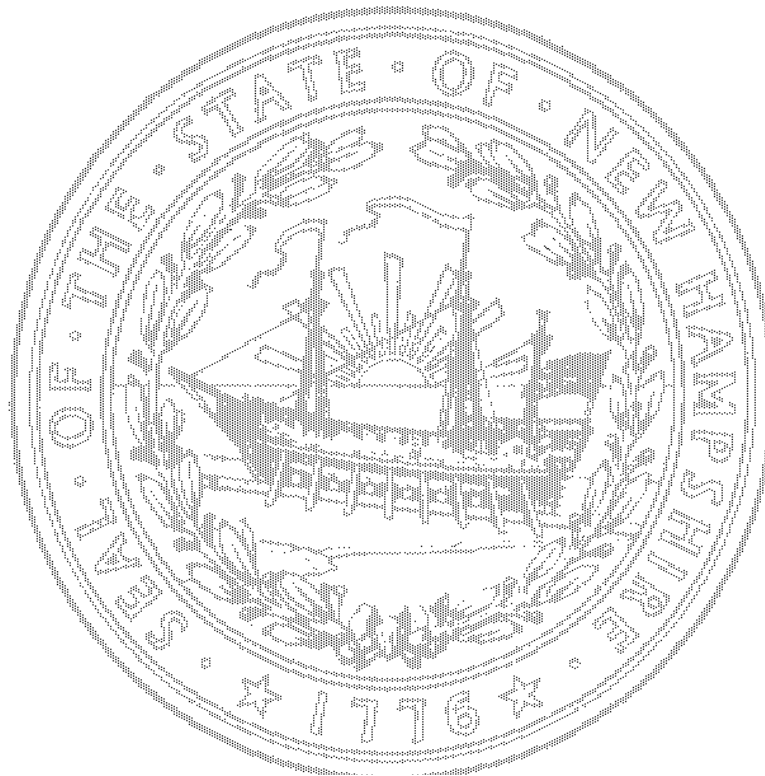


March 13, 2008
Nos. 8-9

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – MARCH 6, 2008 SESSION
COMMENCEMENT – MARCH 13, 2008 SESSION

SENATE

JOURNAL 8 (cont.)

March 6, 2008

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 146-FN, relative to allowing service credit for certain court system employment.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

SB 146-FN, relative to allowing service credit for certain court system employment.

Senator D'Allesandro moved adoption.

Adopted.

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 542 - SCR 11**, 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

08-2918

SB 542, relative to a mediated settlement dispute in the town of Rye. (Fuller Clark, Dist 24; Grote, Rock 18; Borden, Rock 18: Public and Municipal Affairs)

08-2925

SB 543, establishing a commission to study court security. (D'Allesandro, Dist 20; Clegg, Dist 14: Finance)

08-2900

SCR 11, supporting the application of Taiwan for observer status at the World Health Organization. (Sen. Foster, Dist 13; Rep. Foster, Hills 4; Rep. Rosenwald, Hills 22: Health and Human Services)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 9

March 13, 2008

The Senate met at 11:00 a.m.

A quorum was present.

The Reverend Canon Timothy Rich, chaplain to the Senate, offered the prayer.

O loving God, we know that You look upon Your creation with patient eyes, asking not for perfection but rather reflection. Help all who labor so faithfully in this chamber and this building to be open not only to new policies but new practices. Continue to nurture within them a respect for one another and a commitment to the common good so that together they might help the people of this state to enjoy the comforts of a home and the opportunities of an economy, all of which flow from the abundance of Your blessings. In your gracious name, we pray. *Amen*

Senator Roberge led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

Senator Larsen moved that without objection to take SB 506 out of the Public and Municipal Affairs Committee and move it to the front of the Senate Calendar.

SB 506, naming the Elm Street bridge in Newport after Specialist Justin A. Rollins. Public and Municipal Affairs Committee. Ought to Pass, Vote 3-0. Senator Hassan for the committee.

The question is on the adoption of the committee report of Ought to Pass.

A roll call was requested by Senator Odell.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, 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: 24 - Nays: 0

Adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Hassan, having voted with the prevailing side, moved reconsideration of **SB 501-FN** whereby it was ordered to third reading and final passage.

Adopted.

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

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23
March 10, 2008
2008-0935s
09/03

Floor 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 and penalty collection powers of the department of labor.

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 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 of labor 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 refiling 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.

5 Effective Date. This act shall take effect upon its passage.

2008-0935s

AMENDED ANALYSIS

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

The bill also 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 338, relative to the Hampton Beach capital improvement fund. Capital Budget Committee. Ought to Pass, Vote 4-1. Senator Hassan for the committee.

Adopted.

Ordered to third reading.

Senator Gatsas is in opposition to SB 338.

SB 531, relative to the capital appropriation for the Hillsborough north superior court. Capital Budget Committee. Ought to Pass with Amendment, Vote 5-0. Senator Hassan for the committee.

