Contingent Renumbering. If HB 759-FN of the 2008 legislative session becomes law, RSA 399-A:2, V, as inserted by section 6 of this act, shall be renumbered as RSA 399-A:2, VI.

15 Effective Date.

I. Sections 1 and 9-14 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2009.

Adopted.

Senator Foster, Rule 42 on SB 472.

**June 10, 2008
2008-2169-EBA
06/10**

Enrolled Bill Amendment to SB 484

The Committee on Enrolled Bills to which was referred SB 484

AN ACT establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 484

This enrolled bill amendment changes the title of the bill to conform to the contents of the bill.

Enrolled Bill Amendment to SB 484

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the sentencing, incarceration, and recidivism of criminal offenders in order to enhance public safety and improve the criminal justice system's cost effectiveness.

Adopted.

**June 9, 2008
2008-2164-EBA
04/09**

Enrolled Bill Amendment to SB 492

The Committee on Enrolled Bills to which was referred SB 492

AN ACT relative to persons designated to fill vacancies on the ballot, relative to write-in candidates, and relative to recount requests by candidates.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 492

This enrolled bill amendment corrects the title and section numbering of the bill.

Enrolled Bill Amendment to SB 492

Amend the title of the bill by replacing it with the following:

AN ACT relative to persons designated to fill vacancies on the ballot and relative to recount requests by candidates.

Amend the bill by renumbering the original sections 4-8 to read as 2-6, respectively

Adopted.

June 13, 2008
2008-2184-EBA
05/10

Enrolled Bill Amendment to SB 495-FN

The Committee on Enrolled Bills to which was referred SB 495-FN

AN ACT prohibiting Internet solicitation and exploitation of children.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 495-FN

This enrolled bill amendment makes technical corrections; inserts a contingent reference change to be consistent with SB 418, and amends the effective date to integrate sections 6 and 11 of this bill with the provisions of HB 1640-FN.

Enrolled Bill Amendment to SB 495-FN

Amend RSA 649-A:2, VII as inserted by section 1 of the bill by replacing line 1 with the following:

VII. "Computer" means an electronic, magnetic, optical, electrochemical, or other

Amend RSA 649-A:3-a, II(b) as inserted by section 2 of the bill by replacing line 2 with the following:

conduct prohibited in paragraph I, and is convicted under subparagraph I(b) with having less than 3

Amend RSA 649-A:6 as inserted by section 3 of the bill by replacing line 2 with the following:

the purposes of this chapter is a question of fact for the jury and may be found by expert or lay

Amend the bill by replacing all after section 11 with the following:

12 Contingent Name Change. If SB 418 of the 2008 legislative session becomes law, the reference to “charter school” in RSA 189:13-a, V shall be changed to “chartered public school.”

13 Effective Date.

I. Sections 6 and 11 of this act shall take effect January 1, 2009, at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 2009.

Adopted.

June 3, 2008
2008-2122-EBA
08/09

Enrolled Bill Amendment to SB 500

The Committee on Enrolled Bills to which was referred SB 500

AN ACT relative to certain insurance fraud and establishing a task force on employee misclassification.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 500

This enrolled bill amendment renumbers RSA 21-I:13, XV, as inserted by section 1 of the bill, to resolve a numbering conflict with HB 1367.

Enrolled Bill Amendment to SB 500

Amend the bill by replacing all after section 11 with the following:

12 Contingency. If HB 1367 of the 2008 regular legislative session becomes law, then RSA 21-I:13, XV as inserted by section 1 of this act shall be renumbered as RSA 21-I:13, XVII.

13 Effective Date.

I. Sections 7-12 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2009.

Adopted.

June 12, 2008

2008-2179-EBA
03/01

Enrolled Bill Amendment to SB 507-FN

The Committee on Enrolled Bills to which was referred SB 507-FN

AN ACT relative to extended terms of imprisonment for criminal street gang members.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 507-FN

This enrolled bill amendment corrects the title of the bill to reflect the contents of the bill and makes technical and grammatical corrections.

Enrolled Bill Amendment to SB 507-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to criminal street gangs and establishing a commission to study the scope of criminal street gang violence in New Hampshire and methods of addressing such violence.

Amend RSA 651:6, I-a(c)(2) as inserted by section 2 of the bill by replacing line 1 with the following:

(2) *Distribution, sale, or manufacture of a controlled drug in violation of RSA*

Amend subparagraph I(h) of section 5 of the bill by replacing line 1 with the following:

(h) A representative from Child and Family Services of New Hampshire, appointed by the

Amend subparagraph I(o) of section 5 of the bill by replacing it with the following:

(o) The president of the New Hampshire Sheriffs Association, or designee.

Amend section 8 of the bill by replacing line 2 with the following:

legislation to the president of the senate, the speaker of the house of representatives, the senate clerk,

Adopted.

**June 10, 2008
2008-2168-EBA
06/09**

Enrolled Bill Amendment to SB 516-FN-LOCAL

The Committee on Enrolled Bills to which was referred SB 516-FN-LOCAL

AN ACT relative to aid for county bridges.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 516-FN-LOCAL

This enrolled bill amendment inserts a contingency provision to reflect an amendment made by HB 1207 of the 2008 legislative session.

Enrolled Bill Amendment to SB 516-FN-LOCAL

Amend the bill by replacing all after section 2 with the following:

3 Bridge Aid; Application. RSA 234:5 is repealed and reenacted to read as follows:

234:5 Application; Compliance with Certain Standards.

I. The selectmen of a town, the mayor of a city, or the county commissioners for an unincorporated place may annually apply to the commissioner of transportation in the manner prescribed by the commissioner for bridge aid on a class II, IV, or V highway or a county-owned road. The county commissioners may annually apply to the commissioner of transportation in the manner prescribed by the commissioner for bridge aid for a county-owned bridge.

II. The commissioner of transportation shall require that the highway design be in compliance with standards set forth in department of transportation manuals relating to bridge and highway construction and may adopt such manuals by reference.

4 Contingency. If HB 1207 of the 2008 legislative session becomes law, section 1 of this act shall take effect July 1, 2008 and section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 1207. If HB 1207 does not become law, section 1 of this act shall take effect July 1, 2008 and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect July 1, 2008.

Adopted.

June 4, 2008
2008-2142-EBA
08/10

Enrolled Bill Amendment to SB 528-FN

The Committee on Enrolled Bills to which was referred SB 528-FN

AN ACT relative to a mercury-added thermostat collection program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 528-FN

This bill adds a contingent renumbering of an RSA section inserted by the bill.

Enrolled Bill Amendment to SB 528-FN

Amend the bill by inserting after section 3 the following new section and renumbering the original section 4 to read as 5:

4 Contingency. If HB 1635 of the 2008 regular legislative session becomes law, then RSA 149-M:59, as inserted by section 1 of this act, shall be renumbered to read as RSA 149-M:58-a.

Adopted.

June 2, 2008
2008-2112-EBA
06/01

Enrolled Bill Amendment to HB 537

The Committee on Enrolled Bills to which was referred HB 537

AN ACT establishing a task force on homeless teenagers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 537

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 537

Amend subparagraph I(e) of section 2 of the bill by replacing line 1 with the following:

(e) A member of the youth advisory council, established in RSA 19-K:1,
appointed by the

Adopted.

June 4, 2008
2008-2141-EBA
06/09

Enrolled Bill Amendment to HB 679-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 679-FN-LOCAL

AN ACT relative to special education services.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 679-FN-LOCAL

This enrolled bill amendment incorporates current law which became effective January 1, 2008 (2007, 236) into RSA 169-C:18, V as inserted by section 9 of this act; inserts contingent provisions to reflect amendments made by SB 418 of the 2008 legislative session; and makes technical corrections.

Enrolled Bill Amendment to HB 679-FN-LOCAL

Amend RSA 169-B:16, III(a) as inserted by section 6 of the bill by replacing line 4 with the following:

court, [~~When ordered by the court, such investigation shall include~~] a physical and mental

Amend the bill by replacing section 9 with the following:

9 Child Protection Act; Adjudicatory Hearing. RSA 169-C:18, V is repealed and

reenacted to read as follows:

V. If the court makes a finding that a child has been abused or neglected, the court shall order a child placing agency to make an investigation and a social study consisting of, but not limited to, the home conditions, family background, and financial assessment, school record, mental, physical and social history of the family, including sibling relationships and residences for appropriateness of preserving relationships between siblings who are separated as a result of court ordered placement, and submit it in writing to the court prior to the final disposition of the case. The court shall determine whether the minor's school district shall be joined pursuant to RSA 169-C:20, and if joined, the court shall review the school district's recommendations. No disposition order shall be made by a court without first reviewing the social study and without first reviewing the school district recommendations required under RSA 169-C:20. Preliminary orders, continued pursuant to RSA 169-C:16, may be entered or modified as appropriate until the dispositional hearing.

Amend section 11 of the bill by replacing line 1 with the following:

11 Reference Change; Children in Need of Services. Amend the introductory paragraph of

Amend 194-B:8, III as inserted by section 26 of the bill by replacing line 1 with the following:

III. *A* charter ~~[schools]~~ ***school*** shall provide instruction for at least the number of days required by

Amend section 29 of the bill by replacing line 1 with the following:

29 Reference Changes. Amend the following RSA provisions by replacing the phrase

Amend section 31 of the bill by replacing line 8 with the following:

RSA 186-C:19-b; RSA 186-C:19-b, III-V; RSA 186-C:21, IV(b); RSA 186-C:22, V; RSA 193:3, I;

Amend section 32 of the bill by replacing line 4 with the following:

RSA 186-C:22, V; RSA 193:12, VI(a); and RSA 265:107-a, II.

Amend the bill by inserting after section 33 the following and renumbering the original section 34 to read as 38:

34 Chartered Public and Charter Conversion Schools; Requirements. RSA 194-B:8, I is repealed and reenacted to read as follows:

I. A chartered public school shall not discriminate nor violate individual civil rights in any manner prohibited by law. A chartered public school shall not discriminate against any child with a disability as defined in RSA 186-C.

35 Chartered Public and Charter Conversion Schools; Requirements. RSA 194-B:8, III is repealed and reenacted to read as follows:

III. A chartered public school shall provide instruction for at least the number of days required by state law. A chartered public school shall comply with compulsory attendance laws as provided in RSA 189:1, 189:1-a, and 193:1. Innovative scheduling resulting in at least that number of attendance hours required under RSA 186-C:15, 189:1, 189:1-a, and 193:1 and current state board attendance rules shall be encouraged.

36 Chartered Public and Charter Conversion Schools; Funding. RSA 194-B:11, III is repealed and reenacted to read as follows:

III. In accordance with current department of education standards, the funding and educational decision-making process for children with disabilities attending a chartered public or open enrollment school shall be the responsibility of the school district and shall retain all current options available to the parent and to the school district.

37 Contingency. If SB 418 of the 2008 legislative session becomes law, sections 25-27 of this act shall take effect July 1, 2008 and sections 34-36 of this act shall take effect on the effective date of SB 418. If SB 418 does not take effect, sections 25-27 of this act shall take effect July 1, 2008 and sections 34 -36 of this act shall not take effect.

Adopted.

Senator Foster, Rule 42 on HB 679-FN-L.

**June 12, 2008
2008-2182-EBA
03/01**

Enrolled Bill Amendment to HB 766-FN

The Committee on Enrolled Bills to which was referred HB 766-FN

AN ACT making changes to the laws relating to special education.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 766-FN

This enrolled bill amendment:

I. Incorporates changes to the law previously enacted in SB 529 of the 2008 regular legislative session.

II. Makes technical and grammatical corrections.

III. Modifies provisions of the bill to reflect existing law.

IV. Corrects certain references in the bill.

V. Inserts alternative versions of certain sections of the bill in order to incorporate statutory changes enacted in HB 679-FN-LOCAL and SB 418 of the 2008 regular legislative session and which will take effect in the event that either or both of those bills become law.

Enrolled Bill Amendment to HB 766-FN

Amend RSA 186-C:2, I as inserted by section 2 of the bill by replacing line 4 with the following:

determined to ~~[be a person with an intellectual disability, hearing impaired, speech or language impaired or both,~~

Amend RSA 186-C:2, I as inserted by section 2 of the bill by replacing line 8 with the following:

~~special education and educationally related services]~~ ***have an intellectual disability, a hearing***

Amend RSA 186-C:2, II as inserted by section 2 of the bill by replacing line 3 with the following:

center, private organization, or state ~~[institution]~~ ***facility*** for the benefit of ~~[educationally disabled]~~ children

Amend RSA 186-C:2, III as inserted by section 2 of the bill by replacing line 4 with the following:

education or special education and ~~[educationally]~~ related services within an approved program.

Amend RSA 186-C:2, V(a)(3) as inserted by section 2 of the bill by replacing line 3 with the following:

responsible school district in order to comply with RSA 186-C:9, or when

Amend section 3 of the bill by replacing line 1 with the following:

3 Special Education; Division of Educational Improvement. Amend RSA 186-C:3 to read as

Amend RSA 186-C:3 as inserted by section 3 of the bill by replacing line 5 with the following:

monitoring, compliance, and technical assistance and support to school districts.
Special

Amend RSA 186-C:3-a, I as inserted by section 4 of the bill by replacing lines 2-8 with the following:

under federal law regarding the education of ~~[students]~~ ***children*** with ~~[educational]~~ disabilities.

Amend RSA 186-C:3-a, II-a(a)(1) as inserted by section 4 of the bill by replacing line 3 with the following:

~~disability category,~~ and percentage of the total number of children with ~~[educational]~~ disabilities in

Amend RSA 186-C:3-a, V as inserted by section 4 of the bill by replacing line 10 with the following:

~~education in New Hampshire]~~ **and ensuring that the special education needs of children with**

Amend RSA 186-C:3-b, I as inserted by section 4 of the bill by replacing lines 1-2 with the following:

I. In accordance with the provisions of 20 U.S.C. section ~~[1413(a)(12)]~~ **1412(a)(21)** and 34 C.F.R. sections ~~[300.650-300.653]~~ **300.167-300.169**, there is established an advisory committee on the education of children/students

Amend RSA 186-C:3-b, II as inserted by section 4 of the bill by replacing lines 40-46 with the following:

(q) One representative from the department of corrections, **and one representative from a county correctional facility, both of whom are responsible for administering the provision of special education or special education and related services**, appointed by the governor.

~~[(q) Parents of children/students with disabilities, appointed by the governor. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities.]~~

Amend RSA 186-C:3-b, IV(d) as inserted by section 4 of the bill by replacing line 3 with the following:

U.S.C. section 1418 of the Individuals with Disabilities Education Act.

Amend RSA 186-C:5, I(a) as inserted by section 5 of the bill by replacing line 3 with the following:

regional special education centers, and private organizations or state ~~[institutions]~~ **facilities** for the benefit of

Amend RSA 186-C:5, III as inserted by section 5 of the bill by replacing line 6 with the following:

weight to rigorous benchmarks or performance outcomes and indicators required by federal

Amend RSA 186-C:5, III(f) as inserted by section 5 of the bill by replacing line 17 with the following:

***subparagraph V(e)(2) or any of the interventions in subparagraphs V(e)(3)-(12).
The***

Amend RSA 186-C:5, IV(c) as inserted by section 5 of the bill by replacing line 3 with the following:

VII.

Amend RSA 186-C:5, V(e)(7) as inserted by section 5 of the bill by replacing line 3 with the following:

academy, or state facility for the benefit of children with disabilities.

