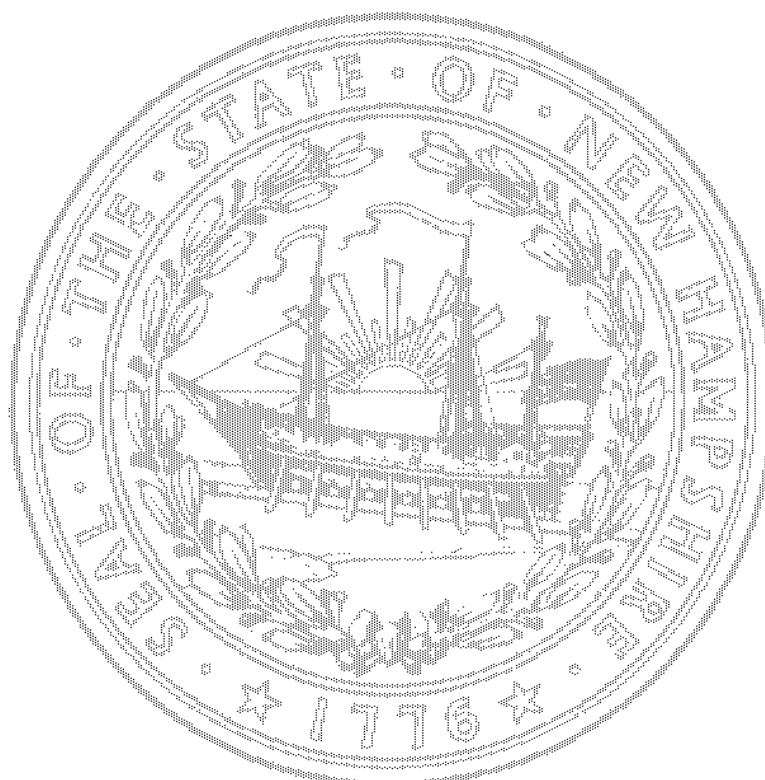


March 6, 2008
Nos. 7-8

STATE OF NEW HAMPSHIRE

WEB SITE ADDRESS:
www.gencourt.state.nh.us



Legislative

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 21, 2008 SESSION
COMMENCEMENT – MARCH 6, 2008 SESSION

SENATE

JOURNAL 7 (cont.)

February 21, 2008

INTRODUCTION OF SENATE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered from **SB 539 – SB 541**, shall be by this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

08-2923

SB 539-FN-LOCAL, relative to the cost of an adequate education and provision of fiscal capacity disparity aid. (Estabrook, Dist 21; Foster, Dist 13; D'Allesandro, Dist 20; Rous, Straf 7; Foose, Merr 1; Reeve, Belk 4: Education)

08-2919

SB 540-FN, relative to a standard wellness plan for small employers. (Sgambati, Dist 4; Foster, Dist 13; Hassan, Dist 23; Estabrook, Dist 21; Reynolds, Dist 2; Odell, Dist 8; Gallus, Dist 1; Barnes, Dist 17; Cilley, Dist 6; Fuller Clark, Dist 24; Kelly, Dist 10; D'Allesandro, Dist 20; Gottesman, Dist 12; Larsen, Dist 15; Janeway, Dist 7; McLeod, Graf 2; Nordgren, Graf 9; Bergin, Hills 6; Pilliod, Belk 5; Butler, Carr 1: Commerce, Labor and Consumer Protection)

08-2913

SB 541, relative to an expedited process for certificate of need review. (DeVries, Dist 18; Sgambati, Dist 4: Health and Human Services)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 91-FN, relative to lobbyist registration and statements, repealing the restriction on simultaneous employment and public service, and relative to regulation of volunteer public service.

HB 159, establishing an interbranch criminal and juvenile justice council.

HB 211-FN, requiring that driver's license applicants be informed of and examined on laws relating to blind pedestrians.

HB 291, relative to licensure of fireworks sellers.

HB 295, relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel.

HB 315, relative to criminal background checks of prospective municipal employees through the division of state police.

HB 330, establishing a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state.

HB 331, relative to time limits on design review.

HB 373, relative to unlawful possession of alcohol by a minor.

HB 385-FN, relative to licensing and insurance fees.

HB 415-FN, establishing a geothermal assessment project.

HB 474, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities.

HB 537, establishing a task force on homeless teenagers.

HB 563, relative to obtaining birth certificates for stillborn children.

HB 589-FN, relative to the calculation of concurrent and consecutive terms of imprisonment.

HB 678-FN, establishing a committee to study issues related to cochlear implants.

HB 682, relative to guardianship of a minor.

HB 730, increasing the maximum fine for speeding in a highway construction or maintenance zone.

HB 766-FN, making changes to the laws relating to special education.

HB 777-FN-A, relative to agricultural exemptions from alteration of terrain permitting requirements and penalties for site development.

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 91 to HB 777**, shall be by this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 91-FN, relative to lobbyist registration and statements, repealing the restriction on simultaneous employment and public service, and relative to regulation of volunteer public service. (Election Law and Internal Affairs)

HB 159, establishing an interbranch criminal and juvenile justice council. (Judiciary)

HB 211-FN, requiring that driver's license applicants be informed of and examined on laws relating to blind pedestrians. (Transportation and Interstate Cooperation)

HB 291, relative to licensure of fireworks sellers. (Executive Departments and Administration)

HB 295, relative to fuel quality standards and testing requirements for combustion of biomass and biomass fuel. (Energy, Environment and Economic Development)

HB 315, relative to criminal background checks of prospective municipal employees through the division of state police. (Public and Municipal Affairs)

HB 330, establishing a task force to study the feasibility of supplying laptop computers to all 7th grade children in the state. (Education)

HB 331, relative to time limits on design review. (Public and Municipal Affairs)

HB 373, relative to unlawful possession of alcohol by a minor. (Judiciary)

HB 385-FN, relative to licensing and insurance fees. (Commerce, Labor and Consumer Protection)

HB 415-FN, establishing a geothermal assessment project. (Energy, Environment and Economic Development)

HB 474, excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities. (Public and Municipal Affairs)

HB 537, establishing a task force on homeless teenagers. (Health and Human Services)

HB 563, relative to obtaining birth certificates for stillborn children. (Executive Departments and Administration)

HB 589-FN, relative to the calculation of concurrent and consecutive terms of imprisonment. (Judiciary)

HB 678-FN, establishing a committee to study issues related to cochlear implants. (Health and Human Services)

HB 682, relative to guardianship of a minor. (Judiciary)

HB 730, increasing the maximum fine for speeding in a highway construction or maintenance zone. (Transportation and Interstate Cooperation)

HB 766-FN, making changes to the laws relating to special education. (Education)

HB 777-FN-A, relative to agricultural exemptions from alteration of terrain permitting requirements and penalties for site development. (Energy, Environment and Economic Development)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 185-FN, relative to economic revitalization zone credits.

HB 233-FN-A, specifying compensation for ballot law commissioners.

HB 241, relative to permissible campaign contributions by business organizations and labor unions.

HB 285, relative to voting machines.

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

HB 399, relative to the minimum hourly rate of compensation.

HB 461, relative to purchasing alliances.

HB 632-FN, relative to the penalty for death resulting from the trafficking of controlled drugs.

HB 679-FN-L, relative to delivery of special education services.

HB 683, relative to nominations by party committees.

HB 717, allowing municipalities to establish local community services and care planning boards.

HB 759-FN, relative to administration and enforcement of banking laws.

HB 794-FN, establishing a commission to study the feasibility of public funding of state election campaigns.

HB 837, relative to easement interests under the land and community heritage investment program.

HB 901, relative to nondriver's identification cards.

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device.

HB 1166, relative to rate setting for interpreters for the deaf and hard of hearing.

HB 1168, relative to acceptance of property donated to towns and village districts.

HB 1171, establishing a commission to study air quality issues in public school buildings.

HB 1172-FN, changing the name of the pari-mutuel commission to the racing and charitable gaming commission.

HB 1186, reducing the membership of 2 legislative oversight committees.

HB 1206, relative to park and ride facilities.

HB 1215, relative to the New Hampshire-Vermont interstate waste compact.

HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements.

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 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee.

HB 1266, allowing 50 caliber pistols to take game animals in the state.

HB 1277, relative to the definition of farm.

HB 1302-FN, relative to enforcement of gambling laws.

HB 1411, relative to rulemaking under the native plant protection act.

HCR 15, commemorating the commissioning of the USS New Hampshire.

HJR 10, urging congress to allow for the interstate sale of state-inspected meat and poultry.

HJR 11, requesting the United States Department of Agriculture to provide redress for price reporting errors in milk prices.

HJR 12, relative to support for research into colony collapse disorder.