Amend RSA 186-C:5, V(e)(9) as inserted by section 5 of the bill by replacing line 1 with the following:

(9) Requiring redirection of federal funds to remediate noncompliance of more

Amend RSA 186-C:5, V(e)(11) as inserted by section 5 of the bill by replacing line 1 with the following:

(11) Ordering, in accordance with a final state audit report, the repayment of

Amend RSA 186-C:5, V(e)(12) as inserted by section 5 of the bill by replacing line 1 with the following:

(12) In the case of a school district or other public agency, referring the matter to

Amend RSA 186-C:5, V(e)(13) as inserted by section 5 of the bill by replacing line 2 with the following:

school district based program, ordering all school districts with students placed in the private

Amend RSA 186-C:5, VI as inserted by section 5 of the bill by replacing line 3 with the following:

commissioner shall also notify the advisory committee on the education of children/students with disabilities of the findings, remedies,

Amend RSA 186-C:5, VIII as inserted by section 5 of the bill by replacing line 3 with the following:

limited to managing, analyzing, and verifying data, coordinating and staffing on-site

Amend RSA 186-C:5, IX as inserted by section 5 of the bill by replacing line 1 with the following:

IX. The department, with input from the advisory committee on the education of children/students with disabilities, shall select and

Amend RSA 186-C:7-a, III(e)(1) as inserted by section 7 of the bill by replacing lines 4-5 with the following:

has reached majority has been advised of his or her appeal rights and the parent or child, as applicable, consents to the participation of the other agency.

Amend RSA 186-C:7-a, III(e)(3) as inserted by section 7 of the bill by replacing line 2 with the following:

dispute resolution, which may be initiated by any participating agency, parent,

Amend RSA 186-C:7-a, V(a) as inserted by section 7 of the bill by replacing line 3 with the following:

in nature or are otherwise required by the Individuals with Disabilities Education Act, 20

Amend RSA 186-C:12 as inserted by section 11 of the bill by replacing line 5 with the following:

government or any of its agencies, ***from*** the state, or from other sources. The ~~[several]~~ school districts of

Amend RSA 186-C:13, I(b) as inserted by section 12 of the bill by replacing line 2 with the following:

education and related services is placed in a state ~~[institution]~~ ***facility***, the liability for expenses for such

Amend RSA 186-C:14, III(a) as inserted by section 13 of the bill by replacing line 1 with the following:

(a) When~~[- in the opinion of the commissioner of education or designee, an~~
educationally

Amend RSA 186-C:14, III(a) as inserted by section 13 of the bill by replacing line 5 with the following:

division of children, youth, and families, the commissioner, or designee, may appoint a

Amend RSA 186-C:14, VI as inserted by section 13 of the bill by replacing line 2 with the following:

paragraph ***III or*** IV shall be liable to the child entrusted to the surrogate parent or the parents or guardian

Amend RSA 186-C:16-b, V as inserted by section 19 of the bill by replacing line 3 with the following:

days from receipt of the final decision in accordance with RSA 186-C:16-b, IV. All such decisions shall be sent certified mail, return receipt requested.

Amend RSA 186-C:19, III as inserted by section 22 of the bill by replacing line 4 with the following:

chapter for ~~[an educationally disabled]~~ **a child *with a disability*** in a state ~~[institution]~~ **facility,**

Amend the bill by deleting section 29 and renumbering the original sections 30-35 to read as 29-34, respectively.

Amend the bill by replacing sections 29-32 with the following:

29 Reference Changes. Amend the following RSA provisions by replacing the phrase “an educationally disabled child” with “a child with a disability”: RSA 186-C:19-a; and RSA 193:3, III(g).

30 Reference Changes. Amend the following RSA provisions by replacing the phrases “educationally disabled children,” “educationally disabled pupils,” “educationally disabled students,” and “educationally disabled individuals” with “children with disabilities”: RSA 21-N:9, II(l); RSA 35:1-b; RSA 169-B:7, III; RSA 169-C:8, III; RSA 169-D:6, III; RSA 186-C:11; RSA 186-C:18, III(a); the section heading of RSA 186-C:19-a; RSA 186-C:21, IV; RSA 193:3, I; RSA 194-B:3, II(n); the introductory paragraph of RSA 198:40-b, I; RSA 198:40-b, I(b); the introductory paragraph of RSA 198:40-b, II; RSA 198:40-b, II(a); and RSA 198:42, I.

31 Reference Changes. Amend the following RSA provisions by replacing the phrase “individualized education plan” or “individual education plan” with “individualized education program”: RSA 186-C:16-b, VI; RSA 186-C:19-a, I; RSA 193:12, VI(a); and RSA 265:107-a, II.

32 Reference Changes. Amend the following RSA provisions by replacing the phrase “educationally related services” with “related services”: RSA 126-A:40, I(b); RSA 169-B:40, I(b); RSA 169-C:27, I(b); RSA 169-D:29, I(b); and RSA 193:29, I(a).

Amend the bill by replacing all after section 33 with the following:

34 Special Education; Policy and Purpose. Amend RSA 186-C:1 to read as follows:

186-C:1 Policy and Purpose. It is hereby declared to be the policy of the state that:

I. All children in New Hampshire be provided with equal educational opportunities. It is the purpose of this chapter to ensure that ~~[the state board of education and the school districts of the state provide a free and appropriate public education for all children with disabilities]~~ *all children with disabilities have available to them a free appropriate public education in the least restrictive environment that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.*

II. *The rights of children with disabilities and parents of such children are protected.*

III. *Local school districts, the department of education, and other public agencies or approved programs provide for the education of all children with disabilities.*

35 Special Education; Definitions. Amend RSA 186-C:2, I-V to read as follows:

I. “Child with a disability” means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to ~~[the provisions of RSA 186-C:7]~~ *rules adopted by the state board of education* and determined to ~~[be a person with an intellectual disability, hearing impaired, speech or language impaired or both, visually impaired including blindness, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf blind, multi-disabled, traumatic brain injured, autistic, or as having specific learning disabilities, who because of such impairment, needs special education or special education and related services]~~ *have an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who because of such impairment, needs special education or special education and related services.* “Child with a disability” shall include a child ages 18 to 21, who was identified as a child with a disability and received services in accordance with an individualized education ~~[plan]~~ **program but who left school prior to his or her incarceration, or was identified as a child with a disability but did not have an individualized education ~~[plan]~~ **program** in his or her last educational institution.**

I-a. “Developmentally delayed child” means a child ~~[between 3 and 9 years of age]~~ *at*

least 3 years of age or older, but less than 10 years of age, who, because of impairments in development, needs special education or special education and related services, ***and*** may be identified as being developmentally delayed provided that such a child ~~[must first be determined to have an educationally disabling condition as defined in RSA 186-C:2, I]~~ ***meets the criteria established by the state board of education.***

I-b. "Division" means the division of educational improvement, department of education.

II. "Approved program" means a program of special education that has been approved by the state board of education and that is maintained by a school district, regional special education center, private organization, or state ~~[institution]~~ ***facility*** for the benefit of children with disabilities, and may include ~~[a home based program]~~ ***home instruction provided by the school district.***

III. "Individualized education ~~[plan]~~ ***program***" means a written plan for the education of a child with a disability that has been developed by a school district in accordance with rules adopted by the state board of education and that provides necessary special education or special education and related services within an approved program.

IV. "Special education" means instruction specifically designed to meet the unique needs of a child with a disability.

V.(a) ~~["Educationally"]~~ Related services" means:

(1) ***Suitable transportation ~~[and]~~ to all children with disabilities whose individualized education program requires such transportation. The school district may board a child as close to the place where instruction is to be furnished as possible, and shall provide transportation, if required by the child's individualized education program, from the place where the child is boarded to the place of instruction; and***

(2) Such developmental, corrective, and other supportive services as are specifically required by an individualized education ~~[plan]~~ ***program*** to assist a child with a disability to benefit from special education; ***and***

(3) ***Services necessary for a child with a disability to benefit from special education and when placement in a residential facility has been made by the legally responsible school district in order to comply with RSA 186-C:9, or when placement has been ordered by a hearings officer or by a court of competent jurisdiction on appeal, pursuant to rules adopted by the state board of education under RSA 186-C:16, IV.***

(b) "Related services" ~~[do]~~ ***shall*** not include medical services unless such services are necessary for purposes of diagnosis and evaluation.

36 Special Education; Division Duties; Advisory Committee. Amend RSA 186-C:3-a and RSA 186-C:3-b to read as follows:

186-C:3-a Duties.

I. The division shall help school districts meet their responsibilities under this chapter and under federal law regarding the education of ~~[students]~~ **children** with ~~[educational]~~ disabilities.

I-a. The special education program of the department of education shall develop and analyze information on issues and problems of regional and statewide importance and on assisting school districts in dealing with these issues and problems. The department shall ensure that the regulation and monitoring of school district activities shall not exceed what is necessary for compliance with this chapter and with **state and** federal law regarding the education of ~~[students with educational]~~ **children with** disabilities.

II. The ~~[division]~~ **department of education** shall~~[- subject to available funding, develop, implement and evaluate statewide special education policies, standards and programs. In carrying out this mission, the division shall gather and]~~ collect, **organize, and analyze** data ~~[and organize and analyze instruction]~~ **and information** about programs, conditions, **instruction**, and trends in special education in the state. In addition, the ~~[division]~~ **department** shall be responsible for monitoring and maintaining information about national and regional trends, instructions and issues affecting special education in New Hampshire. The ~~[division]~~ **department** shall make this information available to the districts and use this information to:

(a) Assess the needs of school districts for assistance in carrying out their responsibilities for educating ~~[students with educational]~~ **children with** disabilities;

(b) Identify cost effective **and appropriate** alternative programs ~~[for serving students with educational disabilities]~~ **that meet the needs of children with disabilities;**

(c) Focus resources on students requiring extensive services; ~~[and]~~

(d) Develop cost and service level benchmarks for special education in New Hampshire which may be used as reference points by districts to measure the effectiveness of their programs in meeting ~~[educational]~~ goals and objectives **of the individualized education program; and**

(e) **Develop and promote evidence-based practices supporting the education of children with disabilities in the least restrictive environment, provided that:**

(1) **If children with disabilities are being placed in out-of-district programs solely due to a lack of qualified personnel, the department shall develop and implement strategies, in addition to the requirements of RSA 186-C:21, to help**

address the shortage and increase the capacity of local education agencies to serve children in the schools they would attend if not disabled.

(2) The department shall identify disproportionate representation in out-of-district programs and provide focused technical assistance to help the identified school districts serve children with disabilities in the least restrictive environment.

II-a.(a) In addition to the requirements of paragraph II, the ~~[division]~~ **department of education** shall annually submit a report to the commissioner of the department *and the state board of education* that:

(1) Shows the identification of children with ~~[educational]~~ disabilities analyzed according to the following criteria: age ~~[or]~~ **and** grade level, **and** number ~~[of students in each disability category,]~~ and percentage of the total number of children with ~~[educational]~~ disabilities in each disability category. ~~[The report shall also]~~

(2) ~~[include]~~ **Includes** expenditures for special education as reported to the department **of education** by school districts and state and federal revenues for special education received by school districts. ~~[The first report shall include data from the 2 preceding school years.]~~

(3) *Shows the annual progress and compliance on the state's performance plan required by 20 U.S.C. section 1416(b), 20 U.S.C. section 1412(a)(15), and 20 U.S.C. section 1416(a)(3).*

(4) *Shows the progress and compliance with the requirements in the No Child Left Behind Act of 2001, 20 U.S.C. section 6311(b), and RSA 193-E:3 and RSA 193-H:2 with respect to children with disabilities.*

(b) These findings shall be reported for the state and for each school district. ~~[The report shall be based on existing special education disability categories, and any other related special education data already collected within the department or the division.]~~ The commissioner shall make this report available upon request to all legislators, school officials from school districts, school administrative units, cooperative schools, AREA schools, and the general public, **and shall make it available in an easily accessible format on the department of education website.** In preparing such reports, the department of education shall not disclose personally identifiable information.

III. The ~~[division]~~ **department of education** shall provide technical assistance and information to the school districts so that the districts may effectively and efficiently identify, clarify and address their specific responsibilities under state and federal special education laws. This assistance shall include the provision of mediation services to resolve special education disputes and the provision of expertise regarding specific educationally disabling

conditions. Whenever technical assistance of a specialized nature, beyond that available in the department, is required, the ~~[division]~~ **department** shall assume a leadership role in identifying sources of such assistance in other state agencies, the federal government, volunteer services or the private sector.

IV. The ~~[division]~~ **department of education** shall administer those federal and state funding programs for special education assigned to it by law. The ~~[division]~~ **department** shall also make recommendations to the state board regarding management systems, standard definitions and procedures in order to provide uniform reporting of special education services and expenditures by school districts and school administrative units.

V. The ~~[division]~~ **department of education** shall monitor the operations of local school districts, **regional special education centers, chartered public schools, and private organizations or state programs for the benefit of the education of children with disabilities** regarding compliance with state and federal laws regarding the education of students with ~~[educational]~~ disabilities. The ~~[division's regulatory program]~~ **department's monitoring, regulatory oversight, and program approval** shall be structured and implemented in a prudent manner and shall not place an excessive administrative burden on local districts. The ~~[division]~~ **department** and districts shall approach monitoring and regulation in a constructive, cooperative manner, **while also ensuring accountability for failing to meet standards** ~~[with a goal of improving special education in New Hampshire]~~ **and ensuring that the special education needs of children with disabilities are met.**

VI. [Repealed.]

VII.(a) **Granite State high school shall submit a plan for department approval to be adopted by November 1, 2009, to meet the special education needs of persons incarcerated in the state prison system.**

(b) **Each county correctional facility shall designate one special education coordinator who shall act as the contact person for outside entities on matters related to special education, and to consolidate and coordinate existing functions associated with providing a free appropriate public education to eligible students, including the assessment of eligibility and educational needs, and who shall participate in hiring or contracting with necessary staff, coordinate with local school district staff or other individuals to provide special education and related services, coordinate evaluations and meetings, and oversee the planning of special education after discharge.**

(c) **County correctional facilities shall be exempt from state board of education rules, except that the standards for the education of students with**

disabilities and all educational programs shall be set by interagency agreements between the department of education and each county correctional facility.

(d) Granite State high school and each county correctional facility shall be subject to the monitoring requirements in RSA 186-C:5, and shall be monitored in 2007, and subject to on-site monitoring at least annually through 2010.

~~[The division shall, in conjunction with the department of corrections and county governments, prepare and adopt a plan for meeting the special education needs of persons incarcerated in the state prison system and county correctional facilities. Such plan shall be adopted no later than November 1, 1997.]~~

186-C:3-b Advisory Committee; Purpose; Membership; Terms; Duties; Meetings.

I. In accordance with the provisions of 20 U.S.C. section ~~[1413(a)(12)]~~ **1412(a)(21)** and 34 C.F.R. sections ~~[300.650-300.653]~~ **300.167-300.169**, there is established an advisory committee on the education of children/students with disabilities to advise the commissioner of education on issues relating to special education, and to promote communication and cooperation among individuals involved with students with disabilities. In addition, the committee shall review the federal financial participation and the level of state funding to determine their impact on the programs and delivery of services to children/students with disabilities.

II. The committee shall ~~[consist of the following members]~~ **be composed of individuals involved in, or concerned with, the education of children with disabilities. A majority of the committee membership shall be composed of individuals with disabilities or parents of children with disabilities. The committee membership shall be as follows:**

(a) Individuals with disabilities or parents of children with disabilities, appointed by the governor.

~~[(a)]~~ **(b)** Two members of the house education committee, appointed by the speaker of the house.

~~[(b)]~~ **(c)** Two members of the senate education committee, appointed by the president of the senate.

~~[(c)]~~ **(d)** One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the governor.

~~[(d)]~~ **(e)** One state education official, appointed by the governor.

~~[(e)]~~ **(f)** One local educational official, who shall be an administrator, appointed by the governor.

~~[(f)]~~ **(g)** ~~[One]~~ **Two teachers, one of whom shall be a** special education

teacher, appointed by the governor.

~~[(g)]~~ **(h)** One representative of the department of health and human services ***involved in the financing or delivery of special education or related services to children with disabilities***, recommended by the commissioner of the department of health and human services, and appointed by the governor.

~~[(h)]~~ **(i)** One representative of the Disabilities Rights Center, recommended by the Disabilities Rights Center and appointed by the governor.

~~[(i)]~~ **(j)** One representative of the Parent Information Center, recommended by the Parent Information Center and appointed by the governor.

~~[(j)]~~ **(k)** Two individuals with disabilities who ***may*** have ~~[benefited from]~~ ***received*** special education services, one of whom may be a high school student, appointed by the governor.

~~[(k)]~~ **(l)** One administrator of a public special education program, appointed by the governor.

~~[(l)]~~ **(m)** One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor.

~~[(m)]~~ **(n)** One representative of a private school approved for special education, appointed by the governor.

~~[(n)]~~ **(o)** One representative of a ***chartered*** public ~~[charter]~~ school, appointed by the governor.

~~[(o)] One representative from the department of health and human services, appointed by the governor.]~~

(p) One individual representing children with disabilities who are home-schooled, appointed by the governor.

(q) One representative from the department of corrections, ***and one representative from a county correctional facility, both of whom are responsible for administering the provision of special education or special education and related services***, appointed by the governor.

~~[(q) Parents of children/students with disabilities, appointed by the governor. A simple majority of the members of the committee shall be individuals with disabilities or parents of children/students with disabilities.]~~

~~[(r) [An official who carries out]~~ **A state and a local educational official who are responsible for performing** activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, ***appointed by the governor.***

(s) A representative from the department of health and human services

responsible for foster care, ***recommended by the commissioner of the department of health and human services and appointed by the governor.***

III.(a) Committee members shall be appointed to ~~[3-year]~~ ***staggered 2-year*** terms, and members may succeed themselves ~~[for one additional term]~~.

(b) A chairperson shall be selected by a majority of the committee members ***on an annual basis.***

IV. The committee shall:

(a) Advise the department of education regarding unmet needs within the state in the education of children/students with disabilities.

(b) Provide an annual report to the governor and the state legislature on the status of education of students with disabilities in New Hampshire.

(c) Comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children/students with disabilities.

(d) Assist the state in developing and reporting such information and evaluations as may assist the U.S. Secretary of Education in the performance of responsibilities under ~~[section 618]~~ ***20 U.S.C. section 1418*** of the Individuals with Disabilities Education Act.

(e) Advise the department of education in developing corrective action plans to address findings identified in federal monitoring reports.

(f) Advise the department of education in developing and implementing policies relating to the coordination of services for children/students with disabilities.

V. The committee shall meet at least quarterly or as often as necessary to conduct its business.

VI. The department of education shall provide administrative support for the committee.

37 Special Education; Program Approval, Monitoring, and Corrective Action. Amend RSA 186-C:5 to read as follows:

186-C:5 Program Approval, ***Monitoring, and Corrective Action.***

I.(a) The state board of education shall adopt rules establishing ***a process and*** standards for the approval ***and monitoring*** of programs of education that are maintained by school districts, regional special education centers, and private organizations or state ~~[institutions]~~ ***facilities*** for the benefit of children with disabilities, including ***charter schools,*** home-based programs ***and alternative schools or programs;*** except, however, that approval of education programs for the special district established in RSA 194:60 shall be pursuant to the standards set forth in the interagency agreements between the department of corrections and the department of education.

(b) The division of educational improvement of the department of education, through its program approval and monitoring process shall determine if a district is making diligent efforts to resolve personnel shortages that result in children with disabilities being placed out of district.

II. The purpose of program approval and monitoring is to ensure that the programs specified in paragraph I comply with applicable federal and state law, including standards related to improving educational results and functional outcomes.

III. Program approval and monitoring shall utilize professionally recognized program evaluation and other verification methods to ensure reliable and valid findings and corrective actions. The department shall develop and apply standards and procedures to determine whether each program specified in paragraph I complies with the requirements of applicable federal and state law. Such standards shall give considerable weight to rigorous benchmarks or performance outcomes and indicators required by federal and state law most relevant to achieving educational results and functional outcomes. Program approval and monitoring shall also include, but not be limited to the following components and processes:

(a) Reporting of outcome or indicator data by school district and non-district programs to the department in a manner and frequency as the department shall determine.

(b) Development and application of methods to ensure the accuracy of all such data including data as entered in student records and as transmitted to the department, to include necessary on-site verification of data.

(c) Determinations by the department as to whether the reported data complies with such standards.

(d) On-site monitoring to further evaluate noncompliance, verify accuracy of data, assess the adequacy of the corrective action plans and their implementation, or other purposes as the department may determine, which may include:

(1) Regular or periodic monitoring.

(2) Special on-site monitoring required as part of the resolution or remediation of a complaint under 34 C.F.R. sections 300.151-152, or based on reliable information received indicating that there is reason to believe that there is noncompliance with standards.

(3) Random or targeted visits which may be unannounced when the

department determines that an unannounced visit is needed.

(e) Program monitoring, including the on-site monitoring components, shall use multiple program evaluation techniques in accordance with professionally recognized standards and to achieve the purposes set forth in paragraphs I-III, including, but not limited to, random sampling stratified as necessary to cover discrete sites or programs such as alternative programs or schools.

(f) Program approval and monitoring personnel or teams, which shall be knowledgeable in research-based education, special education practices, professionally recognized program evaluation practices, the Individuals with Disabilities Education Act, and state special education laws and which shall receive appropriate training to participate in the monitoring process. Such personnel or teams for on-site monitoring shall consist of at least one of each of the following: an educator, an educational administrator, and a parent who resides in another school district, who shall receive mileage reimbursement. The department may determine that for certain on-site visits less than a full team is necessary. The department directly or by contract shall develop and train a group of parents on the requisites needed to carry out the monitoring duties. Where volunteers or contracted personnel are used for the non-parent team slots, attempts shall be made to use or balance teams with personnel from non-school district sources such as qualified individuals from higher education. Educators and educational administrators that are used (1) may not review schools in school districts in which they are employed or have been employed in the previous 2 years and (2) may not be from schools which in the current or prior 3 years have been the subject of mandatory technical assistance under subparagraph V(e)(2) or any of the interventions in subparagraphs V(e)(3)-(12). The department shall make available sufficient funds for stipends or similar financial remuneration, in addition to expense reimbursements to ensure that teams have a diversity of perspectives and high quality professional membership. The department of education may contract with an individual or organization which has the requisite expertise and skill to perform the monitoring activities, and who is otherwise independent from school district and non-school district programs in New Hampshire. This subparagraph shall not be construed to preclude individuals who may have performed sporadic or occasional contract or volunteer work for school district or non-school district programs.

IV. The department shall issue a report granting full or conditional

approval, or denying, suspending, or revoking approval prior to the expiration of the existing program approval which shall include:

(a) Findings detailing exemplary characteristics and strengths of each program and each instance of noncompliance and failure to meet performance outcome or indicator measures in accordance with standards set forth in paragraph III.

(b) Recommendations for actions needed to correct noncompliance or failure to meet performance outcome or indicator measures.

(c) School districts and non-district programs may appeal decisions granting conditional approval or denying, suspending, or revoking approval pursuant to paragraph VII.

(d) The department may issue reports outside of the regular approval process directing school districts or non-school district programs to take any of the actions set forth in paragraph V.

V.(a) The provisions of this paragraph shall be enforced subsequent to the issuance of an order resulting from a complaint investigated, a due process hearing, or a monitoring activity pursuant to rules adopted under RSA 541-A.

(b) At the conclusion of the time limit specified for the school district, public agency, private provider of special education, or other non-school district based program to have completed the corrective action specified in the orders of compliance, the administrator of the bureau of special education of the department of education shall forward to the commissioner of the department of education a written report indicating the extent to which the agency took corrective action to achieve compliance with state and federal law.

(c) In the event the written report shows that the school district, public agency, private provider of special education, or other non-school district based program has not complied with orders issued by the department, the commissioner of the department of education shall give the written notice of the enforcement action to be taken.

(d) When taking enforcement action, the commissioner of the department of education shall consider:

(1) The severity and length of noncompliance.

(2) Whether a good faith effort was made to correct the problem.

(3) The impact on children who are entitled to a free appropriate public education.

(4) Whether the nature of the noncompliance is individual or

systemic.

(e) Enforcement action shall include but not be limited to:

(1) Corrective action plan development, implementation, and monitoring.

(2) Voluntary and mandatory technical assistance as determined by the department.

(3) Mandatory targeted professional development as determined by the department.

(4) Directives ordering specific corrective or remedial actions including compensatory education.

(5) Targeting or redirecting the use of federal special education funds in the areas of concern.

(6) Formal referral to the bureau of credentialing in the department of education for review of compliance with professional licensure or certification requirements.

(7) Ordering the cessation of operations of discrete programs operated by a school district, collaborative program, private provider of special education, public academy, or state facility for the benefit of children with disabilities.

(8) A review of programs which may include a desk audit, scheduled on-site reviews, and unannounced on-site reviews, to ensure compliance. The frequency of the program reviews may, at the discretion of the department, take place weekly, monthly, or quarterly.

(9) Requiring redirection of federal funds to remediate noncompliance of more than one year.

(10) Ceasing payments of state or federal special education funds to the school district or other public agency until the department of education determines the school district or other public agency is in compliance.

(11) Ordering, in accordance with a final state audit report, the repayment of misspent or misapplied state and/or federal funds.

(12) In the case of a school district or other public agency, referring the matter to the department of justice for further action.

(13) In the case of a private provider of special education or other non-school district based program, ordering all school districts with students placed in the private provider of special education to relocate the students for whom each district is responsible to other programs or facilities that are in

compliance with state and federal law.

VI. The commissioner shall notify the superintendent and local school board, and post findings and corrective actions recommended on the department Internet website. The commissioner shall also notify the advisory committee on the education of children/students with disabilities of the findings, remedies, and sanctions.

VII. The department shall adopt rules for the school district appeals process for corrective actions imposed under subparagraphs V(a)(5)-(11).

VIII. The commissioner shall employ or contract with a sufficient number of qualified personnel to carry out the activities enumerated in this section, including but not limited to managing, analyzing, and verifying data, coordinating and staffing on-site monitoring teams, preparing reports, including findings and corrective actions, and determining, monitoring, or supervising corrective actions and sanctions.

IX. The department, with input from the advisory committee on the education of children/students with disabilities, shall select and contract with an independent, nationally recognized organization in program evaluation and quality assurance to evaluate in 2010 and decennially thereafter, the effectiveness of the program approval and monitoring system, including whether it is carrying out activities in RSA 186-C:5 in an efficient manner. Such organization shall submit recommendations for any improvements to the commissioner, the state board of education, the governor, and the general court within 90 days of completing the program evaluation.

38 Special Education; Program Approval, Monitoring, and Corrective Action. Amend RSA 186-C:5 to read as follows:

186-C:5 Program Approval, **Monitoring, and Corrective Action.**

I.(a) The state board of education shall adopt rules establishing **a process and** standards for the approval **and monitoring** of programs of education that are maintained by school districts, regional special education centers, and private organizations or state ~~[institutions]~~ **facilities** for the benefit of ~~[educationally disabled]~~ children **with disabilities**, including **chartered public schools**, home-based programs **and alternative schools or programs**; except, however, that approval of education programs for the special district established in RSA 194:60 shall be pursuant to the standards set forth in the interagency agreements between the department of corrections and the department of education.

(b) *The division of educational improvement of the department of education, through its program approval and monitoring process shall determine if*

a district is making diligent efforts to resolve personnel shortages that result in children with disabilities being placed out of district.

II. The purpose of program approval and monitoring is to ensure that the programs specified in paragraph I comply with applicable federal and state law, including standards related to improving educational results and functional outcomes.

III. Program approval and monitoring shall utilize professionally recognized program evaluation and other verification methods to ensure reliable and valid findings and corrective actions. The department shall develop and apply standards and procedures to determine whether each program specified in paragraph I complies with the requirements of applicable federal and state law. Such standards shall give considerable weight to rigorous benchmarks or performance outcomes and indicators required by federal and state law most relevant to achieving educational results and functional outcomes. Program approval and monitoring shall also include, but not be limited to the following components and processes:

(a) Reporting of outcome or indicator data by school district and non-district programs to the department in a manner and frequency as the department shall determine.

(b) Development and application of methods to ensure the accuracy of all such data including data as entered in student records and as transmitted to the department, to include necessary on-site verification of data.

(c) Determinations by the department as to whether the reported data complies with such standards.

(d) On-site monitoring to further evaluate noncompliance, verify accuracy of data, assess the adequacy of the corrective action plans and their implementation, or other purposes as the department may determine, which may include:

(1) Regular or periodic monitoring.

(2) Special on-site monitoring required as part of the resolution or remediation of a complaint under 34 C.F.R. sections 300.151-152, or based on reliable information received indicating that there is reason to believe that there is noncompliance with standards.

(3) Random or targeted visits which may be unannounced when the department determines that an unannounced visit is needed.

(e) Program monitoring, including the on-site monitoring components,

shall use multiple program evaluation techniques in accordance with professionally recognized standards and to achieve the purposes set forth in paragraphs I-III, including, but not limited to, random sampling stratified as necessary to cover discrete sites or programs such as alternative programs or schools.

(f) Program approval and monitoring personnel or teams, which shall be knowledgeable in research-based education, special education practices, professionally recognized program evaluation practices, the Individuals with Disabilities Education Act, and state special education laws and which shall receive appropriate training to participate in the monitoring process. Such personnel or teams for on-site monitoring shall consist of at least one of each of the following: an educator, an educational administrator, and a parent who resides in another school district, who shall receive mileage reimbursement. The department may determine that for certain on-site visits less than a full team is necessary. The department directly or by contract shall develop and train a group of parents on the requisites needed to carry out the monitoring duties. Where volunteers or contracted personnel are used for the non-parent team slots, attempts shall be made to use or balance teams with personnel from non-school district sources such as qualified individuals from higher education. Educators and educational administrators that are used (1) may not review schools in school districts in which they are employed or have been employed in the previous 2 years and (2) may not be from schools which in the current or prior 3 years have been the subject of mandatory technical assistance under subparagraph V(e)(2) or any of the interventions in subparagraphs V(e)(3)-(12). The department shall make available sufficient funds for stipends or similar financial remuneration, in addition to expense reimbursements to ensure that teams have a diversity of perspectives and high quality professional membership. The department of education may contract with an individual or organization which has the requisite expertise and skill to perform the monitoring activities, and who is otherwise independent from school district and non-school district programs in New Hampshire. This subparagraph shall not be construed to preclude individuals who may have performed sporadic or occasional contract or volunteer work for school district or non-school district programs.

IV. The department shall issue a report granting full or conditional approval, or denying, suspending, or revoking approval prior to the expiration of the existing program approval which shall include:

(a) Findings detailing exemplary characteristics and strengths of each program and each instance of noncompliance and failure to meet performance outcome or indicator measures in accordance with standards set forth in paragraph III.

(b) Recommendations for actions needed to correct noncompliance or failure to meet performance outcome or indicator measures.

(c) School districts and non-district programs may appeal decisions granting conditional approval or denying, suspending, or revoking approval pursuant to paragraph VII.

(d) The department may issue reports outside of the regular approval process directing school districts or non-school district programs to take any of the actions set forth in paragraph V.

V.(a) The provisions of this paragraph shall be enforced subsequent to the issuance of an order resulting from a complaint investigated, a due process hearing, or a monitoring activity pursuant to rules adopted under RSA 541-A.