INTRODUCTION OF HOUSE BILL(S)

Senator Foster offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, House legislation numbered from **HB 185 to HJR 12**, shall be by this resolution read a first and second time by the therein listed title(s) and referred to the therein designated committee(s).

Adopted.

First and Second Reading and Referral

HB 185-FN, relative to economic revitalization zone credits. (Ways and Means)

HB 233-FN-A, specifying compensation for ballot law commissioners. (Election Law and Internal Affairs)

HB 241, relative to permissible campaign contributions by business organizations and labor unions. (Election Law and Internal Affairs)

HB 285, relative to voting machines. (Election Law and Internal Affairs)

HB 310, allowing municipalities to regulate small wind energy systems. (Public and Municipal Affairs)

HB 399, relative to the minimum hourly rate of compensation. (Commerce, Labor and Consumer Protection)

HB 461, relative to purchasing alliances. (Commerce, Labor and Consumer Protection)

HB 632-FN, relative to the penalty for death resulting from the trafficking of controlled drugs. (Judiciary)

HB 679-FN-L, relative to delivery of special education services. (Education)

HB 683, relative to nominations by party committees. (Election Law and Internal Affairs)

HB 717, allowing municipalities to establish local community services and care planning boards. (Public and Municipal Affairs)

HB 759-FN, relative to administration and enforcement of banking laws. (Commerce, Labor and Consumer Protection)

HB 794-FN, establishing a commission to study the feasibility of public funding of state election campaigns. (Election Law and Internal Affairs)

HB 837, relative to easement interests under the land and community heritage investment program. (Wildlife, Fish and Game and Agriculture)

HB 901, relative to nondriver's identification cards. (Transportation and Interstate Cooperation)

HB 1132, creating an exception to the wiretapping statute for a recording device used in conjunction with a TASER or other similar electroshock device. (Judiciary)

HB 1166, relative to rate setting for interpreters for the deaf and hard of hearing. (Executive Departments and Administration)

HB 1168, relative to acceptance of property donated to towns and village districts. (Public and Municipal Affairs)

HB 1171, establishing a commission to study air quality issues in public school buildings. (Education)

HB 1172-FN, changing the name of the pari-mutuel commission to the racing and charitable gaming commission. (Ways and Means)

HB 1186, reducing the membership of 2 legislative oversight committees. (Energy, Environment and Economic Development)

HB 1206, relative to park and ride facilities. (Transportation and Interstate Cooperation)

HB 1215, relative to the New Hampshire-Vermont interstate waste compact. (Energy, Environment and Economic Development)

HB 1219, relative to exempting fish and game department volunteers from financial disclosure requirements. (Election Law and Internal Affairs)

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. (Transportation and Interstate Cooperation)

HB 1231, repealing the advisory panel on cancer and chronic diseases and the tobacco use advisory committee. (Health and Human Services)

HB 1266, allowing 50 caliber pistols to take game animals in the state. (Wildlife, Fish and Game and Agriculture)

HB 1277, relative to the definition of farm. (Wildlife, Fish and Game and Agriculture)

HB 1302-FN, relative to enforcement of gambling laws. (Ways and Means)

HB 1411, relative to rulemaking under the native plant protection act. (Wildlife, Fish and Game and Agriculture)

HCR 15, commemorating the commissioning of the USS New Hampshire. (Election Law and Internal Affairs)

HJR 10, urging congress to allow for the interstate sale of state-inspected meat and poultry. (Wildlife, Fish and Game and Agriculture)

HJR 11, requesting the United States Department of Agriculture to provide redress for price reporting errors in milk prices. (Wildlife, Fish and Game and Agriculture)

HJR 12, relative to support for research into colony collapse disorder. (Wildlife, Fish and Game and Agriculture)

Out of Recess.

LATE SESSION

Senator Foster moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 8

March 6, 2008

The Senate met at 1:00 p.m.

A quorum was present.

Senator Larsen offered the following prayer:

I want to take this moment to mourn the passing of our respected friend and colleague, House Republican Leader Mike Whalley. Anyone who knew him would say Mike always stood tall for the issues he believed in. Finding himself the newly elected Republican Leader this session, instead of the Speaker, Mike noted that the only thing that changed after the election was his job description. He didn't really have to add that he would continue to work hard and stand on principle...we already knew that. Always humble, Mike's dedication as a husband and father, businessman, and legislator resulted in no small change for the people of our state. Mike was a man who followed his dreams. Upon graduating from Bishop Brady High School in Concord, Mike enrolled in the Whittemore School at the University of New Hampshire. Not long after his graduation, Mike, along with his brother, Steven, took a business plan he'd developed for a class project and founded Hooksett Kawasaki. The successful Hooksett location eventually expanded into several now prominent Lakes Region locations called HK Powersports. Mike's business interests reflected his love for motorsports and waterborne recreation, so too did his legislative efforts to protect New Hampshire's pristine environment and unique culture. Except for a brief absence, since 1992, Mike first served the people from Bow and later Alton Bay in New Hampshire House of Representatives. He was a member of Speaker Donna Sytek's leadership team in the late 1990's and later served as Deputy Speaker under Speaker Gene Chandler. During his time in the State House, Mike earned a reputation as someone loyal to his party but willing to strike a deal. Mike was a serious and determined legislator, but also a man of reason and patience. As one former House colleague said, "Mike never lost his temper. He was forever the optimist. He always believed that if we give it one more shot, we can fix it. If we sit down one more time, we can agree." Another said Mike was a man whose word could be trusted, a compliment which we all know to be among the highest one can receive from a fellow lawmaker. While many will likely remember of Mike his usually stoic expression and perfect posture, we will also remember that he knew how to laugh. He once described his tenure as Deputy Speaker, explaining, "If it's good news, the speaker delivers it – if it's bad news, I do." In early January, Mike addressed a full House session calling the body his "second family." He spoke warmly of the cards he had received from his colleagues while battling his sickness. "They were not partisan because friendship goes beyond party lines," he said. And so too, Mike, does sorrow. Although Mike was committed to his business and cherished his time in Concord, like many of us, his family came first. He was thrilled by his daughter's marriage this past summer and looking forward to his son's wedding this July. Our thoughts and prayers go to all of those who loved Mike, especially his wife Purr and his children, John and Caitlin. Those of us who knew and worked with Mike during his distinguished service in the State House will continue to mourn his passing and long remember his contributions to New Hampshire. For those wishing to make a donation in

Mike's memory, in the Senate ante room there is a basket where, at the request of Mike's family, we will be collecting donations for the Children's Hospital at Dartmouth Foundation.

Senator Odell led the Pledge of Allegiance.

Senator Burling is excused for the day.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 312-FN, relative to insurance coverage for obesity and morbid obesity. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-1. Senator Cilley for the committee.

Sen. Clegg, Dist. 14
February 19, 2008
2008-0676s
01/09

Amendment to SB 312-FN

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Coverage for Obesity and Morbid Obesity; Individual. Amend RSA 415 by inserting after section 6-n the following new section:

415:6-o Coverage for Obesity and Morbid Obesity; Individual. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for the diseases and ailments caused by obesity and morbid obesity and treatment for such, including bariatric surgery, when the prescribing physician has issued a written order stating that treatment is medically necessary and in accordance with the patient qualifications and treatment standards set forth by the American Society for Metabolic and Bariatric Surgery or the American College of Surgeons. Such treatment standards may include, but not be limited to, pre-operative psychological screening and counseling, behavior modification, weight loss, exercise regimens, nutritional counseling, and post-operative follow-up, overview, and counseling of dietary, exercise, and lifestyle changes. The covered insured shall be at least 18 years of age. The benefits included in this section shall be subject to the terms and conditions of the policy and shall be no less extensive than coverage provided for similar conditions or illnesses.

2 New Section; Coverage for Obesity and Morbid Obesity; Group. Amend RSA 415 by inserting after section 18-s the following new section:

415:18-t Coverage for Obesity and Morbid Obesity; Group. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the diseases and ailments caused by obesity and morbid obesity and treatment for such, including bariatric surgery, when the prescribing physician has issued a written order stating that treatment is medically necessary and in accordance with the patient qualifications and treatment standards set forth by the American Society for Metabolic and Bariatric Surgery or the American College of Surgeons. Such treatment standards may include, but not be limited to, pre-operative psychological screening and counseling, behavior modification, weight loss, exercise regimens, nutritional counseling, and post-operative follow-up, overview, and counseling of dietary, exercise, and lifestyle changes. The covered

insured shall be at least 18 years of age. The benefits included in this section shall be subject to the terms and conditions of the policy and shall be no less extensive than coverage provided for similar conditions or illnesses.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

Senators DeVries and Gatsas are in opposition to SB 312-FN.