(b) At the conclusion of the time limit specified for the school district, public agency, private provider of special education, or other non-school district based program to have completed the corrective action specified in the orders of compliance, the administrator of the bureau of special education of the department of education shall forward to the commissioner of the department of education a written report indicating the extent to which the agency took corrective action to achieve compliance with state and federal law.

(c) In the event the written report shows that the school district, public agency, private provider of special education, or other non-school district based program has not complied with orders issued by the department, the commissioner of the department of education shall give the written notice of the enforcement action to be taken.

(d) When taking enforcement action, the commissioner of the department of education shall consider:

(1) The severity and length of noncompliance.

(2) Whether a good faith effort was made to correct the problem.

(3) The impact on children who are entitled to a free appropriate public education.

(4) Whether the nature of the noncompliance is individual or systemic.

(e) Enforcement action shall include but not be limited to:

(1) *Corrective action plan development, implementation, and monitoring.*

(2) *Voluntary and mandatory technical assistance as determined by the department.*

(3) *Mandatory targeted professional development as determined by the department.*

(4) *Directives ordering specific corrective or remedial actions including compensatory education.*

(5) *Targeting or redirecting the use of federal special education funds in the areas of concern.*

(6) *Formal referral to the bureau of credentialing in the department of education for review of compliance with professional licensure or certification requirements.*

(7) *Ordering the cessation of operations of discrete programs operated by a school district, collaborative program, private provider of special education, public academy, or state facility for the benefit of children with disabilities.*

(8) *A review of programs which may include a desk audit, scheduled on-site reviews, and unannounced on-site reviews, to ensure compliance. The frequency of the program reviews may, at the discretion of the department, take place weekly, monthly, or quarterly.*

(9) *Requiring redirection of federal funds to remediate noncompliance of more than one year.*

(10) *Ceasing payments of state or federal special education funds to the school district or other public agency until the department of education determines the school district or other public agency is in compliance.*

(11) *Ordering, in accordance with a final state audit report, the repayment of misspent or misapplied state and/or federal funds.*

(12) *In the case of a school district or other public agency, referring the matter to the department of justice for further action.*

(13) *In the case of a private provider of special education or other non-school district based program, ordering all school districts with students placed in the private provider of special education to relocate the students for whom each district is responsible to other programs or facilities that are in compliance with state and federal law.*

VI. *The commissioner shall notify the superintendent and local school*

board, and post findings and corrective actions recommended on the department Internet website. The commissioner shall also notify the advisory committee on the education of children/students with disabilities of the findings, remedies, and sanctions.

VII. The department shall adopt rules for the school district appeals process for corrective actions imposed under subparagraphs V(a)(5)-(11).

VIII. The commissioner shall employ or contract with a sufficient number of qualified personnel to carry out the activities enumerated in this section, including but not limited to managing, analyzing, and verifying data, coordinating and staffing on-site monitoring teams, preparing reports, including findings and corrective actions, and determining, monitoring, or supervising corrective actions and sanctions.

IX. The department, with input from the advisory committee on the education of children/students with disabilities, shall select and contract with an independent, nationally recognized organization in program evaluation and quality assurance to evaluate in 2010 and decennially thereafter, the effectiveness of the program approval and monitoring system, including whether it is carrying out activities in RSA 186-C:5 in an efficient manner. Such organization shall submit recommendations for any improvements to the commissioner, the state board of education, the governor, and the general court within 90 days of completing the program evaluation.

39 Special Education; Program Approval, Monitoring, and Corrective Action. Amend RSA 186-C:5 to read as follows:

186-C:5 Program Approval, **Monitoring, and Corrective Action.**

I.(a) The state board of education shall adopt rules establishing **a process and** standards for the approval **and monitoring** of programs of education that are maintained by school districts, regional special education centers, and private organizations or state ~~[institutions]~~ **facilities** for the benefit of children with disabilities, including **chartered public schools**, home-based programs **and alternative schools or programs**; except, however, that approval of education programs for the special district established in RSA 194:60 shall be pursuant to the standards set forth in the interagency agreements between the department of corrections and the department of education.

(b) *The division of educational improvement of the department of education, through its program approval and monitoring process shall determine if a district is making diligent efforts to resolve personnel shortages that result in children with disabilities being placed out of district.*

II. The purpose of program approval and monitoring is to ensure that the programs specified in paragraph I comply with applicable federal and state law, including standards related to improving educational results and functional outcomes.

III. Program approval and monitoring shall utilize professionally recognized program evaluation and other verification methods to ensure reliable and valid findings and corrective actions. The department shall develop and apply standards and procedures to determine whether each program specified in paragraph I complies with the requirements of applicable federal and state law. Such standards shall give considerable weight to rigorous benchmarks or performance outcomes and indicators required by federal and state law most relevant to achieving educational results and functional outcomes. Program approval and monitoring shall also include, but not be limited to the following components and processes:

(a) Reporting of outcome or indicator data by school district and non-district programs to the department in a manner and frequency as the department shall determine.

(b) Development and application of methods to ensure the accuracy of all such data including data as entered in student records and as transmitted to the department, to include necessary on-site verification of data.

(c) Determinations by the department as to whether the reported data complies with such standards.

(d) On-site monitoring to further evaluate noncompliance, verify accuracy of data, assess the adequacy of the corrective action plans and their implementation, or other purposes as the department may determine, which may include:

(1) Regular or periodic monitoring.

(2) Special on-site monitoring required as part of the resolution or remediation of a complaint under 34 C.F.R. sections 300.151-152, or based on reliable information received indicating that there is reason to believe that there is noncompliance with standards.

(3) Random or targeted visits which may be unannounced when the department determines that an unannounced visit is needed.

(e) Program monitoring, including the on-site monitoring components, shall use multiple program evaluation techniques in accordance with professionally recognized standards and to achieve the purposes set forth in

paragraphs I-III, including, but not limited to, random sampling stratified as necessary to cover discrete sites or programs such as alternative programs or schools.

(f) Program approval and monitoring personnel or teams, which shall be knowledgeable in research-based education, special education practices, professionally recognized program evaluation practices, the Individuals with Disabilities Education Act, and state special education laws and which shall receive appropriate training to participate in the monitoring process. Such personnel or teams for on-site monitoring shall consist of at least one of each of the following: an educator, an educational administrator, and a parent who resides in another school district, who shall receive mileage reimbursement. The department may determine that for certain on-site visits less than a full team is necessary. The department directly or by contract shall develop and train a group of parents on the requisites needed to carry out the monitoring duties. Where volunteers or contracted personnel are used for the non-parent team slots, attempts shall be made to use or balance teams with personnel from non-school district sources such as qualified individuals from higher education. Educators and educational administrators that are used (1) may not review schools in school districts in which they are employed or have been employed in the previous 2 years and (2) may not be from schools which in the current or prior 3 years have been the subject of mandatory technical assistance under subparagraph V(e)(2) or any of the interventions in subparagraphs V(e)(3)-(12). The department shall make available sufficient funds for stipends or similar financial remuneration, in addition to expense reimbursements to ensure that teams have a diversity of perspectives and high quality professional membership. The department of education may contract with an individual or organization which has the requisite expertise and skill to perform the monitoring activities, and who is otherwise independent from school district and non-school district programs in New Hampshire. This subparagraph shall not be construed to preclude individuals who may have performed sporadic or occasional contract or volunteer work for school district or non-school district programs.

IV. The department shall issue a report granting full or conditional approval, or denying, suspending, or revoking approval prior to the expiration of the existing program approval which shall include:

(a) Findings detailing exemplary characteristics and strengths of each program and each instance of noncompliance and failure to meet performance

outcome or indicator measures in accordance with standards set forth in paragraph III.

(b) Recommendations for actions needed to correct noncompliance or failure to meet performance outcome or indicator measures.

(c) School districts and non-district programs may appeal decisions granting conditional approval or denying, suspending, or revoking approval pursuant to paragraph VII.

(d) The department may issue reports outside of the regular approval process directing school districts or non-school district programs to take any of the actions set forth in paragraph V.

V.(a) The provisions of this paragraph shall be enforced subsequent to the issuance of an order resulting from a complaint investigated, a due process hearing, or a monitoring activity pursuant to rules adopted under RSA 541-A.

(b) At the conclusion of the time limit specified for the school district, public agency, private provider of special education, or other non-school district based program to have completed the corrective action specified in the orders of compliance, the administrator of the bureau of special education of the department of education shall forward to the commissioner of the department of education a written report indicating the extent to which the agency took corrective action to achieve compliance with state and federal law.

(c) In the event the written report shows that the school district, public agency, private provider of special education, or other non-school district based program has not complied with orders issued by the department, the commissioner of the department of education shall give the written notice of the enforcement action to be taken.

(d) When taking enforcement action, the commissioner of the department of education shall consider:

(1) The severity and length of noncompliance.

(2) Whether a good faith effort was made to correct the problem.

(3) The impact on children who are entitled to a free appropriate public education.

(4) Whether the nature of the noncompliance is individual or systemic.

(e) Enforcement action shall include but not be limited to:

(1) Corrective action plan development, implementation, and monitoring.

(2) *Voluntary and mandatory technical assistance as determined by the department.*

(3) *Mandatory targeted professional development as determined by the department.*

(4) *Directives ordering specific corrective or remedial actions including compensatory education.*

(5) *Targeting or redirecting the use of federal special education funds in the areas of concern.*

(6) *Formal referral to the bureau of credentialing in the department of education for review of compliance with professional licensure or certification requirements.*

(7) *Ordering the cessation of operations of discrete programs operated by a school district, collaborative program, private provider of special education, public academy, or state facility for the benefit of children with disabilities.*

(8) *A review of programs which may include a desk audit, scheduled on-site reviews, and unannounced on-site reviews, to ensure compliance. The frequency of the program reviews may, at the discretion of the department, take place weekly, monthly, or quarterly.*

(9) *Requiring redirection of federal funds to remediate noncompliance of more than one year.*

(10) *Ceasing payments of state or federal special education funds to the school district or other public agency until the department of education determines the school district or other public agency is in compliance.*

(11) *Ordering, in accordance with a final state audit report, the repayment of misspent or misapplied state and/or federal funds.*

(12) *In the case of a school district or other public agency, referring the matter to the department of justice for further action.*

(13) *In the case of a private provider of special education or other non-school district based program, ordering all school districts with students placed in the private provider of special education to relocate the students for whom each district is responsible to other programs or facilities that are in compliance with state and federal law.*

VI. *The commissioner shall notify the superintendent and local school board, and post findings and corrective actions recommended on the department Internet website. The commissioner shall also notify the advisory committee on the*

education of children/students with disabilities of the findings, remedies, and sanctions.

VII. The department shall adopt rules for the school district appeals process for corrective actions imposed under subparagraphs V(a)(5)-(11).

VIII. The commissioner shall employ or contract with a sufficient number of qualified personnel to carry out the activities enumerated in this section, including but not limited to managing, analyzing, and verifying data, coordinating and staffing on-site monitoring teams, preparing reports, including findings and corrective actions, and determining, monitoring, or supervising corrective actions and sanctions.

IX. The department, with input from the advisory committee on the education of children/students with disabilities, shall select and contract with an independent, nationally recognized organization in program evaluation and quality assurance to evaluate in 2010 and decennially thereafter, the effectiveness of the program approval and monitoring system, including whether it is carrying out activities in RSA 186-C:5 in an efficient manner. Such organization shall submit recommendations for any improvements to the commissioner, the state board of education, the governor, and the general court within 90 days of completing the program evaluation.

40 Special Education; Individualized Education Programs. Amend RSA 186-C:7 to read as follows:

186-C:7 ~~[Individual]~~ **Individualized** Education ~~[Plans]~~ **Programs**.

I. The development of an individualized education program for each child with a disability shall be the responsibility of the school district in which the child resides or of the school district which bears financial responsibility for the child's education.

II. The parents ~~[or legal guardian]~~ of a child with a disability have the right to participate in the development of the individualized education program for the child and to appeal decisions of the school district regarding such child's individualized education ~~[plan]~~ **program** as provided in rules adopted in accordance with RSA 541-A by the state board of education.

III. ~~[The division of educational improvement of the department of education shall assist each school district in developing an approved program or programs for educating the children with disabilities of the district including the setting of approved rates for private providers of special education services pursuant to RSA 21 N:5, I(h).~~

IV. ~~[Repealed.]~~ **Each child's individualized education program shall include short-term objectives or benchmarks unless the parent agrees that they are not**

necessary for one or more of the child's annual goals.

41 Special Education; Interagency Agreement for Special Education. Amend RSA 186-C:7-a to read as follows:

186-C:7-a Interagency Agreement for Special Education.

I. The commissioner of ***the department of*** education, ~~[with the approval of]~~ the state board of education, and the commissioner of ***the department of*** health and human services shall, ***consistent with applicable state and federal law***, enter into ~~[a comprehensive, cooperative special education]~~ ***an interagency*** agreement ~~[to ensure the provision of necessary services by their agencies to children with disabilities.]~~ ***for the purposes of:***

(a) ***Meeting the multi-service agency needs of children with disabilities in an efficient and effective manner and without delays caused by jurisdictional or funding disputes;***

(b) ***Providing for continuity and consistency of services across environments in which children function; and***

(c) ***Ensuring well-planned, smooth, and effective transitions from early intervention to special education and from special education to postsecondary life.***

II. This agreement shall address programs and services for ~~[each appropriate category of]~~ children with disabilities, ***provided, funded, or regulated by the department and local school districts, and the department of health and human services and its local counterparts, the district offices, the area agencies, and the community mental health centers.***

III. ~~[For each category of educationally disabled children,]~~ The agreement shall ~~[include]~~ ***address the functions set forth in paragraph I including, but not limited to:***

(a) ~~[A definition of the]~~ ***Defining the*** specific ~~[population]~~ ***populations*** to be served.

(b) ~~[An identification and description of]~~ ***Identifying and describing*** the services available through each agency.

(c) ~~[A description of]~~ ***Describing*** the specific programmatic and financial responsibilities of each department, ***and its divisions, bureaus, and local counterparts.***

(d) ~~[An estimate of]~~ ***Estimating*** the costs of, and source of funds for, all services to be provided by each department.

(e) ~~[A method for implementing and administering the agreement which shall include a procedure for settling disputes regarding its administration or the financial and programmatic responsibilities of each department]~~ ***Implementing methods to ensure prompt and timely initiation of services, including criteria for determining agency***

responsibility for service provision and payment, which shall include:

(1) A provision permitting a parent or agency, believing that it is not responsible for the services at issue, to request the participation of another potentially responsible agency, provided that in the case of an agency request, the parent or child who has reached majority has been advised of his or her appeal rights and the parent or child, as applicable, consents to the participation of the other agency.

(2) The procedure and criteria, when more than one agency is involved, for determining who should provide and pay for the needed services, such criteria to include a requirement that the school district is responsible to provide and pay for all special education, related services, supplemental aids and services, and accommodations for children with disabilities, unless:

(A) Medicaid is responsible or the department of health and human services or another agency is required to pay; or

(B) Another agency agrees to pay voluntarily or pursuant to an agreement; or

(C) The service is primarily non-educational in nature, involving only care or custodial activities and serves no educational purpose, and does not pertain to curriculum or individualized skills or behavior change or development aimed at enabling a child to function in the school, workplace, home, and community, and are neither related services, supplementary aides, and services, or as defined by state or federal law.

(3) A procedure for dispute resolution, including a provision for binding dispute resolution, which may be initiated by any participating agency, parent, guardian, educational surrogate, or child who has reached the age of majority to determine whether or not the child is entitled to the services in dispute, when service entitlement by all agencies is in dispute, and which agency is responsible to pay and provide the service, when agency financial and programmatic responsibility is in dispute.

(4) When there is a dispute as to financial or programmatic responsibility, a provision that the local school district shall provide the service or otherwise ensure that the service is provided, subject to the local school district's right of reimbursement if another agency is found responsible.

(f) ~~[A procedure for monitoring the operation of the agreement and for revising it periodically as necessary]~~ Consistent with federal and state privacy laws, provisions for state and local educational and health and human service agencies to share

and exchange necessary child and program specific information and data.

IV. The commissioners of **the departments of** education and health and human services shall submit a copy of the ~~[initial]~~ interagency agreement for special education, **reflecting changes required under this section**, to the appropriate standing committees of each house of the general court on or before ~~[September 1, 1985]~~ **October 1, 2008**, and shall submit ~~[a revision to the agreement no later than January 1, 1999. Any subsequent proposed]~~ **any subsequent** amendments or revisions to the agreement ~~[shall be submitted]~~ to the appropriate standing committees of the house and senate, **no later than 60 days after adoption of the amendments or revisions. Prior to adopting any revisions or amendments to the agreement, the commissioners shall jointly solicit input from relevant advisory committees and the public.**

V. **Nothing in this section shall require:**

(a) **A parent, guardian, or child to pay for services provided by a local school district or other local or state public educational program, if the services are educational in nature or are otherwise required by the Individuals with Disabilities Education Act, 20 U.S.C. section 1400 et seq.**

(b) **A local school district to provide any educational services beyond those required under the Individuals with Disabilities Education Act, 20 U.S.C. section 1400 et seq., or this chapter.**

(c) **The department of health and human services to provide services not otherwise required by other state or federal laws.**

42 Special Education; Collaborative Programs; Education Required. Amend RSA 186-C:8-9 to read as follows:

186-C:8 Collaborative Programs.

I. School districts or school administrative units, or both, may enter into cooperative agreements in order to provide approved programs for educating children with disabilities ~~[in regional special education centers]~~. The state board of education, when appropriate because of a low incidence of a disabling condition, high cost of services, or scarcity of trained personnel, shall encourage such cooperative agreements and shall serve as a source of information, advice and guidance to school districts, school administrative units, or both.

II. The state board of education, together with representatives of neighboring states, shall study the feasibility of interstate agreements ~~[or interstate compacts]~~ for the provision of services to children with disabilities.

186-C:9 Education Required. Each child **who is** determined by the local school district, or special school district established under RSA 194:60, as ~~[being educationally disabled]~~ **having a disability** in accordance with RSA 186-C:2 and in need of special education or

special education and ~~[educationally]~~ related services shall be entitled to attend an approved program which can implement the child's individualized education ~~[plan]~~ **program**. Such child shall be entitled to continue in an approved program until such time as the child has acquired a **regular** high school diploma or has attained the age of 21, whichever occurs first, or until the ~~[school district responsible for developing the]~~ child's individualized education ~~[plan]~~ **program team** determines that the child no longer requires special education in accordance with the provisions of this chapter.

43 Special Education; Responsibility of School District. Amend RSA 186-C:10 to read as follows:

186-C:10 Responsibility of School District. A school district shall establish an approved program or programs for children with disabilities, or shall enter into cooperative agreements with other districts to provide approved programs for children with disabilities, or shall pay tuition to such an approved program maintained by another school district or by a private organization. ~~[Eligibility for participation in an approved program of special education shall be determined by the school board of the school district under rules adopted by the state board of education.]~~

44 Special Education; Federal Assistance. Amend RSA 186-C:12 to read as follows:

186-C:12 Federal Assistance. The state board of education is authorized to cooperate with the federal government or any agency of the federal government in the development of any plan for the education of children with disabilities and to receive and expend, in accordance with such plan, all funds made available to the state board of education from the federal government or any of its agencies, **from** the state, or from other sources. The ~~[several]~~ school districts of the state are authorized to receive, incorporate in their budgets, and expend for the purposes of this chapter such funds as may be made available to them through the state board of education from the federal government or any of its agencies.

45 Special Education; Liability for Expenses. Amend RSA 186-C:13 to read as follows:

186-C:13 Liability for Expenses.

I. All expenses incurred by a school district in administering the law in relation to education for children with disabilities ***in need of special education and related services*** shall be paid by the school district where the child resides, except as follows:

(a) When a child with a disability ***in need of special education and related services*** is placed in a home for children or health care facility as defined in RSA 193:27, the liability for expenses for such child shall be determined in accordance with RSA 193:29.

(b) When a child with a disability ***in need of special education and related services*** is placed in a state ~~[institution]~~ **facility**, the liability for expenses for such child shall be determined in accordance with RSA 186-C:19.

II. For the purposes of meeting the financial obligation for expenses incurred under this chapter, a school district may exceed its annual budget to the extent of additional special education aid which the district has actually received from the state after the annual school district budget was approved.

III. No school district shall be required to pay the expenses of the education program of a child adjudicated under RSA 169-B, 169-C, or 169-D except as provided by RSA 186-C. The sending district shall be notified of a court ordered placement of a child adjudicated under the provisions of RSA 169-B, 169-C, or 169-D, and may submit recommendations to the court concerning the financial impact of the placement on the sending district ***and the appropriateness of the placement.***

46 Special Education; Surrogate Parents. Amend RSA 186-C:14 to read as follows:

186-C:14 Surrogate Parents.

I. PURPOSE. The purpose of this section is to protect the educational rights of eligible[?] children with disabilities.

II. DEFINITIONS. The following words as used in this section shall be construed as follows:

(a) "Surrogate parent" shall mean a person appointed to act as a child's advocate in place of the child's ~~birth~~ ***biological or adoptive*** parents or guardian in the educational decision-making process.

(b) "Educational decision-making process" shall include identification, evaluation, and placement as well as the hearing, mediation, and appeal procedures.

(c) [Repealed.]

(d) [Repealed.]

III. DETERMINING NEED.

(a) When[, ~~in the opinion of the commissioner of education or designee,~~] a child with a disability, as defined in RSA 186-C:2, needs special education and the parent or guardian of the child is unknown or after reasonable efforts cannot be located, or the child is ~~[a ward of the state, the commissioner or designee shall]~~ ***in the legal custody of the division of children, youth, and families, the commissioner, or designee, may*** appoint a surrogate parent who shall represent the child in the educational decision-making process, ***provided that for a child in the legal custody of the division of children, youth, and families, a judge overseeing the child's case pursuant to the Individuals With Disabilities Education Act, 20 U.S.C. section 1415(b)(2)(A)(i), may appoint a surrogate parent.***

(b) ***In the case of a child who is an unaccompanied youth as defined in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11434a(6), the school***

district shall appoint a surrogate parent pursuant to this section.

IV. APPOINTMENT OF SURROGATE. ~~[Once the commissioner of education or designee determines that a surrogate parent is needed, the commissioner or designee shall appoint a surrogate parent. Such]~~ Appointment ***of a surrogate parent under this section*** shall be effective until the child reaches 18 years of age, and may be extended by order of the commissioner until the child graduates from high school or reaches 21 years of age, whichever occurs first. If the surrogate parent resigns, dies or is removed, the commissioner of ***the department of*** education or designee, ***or the court with jurisdiction over the child's case,*** may appoint a successor surrogate parent in the same manner as provided in paragraph III.

V. RIGHT OF ACCESS. When a surrogate parent is appointed, the surrogate parent shall have the same right of access as the natural parents or guardian to all records concerning the child. These records shall include, but not be limited to, educational, medical, psychological and ~~[welfare]~~ ***health and human service*** records.

VI. LIMITED LIABILITY. No surrogate parent appointed pursuant to the provisions of paragraph ***III or*** IV shall be liable to the child entrusted to the surrogate parent or the parents or guardian of such child for any civil damages which result from acts or omissions of such surrogate parent which may arise out of ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, willful, or wanton negligence.

VII. RULES. The state board of education shall adopt rules necessary for the administration of the provisions of this section.

47 Special Education; Length of School Year. Amend RSA 186-C:15 to read as follows:

186-C:15 Length of School Year.

I. The length of the school year ***and school day*** for a child with a disability shall be the same as that provided by the local school district for a child ~~[not educationally disabled]~~ ***without a disability of the same age or grade,*** except that the local school district shall provide an approved program for an extended period when ~~[it can be demonstrated by a preponderance of evidence, in accordance with rules adopted by the state board of education, that interruption of the program of a child with a disability would result in severe and substantial harm and regression and would have the effect of negating the benefits of such educationally disabled child's regular special education program]~~ ***the child's individualized education program team determines that such services are necessary to provide the child with a free appropriate public education.***

II. ***The length of the school year and school day for a preschool child with a disability shall be determined by the child's individualized education program***

team and shall not be governed by the school district's school calendar. A free appropriate public education shall be provided to a preschool child with a disability as of the child's third birthday and when the child's individualized education program team determines that services are necessary to provide a free appropriate public education to the child.

48 Special Education; Rulemaking. Amend RSA 186-C:16 to read as follows:

186-C:16 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, *and consistent with the provision of a free appropriate public education*, relative to:

- I. Developing individualized education ~~[plans]~~ **programs**;
- II. Approving *and monitoring* special education programs;
- III. Reporting the number of children with disabilities in a school district;
- IV. Requesting administrative due process hearings and appealing a final administrative decision;
- V. Determining eligibility for participation in approved programs;
- VI. Appointing surrogate parents;
- VII. Determining the length of the school year for ~~[disabled]~~ children *with disabilities*; and
- VIII. Other matters related to complying with provisions of this chapter.

49 Special Education; Children with Disabilities in State Institutions. Amend RSA 186-C:19 to read as follows:

186-C:19 Children with Disabilities in *Certain* State ~~[Institutions]~~ **Facilities**.

I. For a child with a disability in a state ~~[institution]~~ **facility**, the school district responsible for selecting and funding the child's special education or special education and related services shall be as follows:

(a) If such child is in the legal custody of the parent, the school district in which the child's parent resides shall be the liable school district.

(b) If such child is not in the legal custody of the parent, or if the parent resides outside the state, the school district in which the child most recently resided other than in a state ~~[institution]~~ **facility**, home for children or health care facility as defined in RSA 193:27 shall be the liable school district.

(c) ~~[For the purposes of this chapter, children 18 years of age or older but less than 21 years of age at Laconia developmental services or at the Philbrook center shall be deemed to be in the legal custody of their parents if they were in such legal custody upon reaching the age of 18.]~~

(d) For the purposes of this section a parent shall not have legal custody if legal

custody has been awarded to some other individual or agency, even if that parent retains residual parental rights. An award of legal custody by a court of competent jurisdiction, in this state or any other state, shall determine legal custody under this section.

II. For a child with a disability in a state ~~[institution]~~ **facility**, the responsible school district shall be liable for all expenses incurred in administering the law in relation to children with disabilities ~~[except as follows: For the 1982 and 1983 fiscal years, the responsible school district's annual financial liability for a child who was enrolled at the Laconia state school and training center as of July 1, 1981, shall not exceed the applicable state average per pupil cost as determined by the state board of education, and the state shall be liable for the balance of such costs, which shall in no case be taken from the \$ 10,000,000 appropriated for state aid under RSA 186 C:18. If more than one school district is liable for such a child during a single fiscal year, the total annual financial liability to the school districts shall not exceed the applicable state average per pupil cost, said liability to be prorated on a per diem basis. For such a child who is enrolled at Laconia developmental services for less than a full year, the liability for such costs shall be prorated on a per diem basis by Laconia developmental services].~~

III. Nothing in paragraphs I or II of this section shall diminish the responsibility of the financially liable school district as defined in paragraphs I and II to develop and implement an individualized education program or to fulfill its obligations under other sections of this chapter for a child with a disability in a state ~~[institution]~~ **facility**, regardless of whether such child was initially placed by a school district, the parent or some other agent.

IV. "State ~~[institution]~~ **facility**" as used in this section means ~~[the Philbrook center for children and youth and Laconia developmental services. If a special education program at a state institution is the least restrictive placement and offers appropriate services for child with a disability, such institution shall be utilized by a local school district for such child, subject to the approval of said institution]~~ **any state operated facility for children and youth with disabilities.**

50 Special Education; Special Education Program at the Youth Services Center. Amend RSA 186-C-20, I to read as follows:

I. Notwithstanding the provisions of any other law to the contrary, the expenses for a child with a disability ~~[assigned to]~~ **receiving services at** the special education program at the youth services center maintained by the department of health and human services shall be the responsibility of the **liable** school district so assigning the child. Such a school district shall pay the rate established for the special education program of the center.

51 Contingencies.

I. If HB 679-FN-LOCAL of the 2008 regular legislative session becomes law and SB 418 of the 2008 regular legislative session does not become law, sections 4, 34, 35, 37, and 40-50 shall take effect January 1, 2009 and sections 1, 2, 5-7, 9-13, 17, 18, 22-24, 29-32, 36, 38, and 39 shall not take effect.

II. If neither HB 679-FN-LOCAL of the 2008 regular legislative session nor SB 418 of the 2008 regular legislative session become law, sections 1, 2, 4-7, 9-13, 17, 18, 22-24, and 29-32 shall take effect January 1, 2009 and sections 34-50 shall not take effect.

III. If SB 418 of the 2008 regular legislative becomes law and HB 679-FN-LOCAL of the 2008 regular legislative session does not become law, sections 1, 2, 6, 7, 9-13, 17, 18, 22-24, 29-32, 36, and 38 shall take effect January 1, 2009 and sections 4, 5, 34, 35, 37, and 39-50 shall not take effect.

IV. If SB 418 of the 2008 regular legislative and HB 679-FN-LOCAL of the 2008 regular legislative session both become law, sections 34-36 and 39-50 shall take effect January 1, 2009 and sections 1, 2, 4-7, 9-13, 17, 18, 22-24, 29-32, 37, and 38 shall not take effect.

52 Effective Date.

I. Sections 1, 2, 4-7, 9-13, 17, 18, 22-24, 29-32, and 34-50 of this act shall take effect as provided in section 51 of this act.

II. The remainder of this act shall take effect January 1, 2009.

Adopted.

Senator Foster, Rule 42 on HB 766-FN.

**June 16, 2008
2008-2189-EBA
04/01**

Enrolled Bill Amendment to HB 781-FN

The Committee on Enrolled Bills to which was referred HB 781-FN

AN ACT relative to the duties of the department of safety and relative to emergency lights and warning lights.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 781-FN

This enrolled bill amendment:

I. Avoids a conflict by changing the name of the “pari-mutuel commission” to the “racing and charitable gaming commission” as provided in HB 1172 of the 2008 legislative session, effective July 11, 2008.

II. Makes a technical correction.

Enrolled Bill Amendment to HB 781-FN

Amend section 1 of the bill by replacing line 4 with the following:

commissioner of revenue administration, lottery commission, racing and charitable gaming commission, liquor

Amend section 11 of the bill by replacing line 1 with the following:

11 New Hampshire Motor Vehicle Industry Board. Amend RSA 357-C:12, I(d)-(f) to read as

Adopted.

**May 22, 2008
2008-1957-EBA
03/01**

Enrolled Bill Amendment to HB 847

The Committee on Enrolled Bills to which was referred HB 847

AN ACT relative to general rules for vessels operating on water.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 847

This enrolled bill amendment clarifies when the provisions of the act take effect.

Enrolled Bill Amendment to HB 847

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2011.

II. The remainder of this act shall take effect January 1, 2009.

Adopted.

June 5, 2008
2008-2156-EBA
04/10

Enrolled Bill Amendment to HB 877-FN

The Committee on Enrolled Bills to which was referred HB 877-FN

AN ACT relative to the state recycling program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 877-FN

This enrolled bill amendment makes certain grammatical corrections in the bill.