SB 301-FN, requiring insurers to cover prescriptions filled near the patient's residence. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-1. Senator Cilley for the committee.

Sen. Clegg, Dist. 14
February 19, 2008
2008-0684s
01/04

Amendment to SB 301-FN

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

AN ACT requiring insurers to cover prescriptions for durable medical equipment filled near the patient's residence.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Coverage for Prescriptions for Durable Medical Equipment Filled Near Patient's Residence; Individual. Amend RSA 415 by inserting after section 6-n the following new section:

415:6-o Coverage for Prescriptions for Durable Medical Equipment Filled Near Patient's Residence; Individual. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for prescriptions for durable medical equipment filled within 10 miles of the patient's residence; provided that such provider shall accept the amount the insurer compensates its other providers for such coverage. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the certificate holder shall not exceed the amount allowed under the contract for the reasonable and customary charge for the services provided. This section shall not be subject to the provisions of RSA 400-A:39-a.

2 New Section; Coverage for Prescriptions for Durable Medical Equipment Filled Near Patient's Residence; Group. Amend RSA 415 by inserting after section 18-s the following new section:

415:18-t Coverage for Prescriptions for Durable Medical Equipment Filled Near Patient's Residence; Group. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of

such insurance who are residents of this state, coverage for prescriptions for durable medical equipment filled within 10 miles of the patient's residence; provided that such provider shall accept the amount the insurer compensates its other providers for such coverage. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the certificate holder shall not exceed the amount allowed under the contract for the reasonable and customary charge for the services provided. This section shall not be subject to the provisions of RSA 400-A:39-a. 2008-0684s

AMENDED ANALYSIS

This bill requires insurers to cover prescriptions for durable medical equipment filled near the patient's residence.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 494-FN, relative to compulsory coverage requirements under workers' compensation. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-2. Senator DeVries for the committee.

The question is on the adoption of the committee report of Inexpedient to Legislate.

A roll call was requested by Senator Gatsas.

Seconded by Senator Foster.

The following Senators voted Yes: Reynolds, Sgambati, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 13 - Nays: 10

Committee report of Inexpedient to Legislate is adopted.

SB 501-FN, relative to a workers' compensation exclusion. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Roberge for the committee.

**Commerce, Labor and Consumer Protection
March 4, 2008
2008-0828s**

01/10

Amendment to SB 501-FN

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

AN ACT relative to workers' compensation on certain state projects.

Amend the bill by replacing all after the enacting clause with the following:

1 State Transportation Projects; Workers' Compensation. Amend RSA 228:4-b, I-III to read as follows:

I. Prior to any work being done by an individual contractor on any state transportation project carried out under this subdivision, such contractor, including all subcontractors and independent contractors, working on a highway, bridge, or other construction, reconstruction, alteration, or maintenance project, excluding routine maintenance operations conducted utilizing the contract rental agreement process, ~~funded~~ **and excluding deliveries to a project, administered** by the department shall provide to the commissioner of transportation:

(a) A certificate of insurance of his or her current workers' compensation coverage in New Hampshire for the classification of work to be completed on the project;

(b) A sworn statement that this coverage shall remain in effect for the duration of his or her anticipated work on the project;

(c) A completed work certificate, provided pursuant to RSA 281-A:4-b, that shall include the total number of employees anticipated to be employed by such contractor, subcontractor, or independent contractor on the project during the contract period, delineated by the National Council on Compensation Insurance (NCCI) classification code applicable to the scope of work to be performed;

(d) A copy of the contractor's compliance with a current written safety program, if applicable, as filed with the commissioner of labor under RSA 281-A:64, II and proof of an existing joint loss management committee as required under RSA 281-A:64, III, if applicable; and

(e) ~~[Any other information the commissioner of transportation deems necessary]~~
The department may develop procedures to obtain the requirements in this section on an annual basis or by a prequalification procedure rather than on a project-by-project basis.

II. If any highway, bridge, or other construction contractor, subcontractor, or independent contractor who might otherwise claim an exclusion under RSA 281-A:18-a is directly performing the work on a project covered under this section, such contractor, subcontractor, or independent contractor shall comply with the provisions of this section.

III. The commissioner of labor may assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. Notwithstanding any other provision of law to the contrary, any person with control or responsibility over the decisions to disburse funds and salaries and who knowingly falsified information or **knowingly** failed to comply with this section shall be held personally liable for the payment of penalties under this section and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

2 Major Projects; Workers' Compensation. Amend RSA 21-I:80, VI(a)(5) to read as follows:

(5) ~~[Any other information the commissioner of administrative services deems necessary]~~ ***The department may develop procedures to obtain the requirements in this section on an annual basis or by a prequalification procedure rather than on a project-by-project basis.***

3 Major Projects; Workers' Compensation. Amend RSA 21-I:80, VI(c) to read as follows:

(c) The commissioner of labor may assess any contractor, subcontractor, or independent contractor who falsifies information or fails to comply with this section a civil penalty of up to \$2,500 and in addition, such an employer shall be assessed a civil penalty of up to \$100 per employee per day of noncompliance. Notwithstanding any other provision of law to the contrary, any person with control or responsibility over the decisions to disburse funds and salaries and who knowingly falsified information or ***knowingly*** failed to comply with this section shall be held personally liable for the payment of penalties under this section and such contractor, subcontractor, or independent contractor shall not be allowed to bid or work on state projects for up to 5 years. The state shall be entitled to recover from the violator all costs and fees directly associated with uncovering falsified information supplied under this section.

4 Effective Date. This act shall take effect upon its passage.
2008-0828s

AMENDED ANALYSIS

This bill clarifies certain workers' compensation procedures relating to state projects.

Amendment adopted.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

March 6, 2008

2008-0886s

05/10

Floor Amendment to SB 501-FN

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

AN ACT relative to a workers' compensation exclusion and penalty collection powers of the department of labor.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Section; Department of Labor; Penalty Collection Powers. Amend RSA 281-A by inserting after section 57 the following new section:

281-A:57-a Penalty Collection Powers.

I. Notwithstanding the provisions of any other law, with respect to the collection of any fees, penalties, or interest administered by the department, the department shall cause a certified copy of the notice and demand for payment of such fees, penalties, or interest to be filed in accordance with RSA 454-B:2 and such filing and service of the notice and demand

shall constitute a lien upon the real estate, personal estate, property interest, right or credit to which the notice and demand relates, or which may be subsequently discovered.

II. If the party liable for such fees, penalties, or interest neither resides in nor owns property in this state, then the notice and demand in paragraph I of this section shall be filed with the secretary of state and shall constitute a lien in the manner as provided in paragraph I.

III. Any lien filed pursuant to this section shall continue and shall be valid and binding until the liability for the sum, with interest, costs and attorney's fees is satisfied or 6 years from the date such lien is filed, whichever is earlier.

IV. In the event the liability, interest, costs, and attorney's fees are not satisfied before the end of the original term of the lien, any lien filed pursuant to this section may be renewed for the same term as the original term of the lien by refiled according to the procedures set forth in paragraphs I-III.

V. A bankruptcy filing shall not affect the validity of any lien properly filed or renewed in accordance with this section.

VI. Upon neglect or refusal of any person or corporation to pay the fees, penalties, or interest assessed upon them, the department may distrain the personal estate, property interest, right or credit of such person or corporation.

2008-0886s

AMENDED ANALYSIS

This bill:

I. Clarifies the law regarding the exclusion of certain officers of a corporation or limited liability company from securing workers' compensation.

II. Adds a penalty for fraudulently representing that a person is an executive officer of such corporation or company for the purposes of avoiding workers' compensation insurance.

III. Provides the department of labor with the same penalty collection powers as the department of revenue administration.

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 502-FN, relative to unemployment compensation. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Commerce, Labor and Consumer Protection
March 4, 2008
2008-0834s
08/09

Amendment to SB 502-FN

Amend RSA 282-A:31, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) He or she is available for and seeking permanent, full-time or part-time work for which he or she is qualified ***provided that, if availability is limited to part-time work, the claim for unemployment benefits is based on wages earned in part-time work.***

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

6 Minimum Rate. Amend RSA 282-A:82 to read as follows:
282-A:82 Minimum Rate.

I. The commissioner shall compute the ~~[amount to be subtracted from every employer's contribution rate]~~ ***discount rate*** for the 4 calendar quarters during a calendar year by determining the available balance in the unemployment compensation fund on September 30 of the preceding calendar year. ~~[The amount to be subtracted from every employer's contribution rate]~~ ***Except as provided in paragraph II of this section the discount rate*** for the 4 calendar quarters during a calendar year shall be as follows:

(a) Whenever the unemployment compensation fund equals or exceeds \$225,000,000 on September 30 of the preceding calendar year, the ~~[amount to be subtracted]~~ ***discount rate*** shall be .5 percent.

(b) Whenever the unemployment compensation fund equals or exceeds \$250,000,000 on September 30 of the preceding calendar year, the ~~[amount to be subtracted]~~ ***discount rate*** shall be one percent.

(c) Whenever the unemployment compensation fund equals or exceeds \$275,000,000 on September 30 of the preceding calendar year, the ~~[amount to be subtracted]~~ ***discount rate*** shall be 1.5 percent.

II. The commissioner of the department of employment security shall maintain the discount rate at the rate in place during the preceding 4 calendar quarters when the commissioner with the approval of the governor and council, determines, the maintenance of this discount rate will constitute a significant benefit to the New Hampshire business environment and is consistent with the purposes of this chapter.

III. For the purposes of this section, "discount rate" means the amount to be subtracted from positive balanced employer's contribution rate.

~~[II.]~~ ***IV.*** The minimum contribution rate under this section shall be not less than .10 percent.

2008-0834s

AMENDED ANALYSIS

This bill:

I. Defines "part-time work."

II. Defines “full-time work.”

III. Allows refusal of acceptance of full-time and part-time work to be considered in unemployment compensation benefit eligibility considerations.

IV. Defines “discount rate”.

Amendment adopted.

Senator DeVries offered a floor amendment.

**Sen. DeVries, Dist. 18
March 6, 2008
2008-0883s
08/09**

Floor Amendment to SB 502-FN

Amend RSA 282-A:82, II as inserted by section 6 of the bill by replacing it with the following:

II. The commissioner of the department of employment security shall maintain the discount rate at the rate in place during the preceding 4 calendar quarters when the commissioner, after consultation with the advisory council on unemployment compensation established under RSA 282-A:128, and with the approval of the governor and council, determines, the maintenance of this discount rate will constitute a significant benefit to the New Hampshire business environment and is consistent with the purposes of this chapter.

Floor amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 376, requiring local fire chiefs to report annually to the state fire marshal on the safety of school buildings. Education Committee. Ought to Pass with Amendment, Vote 6-0. Senator Kelly for the committee.

**Sen. Kelly, Dist. 10
February 13, 2008
2008-0571s
04/10**

Amendment to SB 376

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

AN ACT requiring local fire chiefs to annually inspect all school buildings within his or her jurisdiction and report on the condition of all such school buildings.

Amend RSA 153:14, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Each local fire chief shall annually inspect all school buildings within his or her jurisdiction while school is in session and submit a written report to the state fire marshal on the condition of all such school buildings. A copy of the report shall be furnished to the school district superintendent and school board members. The report shall detail any state fire code compliance issues in each school building. The report shall be submitted no later than December 15 each year.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2009.
2008-0571s

AMENDED ANALYSIS

This bill requires local fire chiefs to annually inspect all school buildings within his or her jurisdiction and submit a report to the state fire marshal on the fire safety condition of such school buildings.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 530-FN-A-L, relative to kindergarten aid. Education Committee. Ought to Pass with Amendment, Vote 4-1. Senator Estabrook for the committee.

**Senate Education
February 19, 2008
2008-0713s
04/05**

Amendment to SB 530-FN-A-LOCAL

Amend RSA 198:15-r, I and I-a as inserted by section 1 of the bill by replacing them with the following:

I. There is established in the department of education a kindergarten construction program ***to provide certain construction and classroom transition grants***. For the period beginning July 1, 1997, and ending June 30, [2008] ***2013***, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. ***A school district that displaces pupils from an existing classroom space in order to use such space to provide a kindergarten program shall be eligible for a construction grant under this paragraph to cover the costs incurred in constructing or renovating new***

classroom space for the displaced pupils. Grants shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program.

I-a. The commissioner of education shall make classroom transition grants available to eligible districts that currently do not operate a public kindergarten program and that begin operation of such a program as of September 2008 or September 2009 to cover 100 percent of the actual cost of leasing and set up of temporary classrooms for a single lease period with a maximum term of 3 years. Classroom transition grants shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program. The provisions of RSA 32:8 and RSA 32:11 shall not apply to costs incurred by a school district under this paragraph.

Amend RSA 198:15-r, V as inserted by section 1 of the bill by replacing it with the following:

V. A district shall not be deemed ineligible from receiving the full amount of a construction or transition grant for which it is otherwise eligible as a result of the district already expending funds for construction or transition costs related to providing a kindergarten program beginning in the 2008 or 2009 school year.

Amend section 2 of the bill by replacing paragraph II with the following:

II. The per pupil amount of the additional education grant provided in this section shall be \$1,200 for the 2008 school year. Once pupils enrolled in an approved kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with RSA 198:41 and RSA 198:42. School districts that receive kindergarten adequacy grants under this section shall not be eligible to receive any other per pupil adequacy grant.

Amend the bill by replacing section 3 with the following:

3 Kindergarten Implementation Plan. A school district that is unable to provide a public kindergarten program effective September 2008, shall notify the commissioner of the department of education on or before April 1, 2008. No later than December 1, 2008, such district shall submit to the commissioner a plan which has been approved by the local school board, and which sets forth the school district's plan for providing a public kindergarten program no later than September 2009. The plan shall include detailed benchmarks and timetables for providing kindergarten classrooms, curriculum, staffing, and equipment as established by the commissioner.

Amendment adopted.

Senator Bragdon Rule #42 on SB 530-FN-A-L.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

Sen. Clegg, Dist. 14

Sen. Odell, Dist. 8

Sen. Downing, Dist. 22

Sen. Barnes, Dist. 17

Sen. Kenney, Dist. 3

Sen. Roberge, Dist. 9

March 6, 2008

2008-0891s
04/10

Floor Amendment to SB 530-FN-A-LOCAL

Amend RSA 198:15-r, I and I-a as inserted by section 1 of the bill by replacing them with the following:

I. There is established in the department of education a kindergarten construction program ***to provide certain construction and classroom transition grants.*** For the period beginning July 1, 1997, and ending June 30, ~~[2008]~~ ***2013***, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover ~~[75]~~ ***100*** percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. ***A school district that displaces pupils from an existing classroom space in order to use such space to provide a kindergarten program shall be eligible for a construction grant under this paragraph to cover the costs incurred in constructing or renovating new classroom space for the displaced pupils.*** Grants shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program.

I-a. The commissioner of education shall make classroom transition grants available to eligible districts that currently do not operate a public kindergarten program and that begin operation of such a program as of September 2008 or September 2009 to cover 100 percent of the actual cost of leasing, construction, and set up of temporary classrooms for a single lease period with a maximum term of 10 years. Classroom transition grants shall also cover the cost of initial furniture, fixtures, and equipment needed to operate a kindergarten program. The provisions of RSA 32:8 and RSA 32:11 shall not apply to costs incurred by a school district under this paragraph.

Amend RSA 198:15-r, V as inserted by section 1 of the bill by replacing it with the following:

V. A district shall not be deemed ineligible from receiving the full amount of a construction or transition grant for which it is otherwise eligible as a result of the district already expending funds for construction or transition costs related to providing a kindergarten program beginning in the 2008 or 2009 school year.

Amend section 2 of the bill by replacing paragraph II with the following:

II. The per pupil amount of the additional education grant provided in this section shall be \$1,200 for the 2008 school year. Once pupils enrolled in an approved kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with RSA 198:41 and RSA 198:42. School districts that receive kindergarten adequacy grants under this section shall not be eligible to receive any other per pupil adequacy grant.

Amend the bill by replacing section 3 with the following:

3 Kindergarten Implementation Plan. A school district that is unable to provide a public kindergarten program effective September 2008, shall notify the commissioner of the department of education on or before April 1, 2008. No later than December 1, 2008, such district shall submit to the commissioner a plan which has been approved by the local school board, and which sets forth the school district's plan for providing a public kindergarten program no later than September 2009. The plan shall include detailed benchmarks and timetables for providing kindergarten classrooms, curriculum, staffing, and equipment as established by the commissioner.

2008-0891s

AMENDED ANALYSIS

This bill:

I. Extends the kindergarten construction aid program through June 30, 2013.

II. Authorizes kindergarten classroom transition grants through June 30, 2011 to be used to cover the cost of leasing, construction, and set up of portable classrooms, furniture, fixtures, and equipment for school districts providing a public kindergarten program as of September 2008 or September 2009.

III. Requires that a school district providing a public kindergarten program as of September 2008 or September 2009 shall receive, in that same year, an additional adequate education grant amount based on the number of pupils attending kindergarten in the district as of the beginning of the school year.

IV. Requires certain school districts to submit a kindergarten implementation plan to the commissioner of the department of education detailing the district's plan to provide a public kindergarten program no later than September 2009.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Kenney, Odell, Roberge, Clegg, Gatsas, Barnes, DeVries, Letourneau, Downing.