Enrolled Bill Amendment to HB 877-FN

Amend RSA 9-C:7, I as inserted by section 2 of the bill by replacing line 5 with the following:

moneys for deposit into the fund to be used for the same purposes as other moneys in the fund.

Amend RSA 9-C:10, I(a) as inserted by section 2 of the bill by replacing line 5 with the following:

of each year beginning in 2009. Information concerning administratively attached agencies, as

Adopted.

May 20, 2008
2008-1949-EBA
04/09

Enrolled Bill Amendment to HB 901

The Committee on Enrolled Bills to which was referred HB 901

AN ACT relative to nondriver's identification cards.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 901

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 901

Amend RSA 651-A:6, IV as inserted by section 4 of the bill by replacing line 7 with the following:

constitute a cause for delaying the inmate's release on parole, if approved.

Adopted.

June 5, 2008
2008-2157-EBA
04/09

Enrolled Bill Amendment to HB 1179

The Committee on Enrolled Bills to which was referred HB 1179

AN ACT including certain nonprofit organizations under the right-to-know law
and including a reference in a section of the right-to-know law.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1179

This enrolled bill amendment inserts a contingency provision to correct a possible conflict with HB 1408-LOCAL of the 2008 legislative session.

Enrolled Bill Amendment to HB 1179

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 4-5, respectively:

3 New Subparagraph; Right-to-Know Law; Charitable Organizations. Amend RSA 91-A:1-a, VI by inserting after subparagraph (d) the following new subparagraph:

(e) Any corporation that has as its sole member the state of New Hampshire, any county, town, municipal corporation, school district, school administrative unit, village

district, or other political subdivision, and that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code.

Amend sections 4-5 of the bill by replacing them with the following:

4 Contingency.

I. If HB 1408-LOCAL of the 2008 legislative session becomes law, section 2 of this act shall take effect July 1, 2008 at 12:01 a.m. If HB 1408-LOCAL does not become law, section 2 of this act shall not take effect.

II. If HB 1408-LOCAL of the 2008 legislative session becomes law, section 3 of this act shall take effect July 1, 2008 at 12:01 a.m. and section 1 of this act shall not take effect. If HB 1408-LOCAL does not become law, section 1 of this act shall take effect 60 days after the passage of this act and section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. Section 4 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**May 29, 2008
2008-2069-EBA
03/01**

Enrolled Bill Amendment to HB 1202

The Committee on Enrolled Bills to which was referred HB 1202

AN ACT relative to monitoring privately owned water distribution programs and defining "eligible regional water system costs" for public water systems.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1202

This enrolled bill amendment makes certain punctuation corrections and corrects a reference in the bill.

Enrolled Bill Amendment to HB 1202

Amend RSA 458:1, II as inserted by section 5 of the bill by replacing line 13 with the following:

owned redistribution systems if the construction, addition, or alteration of an existing system

Amend RSA 486-A:2, III-b as inserted by section 10 of the bill by replacing line 6 with the following:

loans, guarantees, and grants and public water systems that are eligible for any other

Adopted.

Senator Foster, Rule 42 on HB 1202.

**May 23, 2008
2008-1961-EBA
03/09**

Enrolled Bill Amendment to HB 1228

The Committee on Enrolled Bills to which was referred HB 1228

AN ACT relative to sales of motor fuel by the department of transportation to certain nonprofit corporations.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1228

This enrolled bill amendment amends RSA 228:24-a to incorporate provisions of this act and 2008, 85 (HB 1631-FN) in order that the provisions of both acts may take effect.

Enrolled Bill Amendment to HB 1228

Amend the bill by replacing all after section 1 with the following:

2 State Purchase of Biodiesel. Amend RSA 228:24-a to read as follows:

228:24-a Motor Fuel Inventory Fund.

I. There is hereby established a motor fuel inventory fund not to exceed \$1,000,000, which sum is hereby authorized as a revolving fund comprised of funds in the highway fund

that are not otherwise appropriated. The commissioner of transportation may purchase, through the division of property and plant management, such amounts of motor fuels as may be necessary for the operation of an automated state fleet fuel distribution and records management system. The commissioner is further authorized to sell motor fuel from the motor fuel inventory to all departments and institutions of the state, political subdivisions of the state, eligible nonprofit corporations operating transportation under contract with the department of transportation for elderly or disabled persons, or for the general public and agencies of the federal government. The commissioner is authorized to assess a fair and equitable charge with respect to the sale of motor fuel sufficient to defray all administrative, transportation, storage, amortization, and other costs incurred by the department in administering this account sufficient to fully reimburse the inventory fund.

II. The commissioner shall only purchase diesel fuel that contains at least 5 percent biodiesel, as defined in RSA 362-A:1-a, I-b, except if such fuel is unavailable or is more costly than 100 percent petroleum diesel, in which case such purchase shall be at the discretion of the commissioner. The commissioner, when using such discretion, shall consider at a minimum any savings related to equipment maintenance and longevity that may result from biodiesel use. The commissioner is encouraged to purchase diesel fuels containing up to 20 percent biodiesel when such fuels are compatible with the vehicles served at given fuel depots. Any biodiesel blend purchased by the commissioner shall be made available as provided for in paragraph I.

3 Nullification; 2008, 85:2. The provisions of 2008, 85:2, relative to state purchase of biodiesel, shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**June 3, 2008
2008-2133-EBA
03/01**

Enrolled Bill Amendment to HB 1259

The Committee on Enrolled Bills to which was referred HB 1259

AN ACT	authorizing communities to establish municipal housing commissions and affordable housing revolving funds
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Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1259

This enrolled bill amendment incorporates changes to RSA 31:95-h, I previously enacted by HB 1247. This enrolled bill amendment also makes grammatical corrections.

Enrolled Bill Amendment to HB 1259

Amend the bill by replacing section 1 with the following:

1 Affordable Housing Revolving Funds. RSA 31:95-h, I is repealed and reenacted to read as follows:

I. A town may, by vote of the legislative body, establish a revolving fund. Each revolving fund shall be limited to one of the following purposes:

- (a) Facilitating or encouraging recycling as defined in RSA 149-M:4;
- (b) Providing ambulance services;
- (c) Providing public safety services by municipal employees or volunteers outside of the ordinary detail of such persons, including but not limited to public safety services in connection with special events, highway construction, and other construction projects;
- (d) Creating affordable housing and facilitating transactions relative thereto; or
- (e) Providing cable access for public, educational, or governmental use.

Amend RSA 673:1, II as inserted by section 2 of the bill by replacing line 2 with the following:

commission, **a** historic district commission, [~~or both, and may establish~~] an agricultural commission,

Amend RSA 673:10, I as inserted by section 5 of the bill by replacing line 1 with the following:

I. Meetings of the heritage commission, **the** historic district commission, the agricultural

Amend RSA 673:18, II as inserted by section 7 of the bill by replacing line 5 with the following:

agricultural commission, ***or housing commission*** shall submit the proposal to the town or

Amend RSA 673:18, II as inserted by section 7 of the bill by replacing line 8 with the following:

board (heritage commission, historic district commission, ~~[or]~~ agricultural commission, ***or***

Amend RSA 673:20 as inserted by section 8 of the bill by replacing line 2 with the following:

Agricultural Commissions, ***and Housing Commissions***. Upon the effective date of the abolition of a

Adopted.

**June 6, 2008
2008-2160-EBA
03/09**

Enrolled Bill Amendment to HB 1260-LOCAL

The Committee on Enrolled Bills to which was referred HG 1260-LOCAL

AN ACT relative to growth management ordinances, and relative to the assessment of property subject to a housing covenant under the low-income housing tax credit program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1260-LOCAL

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill and corrects a reference in the bill.

Enrolled Bill Amendment to HB 1260-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT relative to growth management ordinances.

Amend RSA 674:22, III as inserted by section 1 of the bill by replacing line 6 with the following:

growth; provided, however, that in a town that has established a capital improvement

Adopted.

**June 3, 2008
2008-2137-EBA
03/09**

Enrolled Bill Amendment to HB 1274

The Committee on Enrolled Bills to which was referred HB 1274

AN ACT relative to certain securities professional designations and securities administration.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1274

This enrolled bill amendment corrects a statutory designation in the bill.

Enrolled Bill Amendment to HB 1274

Amend section 1 of the bill by replacing lines 2-3 with the following:

paragraph VII-a the following new paragraph:

VII-b.(a) The use of a senior-specific certification or designation by any person in connection

Amend RSA 421-B:6, VII-b(b) as inserted by section 1 of the bill by replacing line 2 with the following:

disqualified solely for purposes of RSA 421-B:6, VII-b(a)(4) when the organization has been

Adopted.

**June 13, 2008
2008-2187-EBA**

06/10

Enrolled Bill Amendment to HB 1286-FN

The Committee on Enrolled Bills to which was referred HB 1286-FN

AN ACT relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1286-FN

This enrolled bill amendment incorporates changes made by HB 759 of the 2008 legislative session. This enrolled bill amendment also corrects an effective date on HB 359-FN of the 2008 legislative session.

Enrolled Bill Amendment to HB 1286-FN

Amend RSA 397-A:5, I as inserted by section 2 of the bill by replacing it with the following:

I. To be considered for *mortgage banker or mortgage broker* licensing, each person shall complete and file with the department one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, the applicant's tax identification number, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals of the applicant. Each principal shall provide his or her social security number and shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or has ever been convicted of any felony.

Amend RSA 397-A:6, I as inserted by section 8 of the bill by replacing it with the following:

I. If the commissioner determines that the applicant meets the requirements of this chapter, then the commissioner shall forthwith issue a license or licenses permitting the applicant to engage in the business of *originating*, making, or brokering mortgage loans in

accordance with the laws of this state. Licensees shall be responsible for the supervision of their employees, agents, loan originators, and branch offices. Licensees shall conduct background checks, including checking the list of entities issued by the Office of Foreign Assets Control (OFAC) whose assets were frozen by executive order, on all of their loan originators.

Amend RSA 397-A:13, I as inserted by section 12 of the bill by replacing it with the following:

I. Each ***mortgage banker or mortgage broker*** licensee shall file, under oath, an annual report with the banking department on or before March 31 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. ~~[The annual report shall include a list of all individuals, and the address of the work location or an undertaking to provide the address immediately upon the department's request, of each such individual, who act as originators for the licensee.]~~

Amend the bill by replacing all after section 16 with the following:

17 Effective Date Correction. Amend paragraph IV of section 13 of HB 359-FN of the 2008 legislative session to read as follows:

IV. The remainder of this act shall take effect ~~[60 days after its passage]~~ ***July 1, 2008.***

18 Contingency. If HB 359-FN of the 2008 legislative session becomes law, section 17 of this act shall take effect July 1, 2008. If HB 359-FN does not become law, section 17 of this act shall not take effect.

19 Effective Date.

I. Section 17 of this act shall take effect as provided in section 18 of this act.

II. Section 18 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect April 1, 2009.

Adopted.

**May 27, 2008
2008-1982-EBA
04/10**

Enrolled Bill Amendment to HB 1288

The Committee on Enrolled Bills to which was referred HB 1288

AN ACT allowing pharmacists to administer influenza vaccines.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1288

This enrolled bill amendment corrects the RSA numbering in section 1 of the bill.

Enrolled Bill Amendment to HB 1288

Amend RSA 318:16-b as inserted by section 1 of the bill by replacing it with the following:

318:16-b Pharmacist Administration of Influenza Vaccines. A pharmacist may administer influenza vaccines to the general public provided all of the criteria in this section have been met. The pharmacist shall:

I. Have earned a Pharm.D. degree and be licensed by the board to practice as a pharmacist in New Hampshire, or hold an unrestricted and current license to practice as a pharmacist in New Hampshire and have held the license for at least 3 years.

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer influenza vaccines by injection, have completed training specific to the administering of influenza vaccines by injection that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

Adopted.

**May 30, 2008
2008-2092-EBA
08/09**

Enrolled Bill Amendment to HB 1299

The Committee on Enrolled Bills to which was referred HB 1299

AN ACT establishing a committee to study the feasibility of creating a preschool incentive fund program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1299

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1299

Amend subparagraph I(c)(4) of section 3 of the bill by replacing it with the following:

- (4) A representative from the Children's Alliance of New Hampshire.

Adopted.

June 5, 2008
2008-2154-EBA
04/09

Enrolled Bill Amendment to HB 1302-FN

The Committee on Enrolled Bills to which was referred HB 1302-FN

AN ACT relative to enforcement of gambling laws.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1302-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1302-FN

Amend paragraph I of section 22 of the bill by replacing it with the following:

- I. Section 20 of this act shall take effect January 1, 2009.

Adopted.

May 20, 2008
2008-1950-EBA
04/09

Enrolled Bill Amendment to HB 1332-LOCAL

The Committee on Enrolled Bills to which was referred HB 1332-LOCAL

AN ACT defining “hauler” of solid waste and requiring haulers to register with the department of environmental service, and relative to the weight and measurement of solid waste.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1332-LOCAL

This enrolled bill amendment corrects the reference to the department of environmental services in the title of the bill.

Enrolled Bill Amendment to HB 1332-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT defining “hauler” of solid waste and requiring haulers to register with the department of environmental services, and relative to the weight and measurement of solid waste.

Adopted.

**June 3, 2008
2008-2136-EBA
03/10**

Enrolled Bill Amendment to HB 1333

The Committee on Enrolled Bills to which was referred HB 1333

AN ACT relative to post-foreclosure eviction actions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1333

This enrolled bill amendment corrects the amending language of a section of the bill.

Enrolled Bill Amendment to HB 1333

Amend section 2 of the bill by replacing line 2 with the following:

RSA 540:2, I and the introductory paragraph of RSA 540:2, II to read as follows:

Adopted.

June 10, 2008
2008-2167-EBA
06/09

Enrolled Bill Amendment to HB 1374

The Committee on Enrolled Bills to which was referred HB 1374

AN ACT relative to the homeland security and emergency management responsibilities of the department of safety and the use of interpreters in court-authorized wiretaps.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1374

This enrolled bill amendment makes technical corrections and inserts a contingency provision for section 8 of the bill to reflect an amendment made by SB 117-FN of the 2008 legislative session.

Enrolled Bill Amendment to HB 1374

Amend RSA 21-P:48, III as inserted by section 6 of the bill by replacing line 1 with the following:

III. No fewer than 20 members shall constitute a quorum at any meeting. For ex officio

Amend RSA 21-P:48-a, I as inserted by section 7 of the bill by replacing line 5 with the following:

with the consent of the council, who shall serve a term of 4 years until a successor has been

Amend section 15 of the bill by replacing line 3 with the following:

management.” RSA 21-P:37 (introductory paragraph); 100-A:3, III-c; 108:3; 154:30-c, I; 162-

Amend the bill by replacing all after section 15 with the following:

16 Fire Standards and Training and Emergency Medical Services Fund. RSA 21-P:12-d is repealed and reenacted to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the division of homeland security and emergency management, and the position of fireworks inspector, under RSA 160-C:17. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.

17 Contingency. If SB 117-FN of the 2008 legislative session becomes law, section 16 of this act shall take effect at 12:01 a.m. on the effective date of SB 117-FN and section 8 of this act shall not take effect. If SB 117-FN does not become law, section 16 of this act shall not take effect and section 8 of this act shall take effect upon its passage.

18 Effective Date.

I. Section 16 of this act shall take effect as provided in section 17 of this act.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**June 12, 2008
2008-2177-EBA
03/01**

Enrolled Bill Amendment to HB 1405-FN

The Committee on Enrolled Bills to which was referred HB 1405-FN

AN ACT regulating outdoor wood-fired hydronic heaters.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1405-FN

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1405-FN

Amend RSA 125-R:1 as inserted by section 2 of the bill by replacing line 1 with the following:

125-R:1 Definitions. In this chapter:

Amend RSA 125-R:8, II as inserted by section 2 of the bill by replacing line 2 with the following:

of the OWHH is completed. The name and address of the owner, name of the manufacturer, and model

Amend RSA 125-R:8, III as inserted by section 2 of the bill by replacing line 2 with the following:

by the distributor/seller for a period not less than 3 years from the date of sale and shall be made available upon

Amend section 4 of the bill by replacing line 4 with the following:

by municipal health officers, and shall review outdoor wood-fired hydronic heater (OWHH) technology, including the achievable emission

Adopted.