The following Senators voted No: Reynolds, Sgambati, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 10 - Nays: 12

Floor amendment failed.

Senator Bragdon Rule #42 on SB 530-FN-A-L.

The question is on the adoption of the bill as amended.

Adopted.

Senator Bragdon Rule #42 on SB 530-FN-A-L.

Referred to the Finance Committee (Rule #26).

SB 402, relative to large groundwater permitting requirements for wells installed prior to 1998. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Sen. Cilley, Dist. 6
February 19, 2008
2008-0689s
06/10

Amendment to SB 402

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking. Amend RSA 485-C:4, XII to read as follows:

XII. All new **large** groundwater withdrawals of 57,600 gallons or more in any 24-hour period ***from a well or wells at a single property or business sited after July 31, 1998.*** Such rules shall include:

(a) Criteria and procedures for requiring persons to identify and address impacts of withdrawals on surface waters, subsurface waters, water-related natural resources, and public, private, residential, and farm wells within the potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e.

(b) Requirements relative to conservation management plans which demonstrate the need for the proposed withdrawals, to be submitted by the persons seeking approval for a withdrawal.

(c) Procedures by which the department may deny permission for withdrawals or order the applicant to provide a response policy, as provided by department rules, for provision of alternative water supply at no initial capital cost to persons whose wells are adversely affected by the proposed withdrawal or order reduced withdrawals if hydrogeologic data indicate that water-related resources are being adversely affected by the withdrawals.

XIII. Increased withdrawals of 57,600 gallons or more in any 24-hour period beyond the historic maximum withdrawal volume in any 24-hour period under RSA 488:12 from a well or wells sited at a single property or place of business prior to August 1, 1998, and including withdrawals from wells at a single property or place

of business sited after July 31, 1998 that are not subject to the requirements of paragraph XII. Such rules shall include:

(a) Criteria and procedures for requiring persons to identify and address effects of withdrawals on surface waters, subsurface waters, water-related natural resources, and public, private, residential, and farm wells within the potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e.

(b) Criteria and procedures for the use of data obtained from existing hydrogeological studies if available, in place of conducting new studies if such data is substantially equivalent to the information required by subparagraph (a).

(c) Requirements relative to conservation management plans which demonstrate the need for the proposed withdrawals, to be submitted by the persons seeking approval for a withdrawal.

(d) Procedures by which the department may deny permission for withdrawals or order the applicant to provide a response policy, as provided by department rules, for provision of alternative water supply at no initial capital cost to persons whose wells are adversely affected by the proposed withdrawal or order reduced withdrawals if hydrogeologic data indicate that water-related resources are being adversely affected by the withdrawals.

2 Approval for Large Groundwater Withdrawals. Amend the section heading of RSA 485-C:21 to read as follows:

485-C:21 Approval for Large Groundwater Withdrawals ***from New Wells and Increased Withdrawals from Existing Wells.***

3 New Paragraph; Approval for Large Groundwater Withdrawals from New Wells and Increased Withdrawals from Existing Wells. Amend RSA 485-C:21 by inserting after paragraph I the following new paragraph:

I-a. Effective January 1, 2008, no person may increase withdrawals by 57,600 gallons in any 24-hour period beyond the historic maximum withdrawal volume in any 24-hour period as established by RSA 488:12 without prior approval of the department from a well or wells at a single property or place of business that were:

(a) Sited prior to August 1, 1998; and

(b) Sited after August 1, 1998 that are not subject to the requirements of paragraph I, above.

4 Approval for Large Groundwater Withdrawals from New Wells and Increased Withdrawals from Existing Wells. Amend RSA 485-C:21, II to read as follows:

II. Applications for approval of water withdrawals of 57,600 gallons or more per day ***subject to paragraph I or I-a*** shall be filed with the department on a form approved by the department. A preliminary report submitted by a public water system pursuant to department rules shall be an application for purposes of this section. Copies of the application and any subsequent materials submitted to the department shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of water within the potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e. The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.

5 New Paragraph; Approval for Large Groundwater Withdrawals from New Wells and Increased Withdrawals from Existing Wells. Amend RSA 485-C:21 by inserting after paragraph V-e the following new paragraphs:

V-f. The applicant may not comply with the requirements of RSA 485-C:14-a, RSA 485-C:21, II, III, and IV if it submits only a final application that relies solely on information submitted in accordance with RSA 485-C:4, XIII.

V-g. Copies of the final application submitted pursuant to paragraph V-f and any subsequent materials submitted to the department shall be forwarded by certified mail by

the applicant to the governing bodies of each municipality and each supplier of water within the potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e. The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.

6 New Section; Exemptions For Large Groundwater Withdrawals. Amend RSA 485-C by inserting after section 22 the following new section:

485-C:23 Exemptions for Large Groundwater Withdrawals.

I. Large groundwater withdrawals associated with a groundwater contamination remediation project approved by the department shall be exempt from the requirements of RSA 485-C:4 XII and XIII, RSA 485-C:14-a, and RSA 485-C:21.

II. Large groundwater withdrawal associated with discreet short-term uses of water such as temporary construction dewatering or water supply exploration shall be exempt from the requirements of RSA 485-C:4 XII and XIII, RSA 485-C:14-a, and RSA 485-C:21.

III. Large groundwater withdrawals approved by the department prior to August 1, 1998 for a community water system as defined by RSA 485:1-a shall be exempt from the requirements of RSA 485-C:4 XII and XIII, RSA 485-C:14-a, and RSA 485-C:21.

7 New Paragraph; Registration Required. Amend RSA 488:3 by inserting after paragraph I the following new paragraph:

I-a. No person shall withdraw more than 57,000 gallons of groundwater in any 24-hour period without registering the withdrawal with the department.

8 New Paragraph; Rulemaking. Amend RSA 488:9 by inserting after VI the following new paragraph:

VII. Criteria to identify temporary and short-term uses of water that are exempt from the requirements of this chapter in accordance with RSA 488:11.

9 Exemption. Amend RSA 488:11 to read as follows:

488:11 Exemption.

I. This chapter shall not apply to a discrete withdrawal arising from an emergency event.

II. This chapter shall not apply to a discrete withdrawal arising from water supply exploration, construction dewatering, or other temporary short-term uses of water as determined by the department.

10 New Sections; Determination of Maximum 24-Hour Withdrawal Volume from a Well or Wells Sited at a Single Property or Place of Business. Amend RSA 488 by inserting after section 11 the following new sections:

488:12 Determination of Maximum 24-hour Withdrawal Volume From a Well or Wells Sited at a Single Property or Place Of Business.

I. By July 31, 2010, any person required to register and report the withdrawal of groundwater in accordance with this chapter shall provide information to the department demonstrating the maximum amount of water extracted not associated with well testing, water supply exploration, or equipment malfunction in any 24-hour period from a well or wells at a single property or place of business from January 1, 1989 through January 2008.

II. Water use information required under paragraph I shall be based on historical records of actual water use measurements.

III. Where information described in II is not available, water use information required by II shall be estimated using best available information including, but not limited to

- (a) Historical water use information.
- (b) Records of machine or process runtime.
- (c) Electrical consumption records.
- (d) Production and sales records.

IV. The commissioner shall:

(a) Approve water use information submitted under paragraph II or III if the estimate of water use is technically appropriate and relies on best available information; or

(b) Determine that a person is not in compliance with the requirements of RSA 488:12 when information submitted under paragraph I or II above is determined to not be technically appropriate and based on best available information,

488:13 Cease and Desist Orders

I. The department may issue a written cease and desist order regarding the withdrawal of groundwater for any violation of RSA 488:12.

II. A written cease and desist order issued by the department under paragraph I may be recorded by the department in the registry of deeds for the county in which the property is situated and, on recordation, such order shall run with the land; provided, however, that an appropriate description of the land involved, including the accurate name of the record owner, shall be incorporated in the cease and desist order. No fee shall be charged for recording such an administrative order; however, the fee for discharge of any such order shall be the same as for the discharge of a lien on real property.

11 Reference Removed. Amend RSA 485-C:14-a to read as follows:

485-C:14-a Notification of Large Groundwater Withdrawal Required. ~~[Notwithstanding any provision of law to the contrary,]~~ Before any person may withdraw 57,600 gallons or more of water in any 24-hour period from a well, such person shall provide written notice to the governing body of the municipality in which the well is located and to the governing bodies of each municipality and each supplier of water within the potential impact area of the proposed withdrawal as defined in RSA 485-C:21, V-e. This section shall apply only to wells established after the effective date of this section.

12 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Senator Hassan Rule #42 on SB 402.

The question is on the adoption of the bill as amended.

Adopted.

Senator Hassan Rule #42 on SB 402.

Referred to the Finance Committee (Rule #26).

SB 409, relative to conservation and preservation restrictions. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-0. Senator Odell for the committee.

Adopted.

Ordered to third reading.

SB 519-FN, imposing a per diem fine on dam owners and operators for failure to repair damage. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 4-1. Senator Cilley for the committee.

Sen. Cilley, Dist. 6
February 19, 2008

2008-0696s
08/09

Amendment to SB 519-FN

Amend RSA 482:89 as inserted by section 3 of the bill by inserting after paragraph IX the following new paragraph:

X. The provisions of RSA 482:89 shall not apply to actions that are subject to the Federal Power Act (16 U.S.C. sections 791a-825r).

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

Senators Barnes and Letourneau are in opposition to SB 519-FN.

SB 335, allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

SB 438, relative to contractor accountability and disclosure in the public works construction procurement process. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 6-0. Senator Downing for the committee.

Senate Executive Departments and Administration
February 20, 2008
2008-0751s
05/09

Amendment to SB 438

Amend RSA 21-I:81-b as inserted by section 1 of the bill by replacing it with the following:

21-I:81-b Worksite Accountability. At the onset of site work on any state construction project, the general contractor or designated project construction manager, if any, shall provide to the awarding agency a list of all subcontractors, and independent contractors on the job site with a record of the entity to whom that subcontractor or independent contractor is directly contracted, and by whom that contractor or subcontractor is insured for worker's compensation purposes. This list shall be posted on the jobsite and updated as needed and also posted on the agency website, to be updated weekly. Under no circumstances shall a subcontractor or independent contractor be present on a state construction site without the contractor's name and direct contracting relationship being posted in the visible location at the worksite.

MOTION TO TABLE

Senator Downing moved to have SB 438 laid on the table.

Adopted.

LAI D ON THE TABLE

SB 438, relative to contractor accountability and disclosure in the public works construction procurement process.

SB 440, relative to requiring occupational boards and commissions to include relevant military experience or training in satisfying requirements for engaging in a regulated profession. Executive Departments and Administration Committee. Ought to Pass, Vote 6-0. Senator Cilley for the committee.

Adopted.

Ordered to third reading.

SB 441, relative to collective bargaining by judicial employees. Executive Departments and Administration Committee. Ought to Pass, Vote 6-0. Senator Kelly for the committee.

MOTION TO TABLE

Senator Kelly moved to have SB 441 laid on the table.

Adopted.

LAI D ON THE TABLE

SB 441, relative to collective bargaining by judicial employees.

SB 475, relative to the definition of advance fees in the real estate practice act. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Kelly for the committee.

Adopted.

Ordered to third reading.

SB 522-FN, relative to licensing requirements for small quantity biodiesel producers and distributors. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 6-0. Senator Fuller Clark for the committee.

Senate Executive Departments and Administration
February 21, 2008
2008-0762s
08/09

Amendment to SB 522-FN

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

AN ACT 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.

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

3 New Section; Sub-Standard Biodiesel. Amend RSA 260 by inserting after section 52-e the following new section:

260:52-f Biodiesel Not Meeting ASTM Fuel Quality Standards Not to be Sold in the State.

I. A person shall not sell or deliver biodiesel or biodiesel blend in this state that does not meet the ASTM standard as defined in RSA 259:6-a.

II. A person who violates paragraph I of this section commits a violation and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500.

III. In addition to any fine provided in paragraph II, a person who violates paragraph I shall be assessed a penalty of \$1,000 or \$10 per gallon of biodiesel or biodiesel blends involved in the sale or delivery, whichever is greater.

IV. Any person authorized by the department may enter any place where fuels are produced or stored, and may physically inspect any tank, reservoir, or other container that can be used for the production, storage, or transportation of biodiesel or biodiesel blends. Inspection may also be made of any equipment used for or in connection with the production, storage, or transportation of biodiesel or biodiesel blends. A person authorized by the department may detain a vehicle, vessel, or railroad tank car placed on a customer's siding for use or storage for the purpose of inspecting fuel tanks or fuel storage tanks as necessary to determine the amount and composition of the fuel. A person authorized by the department may take and remove samples of biodiesel, either pure or blended with petroleum diesel, in reasonable quantities necessary to determine the composition of the fuel.

V. A person who refuses to allow an inspection authorized by this section commits a violation and shall, upon conviction, be sentenced to pay a fine of \$1,000 for each refusal.

4 New Section; Biodiesel; Recordkeeping for Distributors. Amend RSA 260 by inserting after section 43-a, the following new section:

260:43-b Additional Recordkeeping Requirements for Biodiesel Distributors. In addition to the retention of records pursuant to RSA 260:43, biodiesel distributors shall maintain and keep for a period of 4 years records sufficient to demonstrate that all biodiesel sold within the state meets the applicable ASTM International fuel quality standard for biodiesel, D6751.

Failure to maintain appropriate records or failure to demonstrate compliance with the applicable ASTM standard may result in loss of license issued pursuant to RSA 260:36 and RSA 260:36-d.

2008-0762s

AMENDED ANALYSIS

This bill:

I. Requires certain distributors of biodiesel to be licensed by the department of safety.

II. Prohibits the sale or delivery of biodiesel not meeting the ASTM standard within the state.

III. Requires biodiesel distributors to keep certain records.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 525, establishing the fourth Sunday in May as Emergency Medical Technician Memorial Day. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Cilley for the committee.

MOTION TO TABLE

Senator Cilley moved to have SB 525 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 525, establishing the fourth Sunday in May as Emergency Medical Technician Memorial Day.

SB 526, relative to the death benefit for police officers and firefighters killed in the line of duty. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 2-0. Senator Kelly for the committee.

Sen. D'Allesandro, Dist. 20

February 19, 2008

2008-0709s

09/03

Amendment to SB 526

Amend RSA 21-I:29-a, III(d) as inserted by section 1 of the bill by replacing it with the following:

(d) If the commissioner of safety determines that the death is not a qualified line-of-duty death, he or she shall cause the decedent's family to be notified. The family may appeal the determination within 180 days of the date of the notification by notifying the commissioner of safety in writing. In the event of an appeal for a firefighter, the attorney general shall appoint an appeal hearing panel consisting of one medical doctor, one member appointed by the New Hampshire Association of Fire Chiefs, one member appointed by the Professional Firefighters of New Hampshire, and 2 citizens who are not associated with the professions of police officer or firefighter, at least one of whom is a attorney admitted to practice in New Hampshire. In the event of an appeal for a police officer, the attorney general shall appoint an appeal hearing panel consisting of one medical doctor, one member appointed by the New Hampshire Association of Chiefs of Police, one member appointed by the New Hampshire Police Association, and 2 citizens who are not associated with the professions of police officer or firefighter, at least one of whom is an attorney admitted to practice in New Hampshire. The commissioner of safety shall forward to the appeal panel all the information that he or she considered in reaching the determination. Upon request of

the family, the appeal hearing shall be exempt from the right-to-know law, RSA 91-A. Hearings shall be conducted in conformance with RSA 541-A and the department of justice Jus 800 administrative procedural rules. The appeal hearing panel shall review the evidence de novo, may receive additional evidence from the family or others, and shall determine by a preponderance of the evidence whether the decedent's death was a qualified line-of-duty death.

Amendment adopted.

The question is on the adoption of the bill as amended.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 512-FN, relative to emergency management powers. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Sgambati for the committee.

Sen. Sgambati, Dist. 4

March 4, 2008

2008-0808s

01/04

Amendment to SB 512-FN

Amend the bill by replacing section 2 with the following:

2 New Section; Communicable Disease; Acute Care Centers; Ethics Committee. Amend RSA 141-C by inserting after section 25 the following new section:

141-C:26 Acute Care Centers. The commissioner may establish, operate, or authorize the operation of temporary acute care centers for the purpose of the delivery of acute and critical medical services to persons who would normally require admission to an acute care hospital, when there is a public health incident as defined in RSA 508:17-a, II(c) and when the acute care hospitals in the area do not have the physical and human resources necessary to meet the demand or anticipated demand for medical care. Any such facility so established or designated shall be exempt from the provisions of RSA 151 and RSA 151-C. The commissioner shall adopt rules, pursuant to RSA 541-A, regarding the facility and staffing requirements, screening and admission criteria, payment and reimbursements, clinical standards, recordkeeping and discharge criteria for acute care centers. For purposes of

immunity, actions taken pursuant to this section shall be considered an emergency management function under RSA 21-P:41, I.

Amend RSA 21-P:53, III as inserted by section 3 of the bill by replacing it with the following:

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner may, subject to the discretion and control of the governor, control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner shall determine high risk or critical need groups that shall receive priority for such products.