Senator Foster, Rule 42 on HB 1405-FN.

**May 20, 2008
2008-1955-EBA
08/10**

Enrolled Bill Amendment to HB 1408-LOCAL

The Committee on Enrolled Bills to which was referred HB 1408-LOCAL

AN ACT relative to the right-to-know law.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1408-LOCAL

This enrolled bill amendment conforms the language of the bill to a change made by SB 418 of the 2008 regular legislative session.

Enrolled Bill Amendment to HB 1408-LOCAL

Amend the bill by replacing all after section 7 with the following:

8 Definition; Public Agency. Amend RSA 91-A:1-a, V to read as follows:

V. "Public agency" means any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, ~~[charter]~~ **chartered public** school, or other political subdivision.

9 Contingency. If SB 418 of the 2008 regular legislative session becomes law, section 8 of this act shall take effect at 12:01 a.m. on the day SB 418 takes effect. If SB 418 of the 2008 regular legislative session does not become law, section 8 of this act shall not take effect.

10 Effective Date.

I. Section 8 of this act shall take effect as provided in section 9 of this act.

II. The remainder of this act shall take effect July 1, 2008.

Adopted.

**June 3, 2008
2008-2120-EBA
04/09**

Enrolled Bill Amendment to HB 1430

The Committee on Enrolled Bills to which was referred HB 1430

AN ACT relative to the application of animal cruelty laws to horse and dog race tracks.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1430

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1430

Amend section 2 of the bill by replacing line 3 with the following:

(c)(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or

Amend RSA 644:8, IV-a (c)(1)(B) as inserted by section 2 of the bill by replacing line 2 with the following:

commission or such person designated by the director of the pari-mutuel commission;

Amend RSA 644:8, IV-a(c)(1)(C) as inserted by section 2 of the bill by replacing line 3 with the following:

mutuel commission; and

Adopted.

Senator Gatsas, Rule 42 on HB 1430.

**June 4, 2008
2008-2138-EBA
04/09**

Enrolled Bill Amendment to HB 1434

The Committee on Enrolled Bills to which was referred HB 1434

AN ACT relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1434

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1434

Amend the title of the bill to read as follows:

AN ACT relative to the regional greenhouse gas initiative and authorizing a cap-and-trade program for controlling carbon dioxide emissions.

Amend RSA 125-O:20, V as inserted by section 2 of the bill by replacing lines 1-2 with the following:

V. "Consumer price index" or "CPI" means the United States Department of Labor, Bureau of Labor Statistics unadjusted consumer price index for all urban consumers for the United States, city average, for all

Amend RSA 125-O:20, XV as inserted by section 2 of the bill by replacing line 1 with the following:

XV. "RGGI allowance" means a limited authorization to emit one ton of CO₂ issued by the

Amend RSA 125-O:23, I as inserted by section 2 of the bill by replacing line 2 with the following:

special fund shall be continually appropriated to the commission to be expended in

Amend RSA 125-O:23, I as inserted by section 2 of the bill by replacing line 5 with the following:

to the fund. All programs supported by these funds shall be subject to audit by the

Amend RSA 125-O:23, I as inserted by section 2 of the bill by replacing line 10 with the following:

commission shall transfer from the fund to the department such costs as may be

Amend RSA 125-O:23, II as inserted by section 2 of the bill by replacing line 8 with the following:

industrial process and control systems, integration of passive solar heating and ventilation systems, and

Amend RSA 125-O:23, IV as inserted by section 2 of the bill by replacing line 2 with the following:

listed below for any allowance sale made prior to January 1, 2016 that are deposited in the fund shall

Amend RSA 125-O:24, III as inserted by section 2 of the bill by replacing line 1 with the following:

III. PSNH shall submit all necessary documentation to the department within 90 days of the

Amend RSA 125-O:24, IX as inserted by section 2 of the bill by replacing line 3 with the following:

department ceases to grant budget allowances in accordance with paragraph VII or VIII. These

Amend RSA 125-O:28 as inserted by section 2 of the bill by replacing line 4 with the following:

requirements of this subdivision in a manner approved by the commission. In the

Adopted.

**June 13, 2008
2008-2185-EBA
05/01**

Enrolled Bill Amendment to HB 1471

The Committee on Enrolled Bills to which was referred HB 1471

AN ACT relative to time limits for excavating and dredging permits and directing the department of environmental services to make legislative proposals regarding solid waste management.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1471

This enrolled bill amendment inserts a contingency provision to resolve a conflict with SB 352-FN of the 2008 legislative session. The enrolled bill amendment also makes technical corrections.

Enrolled Bill Amendment to HB 1471

Amend RSA 482-A:3, XIV(a)(4) as inserted by section 1 of the bill by replacing lines 4 and 5 with the following:

~~[(4)]~~ **(A)** Approve or deny the application, in whole or in part; or

~~[(2)]~~ **(B)** Commence a non-adjudicative proceeding in accordance with this chapter and

Amend subparagraph I(b) of section 4 of the bill by replacing line 1 with the following:

(b) Proposals to ensure measurable progress toward the state's unmet waste diversion

Amend the bill by replacing all after section 4 with the following:

5 Department; Reconsideration. RSA 482-A:10, II-III is repealed and reenacted to read as follows:

II. A request for reconsideration of a department decision under RSA 482-A:3 shall be filed with the department within 30 days of issuance of the department's decision. The request for reconsideration shall describe in detail each ground for the request for reconsideration.

III. On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration. The department may hold a public hearing in accordance with its rules. Reconsideration hearings shall not be subject to the requirements of RSA 541-A. Reconsideration hearings shall be noticed in accordance with rules adopted by the department, which notice shall be sent to all persons entitled to notice of applications under RSA 482-A:8 and RSA 482-A:9, and the department shall make a record of the proceedings. The department shall grant or deny the request for reconsideration within 30 days of the department's receipt of the request or explain in writing to the applicant why the request cannot be acted on and a statement of the time reasonably necessary to act on the request. However, if the basis for denial includes failure by the applicant to submit all requested information and the applicant submits all of the requested information with the

request for reconsideration, the department shall act on the request within 75 days from the date of the department's receipt of the request for projects where the applicant proposes under one acre of jurisdictional impact, and within 105 days for all other projects.

6 Contingency. If SB 352-FN of the 2008 legislative session becomes law, section 5 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If SB 352-FN does not become law, section 2 of this act shall take effect 60 days after its passage and section 5 of this act shall not take effect.

7 Effective Date.

- I. Sections 4 and 6 of this act shall take effect upon its passage.
- II. Sections 2 and 5 of this act shall take effect as provided in section 6 of this act.
- III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

June 11, 2008
2008-2165-EBA
05/09

Enrolled Bill Amendment to HB 1509-FN-A

The Committee on Enrolled Bills to which was referred HB 1509-FN-A

AN ACT relative to games of chance.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1509-FN-A

This enrolled bill amendment inserts a contingency provision for section 5 of the bill, which inserts the same text as HB 1302-FN and SB 310-FN of the 2008 legislative session in a different paragraph of RSA 287-D:1-b.

Enrolled Bill Amendment to HB 1509-FN-A

Amend the bill by replacing all after section 6 with the following:

7 Contingency. If either HB 1302-FN or SB 310-FN of the 2008 legislative session become law, section 5 of this act shall not take effect. If both HB 1302-FN and SB 310-FN of the 2008 legislative session do not become law, section 5 of this act shall take effect on July 1, 2008.

8 Effective Date.

I. Section 5 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect on July 1, 2008.

Adopted.

Senator Gatsas, Rule 42 on HB 1509-FN-A.

**May 29, 2008
2008-2059-EBA
03/01**

Enrolled Bill Amendment to HB 1561

The Committee on Enrolled Bills to which was referred HB 1561

AN ACT establishing an energy efficiency and sustainable energy board.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1561

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to HB 1561

Amend RSA 125-O:5-a, II(i) as inserted by section 1 of the bill by replacing line 1 with the following:

(i) The president of the Homebuilders & Remodelers Association of New Hampshire, or

Amend RSA 125-O:5-a, III(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) A representative of energy services companies delivering energy efficiency services to

Amend RSA 125-O:5-a,VII as inserted by section 1 of the bill by replacing line 3 with the following:

interest which may directly or indirectly affect or influence the performance of his or her duties.

Adopted.

June 2, 2008
2008-2116-EBA
08/09

Enrolled Bill Amendment to HB 1579-FN

The Committee on Enrolled Bills to which was referred HB 1579-FN

AN ACT establishing a commission to study issues relating to land development and land development regulation in New Hampshire and establishing a surcharge on certain documents related to real property.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1579-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1579-FN

Amend section 4 of the bill by replacing line 1 with the following:

4 Chairperson. The members of the study commission shall elect a chairperson from

Adopted.

May 22, 2008
2008-1960-EBA
04/01

Enrolled Bill Amendment to HB 1581-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 1581-FN-LOCAL

AN ACT relative to the formation of stormwater utility districts.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1581-FN-LOCAL

This enrolled bill amendment makes technical corrections to the bill.

Enrolled Bill Amendment to HB 1581-FN-LOCAL

Amend section 8 of the bill by replacing line 1 with the following:

8 New Section; Stormwater Utility Fund. Amend RSA 149-I by inserting after section 10 the

Amend section 8 of the bill by replacing line 3 with the following:

149-I:10-a Stormwater Utility Fund.

Amend section 9 of the bill by replacing line 3 with the following:

stormwater utility fees under RSA 149-I:7 and 149-I:8, municipalities shall have the same liens

Amend section 11 of the bill by replacing line 1 with the following:

11 Assessment Not Required. Amend RSA 149-I:17 to read as follows:

Adopted.

May 23, 2008
2008-1962-EBA
06/09

Enrolled Bill Amendment to HB 1596-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 1596-FN-LOCAL

AN ACT relative to fees charged by the motor vehicle division.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1596-FN-LOCAL

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1596-FN-LOCAL

Amend section 3 of the bill by replacing line 1 with the following:

3 Walking Disability Plates. Amend RSA 261:88, III to read as follows:

Amend section 4 of the bill by replacing line 1 with the following:

4 Driver's License Fees; Certified Copies. Amend RSA 263:42, II to read as follows:

Adopted.

**June 12, 2008
2008-2183-EBA
08/10**

Enrolled Bill Amendment to HB 1615-FN-A

The Committee on Enrolled Bills to which was referred HB 1615-FN-A

AN ACT establishing the state office of rural health in the department of health and human services.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1615-FN-A

This enrolled bill amendment changes the title of the bill to reflect its contents, and renumbers the RSA paragraph inserted by the bill to reflect changes made by 2008, 119 (HB 1513-FN).

Enrolled Bill Amendment to HB 1615-FN-A

Amend the title of the bill by replacing it the with the following:

AN ACT establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas.

Amend section 2 of the bill by replacing lines 1-3 with the following:

2 New Paragraph; State Office of Rural Health. Amend RSA 126-A:5 by inserting after paragraph XVII the following new paragraph:

XVIII.(a) The commissioner shall establish the state office of rural health (SORH) within the

Adopted.

June 6, 2008
2008-2161-EBA
05/01

Enrolled Bill Amendment to HB 1628

The Committee on Enrolled Bills to which was referred HB 1628

AN ACT relative to renewable energy generation incentive programs.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1628

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1628

Amend section 4 of the bill by replacing line 1 with the following:

4 Renewable Energy Fund; Payment Rates. Notwithstanding any law or rule to

Adopted.

June 11, 2008
2008-2173-EBA
08/10

Enrolled Bill Amendment to HB 1637

The Committee on Enrolled Bills to which was referred HB 1637

AN ACT relative to reports to the cancer registry.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1637

This enrolled bill amendment changes the title to reflect the contents of the bill.

Enrolled Bill Amendment to HB 1637

Amend the bill by replacing the title of the bill with the following:

AN ACT relative to reports to the cancer registry and requiring the oversight committee on health and human services to study the frequency of unfilled prescriptions due to inadequate staffing in pharmacies and pharmacy closures.

Adopted.

**June 13, 2008
2008-2186-EBA
03/01**

Enrolled Bill Amendment to HB 1640-FN

The Committee on Enrolled Bills to which was referred HB 1640-FN

AN ACT relative to the classification of convicted sex offenders and offenders against children and revising the provisions requiring DNA testing of criminal offenders.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1640-FN

This enrolled bill amendment makes grammatical corrections and clarifies certain provisions of the bill.

Enrolled Bill Amendment to HB 1640-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the classification of convicted sex offenders and offenders against children.

Amend RSA 651-B:1, VIII(a) as inserted by section 1 of the bill by replacing line 2 with the following:

III-a; a second or subsequent offense within a 5-year period for indecent exposure and lewdness,

Amend RSA 651-B:4, I as inserted by section 4 of the bill by replacing line 6 with the following:

having jurisdiction over his or her primary residence and report the addresses of all his or her residences,

Amend RSA 651-B:4, III(b) as inserted by section 4 of the bill by replacing line 2 with the following:

within the state or out-of-state, and mailing address. A post office box shall not be provided in lieu of a

Amend RSA 651-B:4, V as inserted by section 4 of the bill by replacing line 2 with the following:

department of corrections, the superintendent of each county department of corrections, and the

Amend RSA 651-B:5, II as inserted by section 4 of the bill by replacing line 1 with the following:

II. Upon receipt of notice that an offender has changed residence, employment, or schooling

Amend RSA 651-B:5, II as inserted by section 4 of the bill by replacing line 6 with the following:

place of residence, place of employment, or school. If the offender fails to report to the appropriate

Amend RSA 651-B:7, III(c)(5) as inserted by section 4 of the bill by replacing line 2 with the following:

RSA 651-B:1, XI (a)(3) or (4).

Amend RSA 651-B:7, IV(a) as inserted by section 6 of the bill by replacing line 6 with the following:

radius set by the user. The website may include additional search parameters as determined by the

Amend RSA 651-B:10, I as inserted by section 6 of the bill by replacing line 2 with the following:

territory, or tribal territory, or under federal law that is determined to be a reasonably equivalent

Amend RSA 651-B:11, I as inserted by section 6 of the bill by replacing line 2 with the following:

that occurs within the month of the anniversary of his or her birth. Such payment shall be made in

Amend RSA 651-B:11, I as inserted by section 6 of the bill by replacing line 8 with the following:

this chapter. The department shall forward these fees to the registering law enforcement

Adopted.

June 11, 2008
2008-2174-EBA
04/09

Enrolled Bill Amendment to HB 1645-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 1645-FN-LOCAL

AN ACT relative to administration of the New Hampshire retirement system and benefits for members.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1645-FN-LOCAL

This enrolled bill amendment amends section 16 of the bill to avoid a conflict with HB 1313 of the 2008 legislative session (2008, 116), and makes technical corrections.

Enrolled Bill Amendment to HB 1645-FN-LOCAL

Amend the bill by replacing section 16 with the following:

16 Board of Trustees; Voting by Chairperson. RSA 100-A:14, IV is repealed and reenacted to read as follows:

IV. Each trustee, including the chairman, shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum for the transaction of any business of the board of trustees. Seven votes shall be necessary for any resolution or action by the board at any meeting.

Amend RSA 100-A:41-d, III as inserted by section 20 of the bill by replacing line 11 with the following:

respective component of the special account. Provided, however that no 2-person subsidy

Amend RSA 100-A:16, III-a (a)(1)-(2) as inserted by section 33 of the bill by replacing them with the following:

(1) Calculate average base pay of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years;

(2) Multiply the average base pay determined in subparagraph (1) above by 125 percent;

Amend section 35 of the bill by replacing paragraph III with the following:

III. Sections 2-4, 15, and RSA 100-A:14-a as inserted by section 17 of this act, and RSA 100-A:15, I, III, IV, V, VIII, and X as inserted by section 18 of this act shall take effect July 1, 2008.

Amend section 35 of the bill by inserting after paragraph III the following and renumbering the original paragraphs IV-VI to read as V-VII, respectively:

IV. Section 16 of this act shall take effect July 1, 2008 at 12:01 a.m.

Adopted.

Senator DeVries, Rule 42 on HB 1645-FN-L.

Senator Downing, Rule 42 on HB 1645-FN-L.

Senator Roberge, Rule 42 on HB 1645-FN-L.

Senator Sgambati, Rule 42 on HB 1645-FN-L.

**June 3, 2008
2008-2135-EBA
03/01**

Enrolled Bill Amendment to HCR 10

The Committee on Enrolled Bills to which was referred HCR 10

AN ACT urging communities to conduct handicap parking awareness days and
 urging the state of New Hampshire to declare October as Handicap
 Parking Awareness Month.

Having considered the same, report the same with the following amendment, and the
recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HCR 10

This enrolled bill amendment deletes a redundant clause.

Enrolled Bill Amendment to HCR 10

Amend the first paragraph after the resolving clause of the resolution by replacing line 2
with the following:

over 15,000 to conduct at least 2 handicap parking awareness days each year by
Adopted.

**May 21, 2008
2008-1956-EBA
08/01**

Enrolled Bill Amendment to SCR 11

The Committee on Enrolled Bills to which was referred SCR 11

A RESOLUTION supporting the application of Taiwan for observer status at the World
 Health Organization.

Having considered the same, report the same with the following amendment, and the
recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SCR 11

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SCR 11

Amend the bill by replacing line 4 after the resolving clause with the following:

the United States Secretary of State; to the United States Secretary of Health and Human Services;

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

SSHB 1, relative to capital appropriations to the community college system, including the Pease campus renovation; relative to the bonding authority of the Pease development authority; relative to school building aid; relative to the secretary of state handling charge for electronic fee collection; and relative to certain fish and game programs and appropriations.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 1434, relative to the regional greenhouse gas initiative and authorizing a cap-and-trade program for controlling carbon dioxide emissions.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 330, establishing a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state.

HB 563, relative to obtaining certificates of stillbirth for stillborn children.

HB 690, authorizing the commissioner of the department of employment security to adjust the discount rate and relative to auditable basis policies.

HB 1143, relative to shelter for dogs and the authority of law enforcement officers to take abused and neglected dogs into custody.

HB 1161, establishing a committee to study the truancy laws.

HB 1171, establishing a commission to study air quality issues in public school buildings.

HB 1226, allowing the town of Bristol to establish a capital reserve fund for use of the water works and sewer department, and relative to applying municipal budget law to municipalities adopting, revising, or amending a charter by official ballot town meeting or town council.

HB 1282, amending the pre-engineering technology curriculum.

HB 1319, relative to the reasonable cost of medical support for dependent children.

HB 1330, relative to the process for nonrenewal of teacher contracts.

HB 1340, relative to the special account of the judicial retirement system, and requiring the board of trustees of the judicial retirement plan to study and report on the inclusion of service of certain district court judges.

HB 1352, relative to the comprehensive state development plan.

HB 1426-FN-A, relative to motor fuel import fees.

HB 1493, relative to the commission to study the state highway trust fund.

HB 1532, relative to obstruction of parking places for persons with walking disability.

HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs.

HB 1638, establishing an oversight commission on motor vehicle fines.

SB 63, authorizing the commissioner of revenue administration to extend tax filing deadlines for certain members of the armed forces.

SB 85, relative to eligibility for the property tax exemption for the disabled.

SB 166-FN, relative to port moorings.

SB 177, relative to orders of reparation by the public utilities commission and penalties against public utilities.

SB 259, establishing state appliance and equipment energy efficiency standards.

SB 301-FN, relative to durable medical equipment.

SB 324-FN, relative to substance abuse services within the department of health and human services.

SB 331-FN, establishing new positions and realigning functions at the department of corrections.

SB 335, allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status.

SB 342-FN-L, establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing.

SB 358, relative to mooring permits.

SB 359, updating the health curriculum requirements for public school students and requiring the state board of education to provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty.

SB 361, relative to the widening of Interstate 93.

SB 379, relative to boating while intoxicated and transporting alcoholic beverages by a minor.

SB 381, relative to conservation commissions.

SB 394, establishing an economic development advisory council.

SB 430, relative to cemeteries and mausoleums.

SB 467, relative to taking lobsters and crabs.

SB 474, relative to registers of deeds and reports of county officers.

SB 497-FN, relative to the security of bonds or notes issued to the New Hampshire Municipal Bond Bank.

SB 513-FN, relative to fighting animals.

SB 532, relative to administrative fines under the indoor smoking act.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 837, relative to easement interests under the land and community heritage investment program.

HB 1207, relative to standards for highway and bridge construction.

HB 1290-L, establishing a committee to study insurance coverage and related issues for children required to do community service.

HB 1371, extending certain studies.

HB 1376, relative to insurance penalties.

HB 1466, relative to the inventory fund in the department of safety and relative to the costs and production of number plates.

HB 1516-FN, relative to the divestiture of New Hampshire retirement assets relating to Sudan.

HB 1521-L, relative to Franklin Highway in the town of Andover.

HB 1537, relative to the definition of milk.

HB 1636, relative to automotive recycling.

HB 1647-FN-A, relative to demand response program revenue.

HB 1649-FN-L, relative to the Medicaid long-term care eligibility determination process.

SB 346-FN, relative to the regulation of fuel gas fitters by the state fire marshal.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 285, relative to voting machines.

HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee and relative to the New Hampshire comprehensive cancer plan.

HB 1395-FN, establishing the AIDS drug assistance program fund and relative to the membership of the health services planning and review board.

HB 1648-FN, relative to search and rescue response expenses of the fish and game department and relative to appropriating additional funding for certain fish and game programs.

SB 328, relative to civil forfeitures for certain waste disposal violations.

SB 539-FN-L, relative to the cost of an adequate education and provision of fiscal capacity disparity aid.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 1220, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.

HB 1262, relative to continuing medical education requirements for persons licensed by the board of medicine, and requiring a report by the board on the audit of the board of medicine.

HB 1279, relative to the scope of certain insurance laws.

HB 1311, relative to impaired driver intervention programs.

HB 1335, establishing a commission to study the effects of post-traumatic stress disorder and traumatic brain injury suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.

HB 1386, relative to a grandparent's rights to access court and case records involving a grandchild in child abuse and neglect cases.

HB 1502-FN, establishing a commission to develop alternatives to the disposal of medical sharps in household waste.

SB 131, relative to insurance coverage for services of midwives.

SB 236, extending the authority for police mutual aid.

SB 309-FN, relative to the regulation of amateur and professional fighting sports by the boxing and wrestling commission.

SB 332-FN, prohibiting the disposal of human remains through a reductive process utilizing alkaline hydrolysis in New Hampshire and establishing a committee to examine the practice of resomation.

SB 338, relative to the Hampton Beach capital improvement fund.

SB 377, relative to the application of the prudent investor rule to town trust funds.

SB 390, establishing a suicide prevention council.

SB 403, relative to the commission to study issues relating to stormwater.

SB 414, authorizing special elections to fill vacancies in elective town offices.

SB 420, relative to criminal background checks of health care facilities and certain nurse applicants.

SB 422, adding an energy section to zoning and planning master plans.

SB 501-FN, relative to workers' compensation on certain state projects, penalty collection powers of the department of labor and permanent impairment awards under workers' compensation.

SB 512-FN, relative to emergency management powers.

SB 519-FN, imposing a per diem fine on dam owners and operators for failure to repair damage.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 537, establishing a task force on homeless teenagers.

HB 679-FN, relative to delivery of special education services.

HB 765-FN, establishing a committee to study the financial liability for placement of a child with a disability.

HB 847, relative to general rules for vessels operating on water.

HB 901, relative to nondriver's identification cards.

HB 1179, including certain nonprofit organizations under the right-to-know law and including a reference in a section of the right-to-know law.

HB 1202, relative to monitoring privately owned water distribution programs and defining "eligible regional water system costs" for public water systems.

HB 1227, clarifying when persons elected may assume certain offices.

HB 1228, relative to sales of motor fuel by the department of transportation to certain nonprofit corporations.

HB 1236, relative to motor vehicle laws.

HB 1242, relative to the prohibition on employee consumption of beverage or liquor and relative to the minimum hourly rate of compensation.

HB 1259, authorizing communities to establish municipal housing commissions and affordable housing revolving funds.

HB 1274, relative to certain securities professional designations and securities administration.

HB 1288, allowing pharmacists to administer influenza vaccines.

HB 1299, establishing a committee to study the feasibility of creating a preschool incentive fund program.

HB 1302-FN, relative to enforcement of gambling laws.

HB 1332-L, defining “hauler” of solid waste and requiring haulers to register with the department of environmental services, and relative to the weight and measurement of solid waste.

HB 1346, relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.

HB 1408-L, relative to the right-to-know law.

HB 1430, relative to the application of animal cruelty laws to horse and dog race tracks.

HB 1442-FN-A-L, relative to the taxation of farm buildings and land under farm buildings, and relative to the assessment of property subject to a housing covenant under the low-income housing tax credit program.

HB 1446, relative to changes to the school building aid statutes and to the schoolhouses statutes.

HB 1468, establishing a mosquito control policy for state-owned lands.

HB 1561, establishing an energy efficiency and sustainable energy board.

HB 1573-FN-L, relative to hazardous and dilapidated buildings.

HB 1579-FN, establishing a commission to study issues relating to land development and land development regulation in New Hampshire and establishing a surcharge on certain documents related to real property.

HB 1581-FN-L, relative to the formation of stormwater utility districts.

Senator D’Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 766-FN, making changes to the laws relating to special education.

HB 1286-FN, relative to the licensing of mortgage bankers, mortgage brokers, and mortgage originators.

SB 310-FN, relative to changes to games of chance.

SB 495-FN, prohibiting Internet solicitation and exploitation of children.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 1594-FN, establishing a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

HB 1596-FN-L, relative to fees charged by the motor vehicle division.

HB 1642-FN, providing additional funding for charter schools for the 2009 fiscal year.

HB 1646, relative to the 10-year transportation improvement plan.

SB 94, establishing the department of information technology, relative to positions in the department of information technology, and the membership of the information technology council.

SB 102-FN, relative to the powers of state government in the event of an incident or outbreak of communicable disease.

SB 158, relative to review of activities affecting surface waters.

SB 264, relative to post-judgment attachments to secure small claims judgments.

SB 319-FN, relative to third party liability and state recovery of public assistance.

SB 327-FN, relative to compensation for state employees injured in the line of duty.

SB 337-FN, relative to notification requirements for home education programs, adding legislative members to the home education advisory council, and establishing a commission to examine New Hampshire's home education statutes.

SB 363, requiring youth operators and passengers of OHRVs and snowmobiles to wear approved protective headgear.

SB 370, relative to emergency powers of the supreme court.

SB 373, relative to the application of the civil unions law to the retirement system.

SB 383, establishing a commission to develop a plan for the expansion of transmission capacity in the north country.

SB 384, relative to the repair of septic systems prior to the sale of waterfront property.

SB 386, relative to service territories served by several telephone utilities.

SB 413, relative to the administrative fee for certain disposals of state lands.

SB 418, replacing references to “charter school” with “chartered public school”.

SB 429, relative to driver education courses in other states.

SB 433, relative to confidential communications between a physician and a patient.

SB 439, relative to money transmitters and mortgage servicing companies.

SB 451, authorizing rate recovery for electric public utilities investments in distributed energy resources.

SB 468, relative to the reinsurance pool and the New Hampshire vaccine association.

SB 472, relative to consumer protection from certain practices of payday loan, small loan, and title loan lenders and establishing a commission to study access to consumer credit for people in New Hampshire.

SB 490-FN, relative to fees for special number plates for veterans and relative to vehicle registration fees for disabled veterans and former prisoners of war.

SB 500-FN, relative to certain insurance fraud and establishing a task force on employee misclassification.

SB 522-FN, relative to licensing requirements for small quantity biodiesel producers and distributors and prohibiting the sale or delivery of biodiesel not meeting the state ASTM standard.

SB 526, relative to the death benefit for police officers and firefighters killed in the line of duty.

SB 528-FN, relative to a mercury-added thermostat collection program.

SB 530-FN-A-L, relative to kindergarten aid.

SB 531, relative to making capital appropriations for the Hillsborough north superior court and the Manchester district court family division and lapsing certain prior capital appropriations, and relative to the venue for civil and criminal cases in Hillsborough county.

SB 533, establishing a committee to study age-based driver's license renewal testing.

SB 536-FN, reclassifying certain positions in the insurance department.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 65, relative to the Pease development authority.

HB 310, allowing municipalities to regulate small wind energy systems.

HB 359-FN, relative to recovery of medical assistance from an estate, relative to the nursing facility quality assessment, and establishing an assessment on intermediate care facilities for the intellectually disabled.

HB 781-FN, relative to the duties of the department of safety and relative to emergency lights and warning lights.

HB 877-FN, relative to the state recycling program.

HB 1260-L, relative to growth management ordinances.

HB 1333, relative to post-foreclosure eviction actions.

HB 1374, relative to the homeland security and emergency management responsibilities of the department of safety and the use of interpreters in court-authorized wiretaps.

HB 1405-FN, regulating outdoor wood-fired hydronic heaters.

HB 1471, relative to time limits for excavating and dredging permits and directing the department of environmental services to make legislative proposals regarding solid waste management.

HB 1509-FN-A, relative to games of chance.

HB 1615-FN-A, establishing the state office of rural health in the department of health and human services and establishing a commission to recommend policies and programs to increase the number of persons in health professions servicing New Hampshire's rural and underserved areas.

HB 1628, relative to renewable energy generation incentive programs.

HB 1637, relative to reports to the cancer registry and requiring the oversight committee on health and human services to study the frequency of unfilled prescriptions due to inadequate staffing in pharmacies and pharmacy closures.

HB 1640-FN, relative to the classification of convicted sex offenders and offenders against children.

HB 1645-FN-L, relative to administration of the New Hampshire retirement system and benefits for members.

SB 173, relative to regulation of private postsecondary career schools.

SB 212-FN, relative to the regulation of home inspectors.

SB 317-FN, relative to the sale of tobacco products and the appeals process concerning the seizure of illegal tobacco products.

SB 321, relative to construction or renovation of regional vocational centers, transferring certain positions from the pari-mutuel commission to the department of safety, requiring certain operating budget reductions, relative to revenues and expenditures, and legalizing certain meetings.

SB 465, relative to the laws regulating trusts and trust companies in New Hampshire.

SB 484, establishing a commission to study the sentencing, incarceration, and recidivism of criminal offenders in order to enhance public safety and improve the criminal justice system's cost effectiveness.

SB 492, relative to persons designated to fill vacancies on the ballot and relative to recount requests by candidates.

SB 507-FN, relative to criminal street gangs and establishing a commission to study the scope of criminal street gang violence in New Hampshire and methods of addressing such violence.

SB 516-FN-L, relative to aid for county bridges.

Senator D'Allesandro moved adoption.

Adopted.

In recess to the Call of the Chair.