2008-0808s

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of the department of health and human services to establish temporary acute care centers for the delivery of medical services if there is a public health emergency.

II. Reestablishes the laws regarding public health emergency management powers and the safe disposal of corpses, both of which were repealed in 2002.

III. Establishes a commission to study the authority to practice or provide health and medical care in the event of a public health emergency.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 514-FN, relative to mercury exposure reduction and requiring insurance coverage for mercury-free fillings, vaccines, and injections for certain persons. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Estabrook for the committee.

Committee report of Inexpedient to Legislate is adopted.

SB 329, relative to the payment of retired judges serving on screening panels for medical injury claims. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Clegg for the committee.

Senate Judiciary
February 20, 2008
2008-0737s
09/10

Amendment to SB 329

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

AN ACT relative to payment of members of screening panels for medical injury claims.

Amend RSA 519-B:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The chief justice of the superior court shall establish the compensation of the panel chairperson if he or she is not otherwise compensated by the state of New Hampshire. ***A retired judge serving as chairperson of a panel may be compensated pursuant to RSA 493-A:1-b.*** Other panel members shall ~~[serve without compensation or payment of expenses]~~ ***be compensated at a rate of \$475 per day of service.***

2008-0737s

AMENDED ANALYSIS

This bill requires compensation for persons serving as members of screening panels for medical injury actions.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 353-FN-L, relative to illegal aliens. Judiciary Committee. Inexpedient to Legislate, Vote 3-2. Senator Foster for the committee.

The question is on the adoption of the committee report of Inexpedient to Legislate.

A roll call was requested by Senator Kenney.

Seconded by Senator Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.

Yeas: 13 - Nays: 10

Committee report of Inexpedient to Legislate is adopted.

SB 405, establishing a committee to study driver's license revocation and continuous alcohol monitoring. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Clegg for the committee.

Committee report of Inexpedient to Legislate is adopted.

SB 356-FN, prohibiting offenders against children from attending certain activities or events. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Clegg for the committee.

Senate Judiciary

March 5, 2008

2008-0854s

10/01

Amendment to SB 356-FN

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

AN ACT prohibiting offenders against children from participating in or being a spectator at certain activities or events.

Amend the bill by replacing section 1 with the following:

1 New Section; Registration of Criminal Offenders; Special Restrictions on Offenders Against Children. Amend RSA 651-B by inserting after section 12 the following new section:

651-B:13 Special Restrictions on Offenders Against Children. No person who is required to be registered as an offender against children for a violation of RSA 632-A:3, III or RSA 632-A:2, II, shall, for the duration of his or her registration requirement, participate in or be a spectator at any public activity or event organized principally for the participation of children under 13 years of age. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

2008-0854s

AMENDED ANALYSIS

This bill prohibits any person who is required to be registered as an offender against children from participating in or being a spectator at any activity or event organized principally for the participation of children under 13 years of age.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 507-FN, relative to extended terms of imprisonment for street gang members. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

Senate Judiciary

March 5, 2008
2008-0857s
04/10

Amendment to SB 507-FN

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

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

Amend the bill by replacing sections 1 and 2 with the following:

1 Extended Term of Imprisonment; Criminal Street Gang Members. Amend RSA 651:6, I (o) and (p) to read as follows:

(o) Has purposely, knowingly, or recklessly with extreme indifference to the value of human life committed an act or acts constituting first degree assault as defined in RSA 631:1 against a person under 13 years of age where the serious bodily injury has resulted in brain damage or physical disability to the child that is likely to be permanent; ~~or~~

(p) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age~~[-];~~ **or**

(q) Has knowingly committed any of the following offenses as a criminal street gang member, or for the benefit of, at the direction of, or in association with any criminal street gang, with the purpose to promote, further, or assist in any such criminal conduct by criminal street gang members:

(1) Violent crime as defined in RSA 651:5, XIII.

(2) A crime involving the distribution, sale, or manufacture of a controlled drug under RSA 318-B:2.

(3) Class A felony theft where the property stolen was a firearm.

(4) Unlawful sale of a pistol or a revolver.

(5) Witness tampering.

2 Extended Term of Imprisonment; Criminal Street Gang Member Defined. Amend RSA 651:6, I-a to read as follows:

I-a. As used in this section~~[-]~~:

(a) "Law enforcement officer" ~~is~~ means a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official or employee of any prison, jail, or corrections institution, a probation-parole officer, a juvenile probation and parole officer, or a conservation officer.

(b) "Criminal street gang member" means an individual to whom 2 or more of the following apply:

(1) Admits to criminal street gang membership;

(2) Is identified as a criminal street gang member by a law enforcement officer, parent, guardian, or documented reliable informant;

(3) Resides in or frequents a particular criminal street gang's area and adopts its style of dress, its use of hand or other signs, tattoos, or other physical markings, and associates with known criminal street gang members; or

(4) Has been arrested more than once in the company of individuals who are identified as criminal street gang members by law enforcement, for offenses that are consistent with usual criminal street gang activity;

(c) "Criminal street gang" means a formal or informal ongoing organization, association, or group of 3 or more persons, which has as one of its primary objectives or activities the commission of criminal activity, whose members share a common name, identifying sign, symbol, physical marking, style of dress, or use of hand sign, and whose members individually or collectively have engaged in

the commission, attempted commission, solicitation to commit, or conspiracy to commit 2 or more the following offenses, or a reasonably equivalent offense in another jurisdiction, on separate occasions within the preceding 3 years:

- (1) Violent crimes, as defined in RSA 651:5, XIII;*
- (2) Distribution, sale, manufacture, of a controlled drug in violation of RSA 318-B:2;*
- (3) Class A felony theft;*
- (4) Unlawful sale of a pistol or revolver; or*
- (5) Witness tampering.*

2008-0857s

AMENDED ANALYSIS

This bill provides for extended terms of imprisonment for offenses committed by criminal street gang members.

Amendment adopted.

The question is on the adoption of the bill as amended.

A roll call was requested by Senator Gatsas.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 23 - Nays: 0

Adopted.

Ordered to third reading.

SB 371, making various changes to the city of Manchester employees' contributory retirement system. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

Adopted.

Senator Foster Rule #42 on SB 371.

Ordered to third reading.

SB 381, relative to conservation commissions. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-1. Senator DeVries for the committee.

Public and Municipal Affairs

February 19, 2008
2008-0702s
03/10

Amendment to SB 381

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriations Authorized; Contributions to Qualified Organizations. Amend RSA 36-A:5, I-II to read as follows:

I. A town or city, having established a conservation commission as authorized by RSA 36-A:2, may appropriate money as deemed necessary for the purpose of this chapter. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 36-A:4 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the conservation commission for the purposes of this chapter without further approval of the town meeting. ***Such expenditures may include contributions to "qualified organizations," as defined in section 170(h)(3) of the Internal Revenue Code of 1986, for the purchase of property interests to be held by the qualified organization, when such purchase carries out the purposes of this chapter. Such contributions may be made when protection of the specific property is consistent with the goals of the town master plan. Because such contributions further the protection of the state's natural resources, they are hereby declared to be a public purpose and to provide primarily a public benefit, even though benefits to private parties may incidentally result.***

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the conservation fund and shall pay out the same only upon order of the conservation commission. The disbursement of conservation funds shall be authorized by a majority of the conservation commission. Prior to the use of such funds for the purchase of any interest in real property ***by the conservation commission or any contribution to a qualified organization***, the conservation commission shall hold a public hearing with notice in accordance with RSA 675:7, ***and the local governing body shall approve the use of funds.***

2 Effective Date. This act shall take effect 60 days after its passage.
2008-0702s

AMENDED ANALYSIS

This bill allows conservation commissions to contribute money from the conservation fund to certain qualified organizations for the purchase of property interests to be held by the organization when such purchase carries out the purposes for which conservation commissions are established.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

Senator Barnes is in opposition to SB 381.

SB 504-FN, restricting the number of puppies to be sold by commercial kennels. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 5-0. Senator Barnes for the committee.

Committee report of Inexpedient to Legislate is adopted.

SB 508-FN-L, relative to municipal deposits. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

Senate Public and Municipal Affairs

March 4, 2008

2008-0832s

08/04

Amendment to SB 508-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Municipal Deposits. Amend RSA 41:29, VII to read as follows:

VII. The treasurer shall ensure that all moneys remitted shall be deposited at least on a weekly basis, or daily whenever funds remitted from all departments collectively totals \$500 or more. Such deposit function may be delegated pursuant to paragraph VI. However, failure to ensure that funds are being deposited on a timely basis as required by this paragraph shall be cause for immediate removal from office pursuant to RSA 41:26-d. ***In any municipality where there is no bank or other depository institution within the municipality or within 10 miles of that municipality, the treasurer shall make deposits consisting of funds remitted from all departments and collectively totaling \$1,500 or more on a weekly basis.***

2 Municipal Deposits; Banking Procedures. Amend RSA 41:9, VI to read as follows:

VI. The selectmen shall be responsible for establishing and maintaining appropriate internal control procedures to ensure the safeguarding of all town assets and properties ***except for those procedures relative to municipal deposits established in RSA 41:29, VII.***

3 Effective Date. This act shall take effect 60 days after its passage.

MOTION TO TABLE

Senator D'Allesandro moved to have SB 508-FN-L laid on the table.

Adopted.

LAIID ON THE TABLE

SB 508-FN-L, relative to municipal deposits.

SB 308-FN-A, restoring certain foreign dividend deductions under the business profits tax and an exemption to the real estate transfer tax. Ways and Means Committee. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Ways and Means

March 4, 2008

2008-0820s
09/01

Amendment to SB 308-FN-A

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

AN ACT restoring certain foreign dividend deductions under the business profits tax.

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

2 Applicability. Section 1 of this act shall apply to returns and taxes due on account of taxable periods ending after June 30, 2007.

3 Effective Date. This act shall take effect upon its passage.
2008-0820s

AMENDED ANALYSIS

This bill restores certain foreign dividend deductions under the business profits tax. The deductions were repealed in 2007.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 310-FN, relative to changes to games of chance. Ways and Means Committee. Ought to Pass with Amendment, Vote 5-0. Senator Downing for the committee.

Senate Ways and Means
March 4, 2008
2008-0839s
08/09

Amendment to SB 310-FN

Amend RSA 287-D:2-a, V(c) as inserted by section 1 of the bill by replacing it with the following:

(c) That neither the applicant nor any person who will be participating in the operation of the games of chance has, ***in any jurisdiction***, been convicted of a felony ***or a class A misdemeanor*** within the previous 10 years which has not been annulled by a court or a ***class B misdemeanor*** ~~[involving falsehood or dishonesty]~~ within the previous 5 years which has not been annulled by a court, or has ***ever*** violated any statutes or rules governing charitable gambling.

Amend the bill by replacing section 3 with the following:

3 Operation of Games of Chance. Amend RSA 287-D:2-b, III-VI to read as follows:
III. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a

carnival. Proof of age shall be produced upon request of the ~~[lottery]~~ **pari-mutuel** commission. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

IV. No games of chance shall be conducted prior to 11:00 a.m. on a weekday **or Saturday**, prior to noon on a Sunday, or after 1:00 a.m. on any day.

V. No person operating a game of chance and no person who has leased out a facility or sold or leased game of chance paraphernalia or related equipment to a charitable organization for use during games of chance shall participate or play in any game conducted at that location on that date.

VI. **Subject to the provisions of RSA 287-D:8, II**, no person who has, **in any jurisdiction**, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, ~~[or a]~~ class B misdemeanor within the past 5 years which has not been annulled by a court, or who has **ever** violated any of the statutes or rules governing charitable gambling in the past ~~[in this or any other state]~~ shall operate a game of chance licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or game of chance paraphernalia for the conduct of games of chance licensed under this chapter.

Amend the bill by replacing section 13 with the following:

13 Background and Criminal Records Check. Amend RSA 287-D:8, II-III to read as follows:

II. Upon receipt of an applicant's criminal record information, the pari-mutuel commission shall make a determination of eligibility for licensure **and whether the applicant is fit to be associated with games of chance in New Hampshire**.

III. All applicants shall also be subject to a **national criminal** background check, **including the submission of fingerprints to the Federal Bureau of Investigation for a criminal background check**, by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.

Amend the bill by replacing all after section 14 with the following:

15 New Paragraph; Game Operator; Definition. Amend RSA 287-D:1 by inserting after paragraph IV the following new paragraph:

V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, or handling chips.

16 License Fees and Specifications. Amend RSA 287-D:2-d, III to read as follows:

III. An applicant for a game operator license under RSA 287-D:2-c shall apply to the pari-mutuel commission, and upon payment of a fee ~~[of \$500 per year]~~ **established by the pari-mutuel commission in rules adopted pursuant to RSA 541-A** and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-c shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter.

17 New Paragraph; Rulemaking; Game Operator Fees. Amend RSA 287-D:1-b by inserting after paragraph XIII the following new paragraph:

XIV. Game operator fees pursuant to RSA 287-D:2-d, III.

18 Pari-Mutuel Commission; Position Established. The following position is hereby established in the pari-mutuel commission and shall be funded from fees collected pursuant to RSA 287-D:2-d, III:

One internal auditor III, labor grade 23.

19 Repeal. The following are repealed:

I. RSA 287-D:2-b, XIII, relative to submission of information to the pari-mutuel commission.

II. RSA 287-D:2-d, IV, relative to authorization of specific games.

III. RSA 284:23, V, relative to tax rates for Rockingham Park.

20 Effective Date. This act shall take effect 60 days after its passage.
2008-0839s

AMENDED ANALYSIS

This bill:

I. Makes certain changes to the application and licensing process for game operators.

II. Allows pari-mutuel officials to inspect games of chance equipment.

III. Creates new penalties for deviations from the pari-mutuel commission's requirements.

IV. Establishes the positions of internal auditor III in the pari-mutuel commission.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 333-FN-A-L, establishing an exemption from the real estate transfer tax. Ways and Means Committee. Interim Study, Vote 5-0. Senator Reynolds for the committee.

Committee report of Interim Study is adopted.

SB 515-FN-A, relative to relief from business taxes for self-employed business owners returning from active duty deployment in the armed forces. Ways and Means Committee. Ought to Pass with Amendment, Vote 4-0. Senator Downing for the committee.

Senate Ways and Means

March 4, 2008

2008-0817s

04/09

Amendment to SB 515-FN-A

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

AN ACT relative to the combat veteran business tax credit.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Combat Veteran Business Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XIII the following new paragraph:

XIV. The unused portion of any combat veteran business tax credit awarded by the commissioner under RSA 77-E:3-c shall be available to apply to the business profits tax.

2 New Section; Business Enterprise Tax; Combat Veteran Business Tax Credit. Amend RSA 77-E by inserting after section 3-b the following new section:

77-E:3-c Combat Veteran Business Tax Credit.

I. There shall be tax credit of \$1,000 per tax period for each owner or operator of a business enterprise, who:

(a) Is serving in the National Guard or reserve or is a veteran of the National Guard or reserve;

(b) Served a tour of duty in a qualifying duty location; and

(c) Applies for such credit on a form with supporting documentation as designated and determined by the commissioner.

II. Tax credits under this section shall be granted for no more than 2 consecutive tax periods that immediately follow the tax period in which owner or operator is returns from a qualifying duty location.

III. The cumulative total of all tax credits under this section shall not exceed \$2,000.

IV. Unused portions of this credit shall apply to the business profits tax as provided by RSA 77-A:5, XIV. Any unused portion of the credit after application to the business profits tax shall lapse.

V. For the purpose of this section, a "qualifying duty location" means:

(a) A hazardous duty area, as recognized by the Internal Revenue Service; or

(b) A combat zone, as designated by Presidential Executive Order.

3 Effective Date. This act shall take effect upon its passage.
2008-0817s

AMENDED ANALYSIS

This bill establishes a combat veteran business tax credit against the business enterprise tax and allows any unused portion of the credit to be applied to the business profits tax.

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

RESOLUTION

Senator Foster moved that the Senate now 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

SB 301-FN, requiring insurers to cover prescriptions for durable medical equipment filled near the patient's residence.

SB 310-FN, relative to changes to games of chance.

SB 335, allowing certain judges to terminate membership in the judicial retirement plan and elect senior active status.

SB 356-FN, prohibiting offenders against children from participating in or being a spectator at certain activities or events.

SB 371, making various changes to the city of Manchester employees' contributory retirement system.

SB 376, requiring local fire chiefs to annually inspect all school buildings within his or her jurisdiction and report on the condition of all such school buildings.

SB 381, relative to conservation commissions.

SB 409, relative to conservation and preservation restrictions.

SB 440, relative to requiring occupational boards and commissions to include relevant military experience or training in satisfying requirements for engaging in a regulated profession.

SB 475, relative to the definition of advance fees in the real estate practice act.

SB 501-FN, relative to a workers' compensation exclusion and penalty collection powers of the department of labor.

SB 507-FN, relative to extended terms of imprisonment for criminal street gang members.

SB 515-FN-A, relative to the combat veteran business tax credit.

SB 519-FN, imposing a per diem fine on dam owners and operators for failure to repair damage.

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.

ANNOUNCEMENTS

Senator Estabrook (Rule #44).

Senator Letourneau (Rule #44).

RESOLUTION

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

Adopted.

In recess to the Call of the Chair.