Capital Budget
March 10, 2008
2008-0951s
10/09

Amendment to SB 531

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

AN ACT relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

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

1 Capital Budget; 2007; Administrative Services; Bureau of Court Facilities; Hillsborough North Superior Court. Amend 2007, 264:1, II, A, 1 to read as follows:

1. Hillsborough County North - Asbestos Abatement

and Related Construction, Renovation, or Relocation

\$2,000,000

2 New Paragraph; Venue for Criminal Cases; Northern Judicial District of Hillsborough County. Amend RSA 496:1 by inserting after paragraph II the following new paragraph:

III. For offenses committed on or after the effective date of this paragraph, in the northern judicial district of the county of Hillsborough, where the trial of which is scheduled at a time when the courthouse for the northern judicial district of the county of Hillsborough is closed for renovations, the judicial district for purposes of part 1, article 17 of the New Hampshire constitution shall be the entire county of Hillsborough.

3 Effective Date. This act shall take effect upon its passage.

2008-0951s

AMENDED ANALYSIS

This bill allows an additional purpose for the funds appropriated in the 2007 capital budget for the Hillsborough north superior court.

The bill also extends the venue for criminal cases where trials are scheduled at Hillsborough north superior court to the entire county of Hillsborough, when the Hillsborough north superior court is closed for renovations.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 468, relative to the reinsurance pool. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gottesman for the committee.

Sen. Hassan, Dist. 23

March 4, 2008

2008-0812s

01/09

Amendment to SB 468

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

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

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

1 Individual Health Insurance; Definitions. Amend RSA 404-G:2, V(d) to read as follows:

(d) Protected, in part, by a group excess loss insurance policy where the policy or certificate of coverage has been issued or delivered in New Hampshire~~[- and where coverage has been purchased by a group health insurance plan subject to the Employee Retirement Income Security Act of 1974, Public Law No. 93-406 (ERISA)].~~

2 Reinsurance Pool; Board of Directors. Amend RSA 420-K:2, II to read as follows:

II. On or before July 1, 2005, the commissioner shall give notice to all members of the pool of the time and place for the initial organizational meeting, which shall take place by July 15, 2005. The members shall select the initial board at the organizational meeting and such initial board shall be subject to approval by the commissioner. The members shall elect each subsequent board at the annual meeting of members and each such subsequent board shall be subject to approval by the commissioner. The initial board and each subsequent board shall ~~[consist of]~~ **include** at least 5 and not more than 9 **directors who shall be** representatives of ~~[members]~~ **member companies**. There shall be no more than one board member on the initial board and each subsequent board representing any one member company. In determining voting rights at the organizational meeting and all subsequent meetings of members, each member shall be entitled to vote in person or by proxy. All such votes shall be proportional to the member's covered lives. To the extent possible, at least 2/3 of ~~[members]~~ **the member representatives** of each board shall be small employer health carriers. At least one member **representative** of each board shall be a small employer health carrier with less than \$100,000,000 in net small employer health insurance premium in this state. The commissioner, or designee, shall be an ex-officio voting member of the board. **The commissioner shall appoint 2 directors to the board representing small employers and one director representing producers who sell health insurance to New Hampshire small employers. These appointments shall be made for a one-year term.** In approving selection of each board, the commissioner shall assure that all members are fairly represented.

3 Reinsurance Pool; Facultative Reinsurance Program. Amend the section heading and the introductory paragraph of RSA 420-K:5 to read as follows:

420-K:5 ~~[Eligibility, Coverage, and Rates]~~ **Facultative Reinsurance Program.** Beginning January 1, 2006 **and ending December 31, 2008**, members may ~~[reinsure with]~~ **purchase facultative insurance from** the pool **for** health coverage provided to small employers as follows:

4 New Paragraph; Reinsurance Program. Amend RSA 420-K:5 by inserting after paragraph X the following new paragraph:

XI. Reinsurance coverage under this section shall terminate on December 31, 2008.

5 New Section; Treaty Reinsurance Program. Amend RSA 420-K by inserting after section 5 the following new section:

420-K:5-a Treaty Reinsurance Program. Beginning January 1, 2009, members who provide health insurance to small employers shall be provided reinsurance by the pool on a modified coinsurance basis as follows:

I. The intent of the reinsurance coverage provided under this section is to equitably distribute among all health carriers the cost of catastrophic claims incurred by individuals insured under health coverage provided to small employers.

II. The pool shall reimburse carriers a percentage of the claims incurred in a calendar year in excess of the reinsurance threshold of \$200,000 on lives insured in the small group health insurance market.

III. Carriers shall not be charged a ceding premium.

IV. At the end of each calendar year, the board shall calculate actual claims incurred by carriers writing small group health insurance that are in excess of the threshold. After providing for the pool's operating expenses, the board shall allocate funds available through regular assessments to such carriers in proportion to these actual claims.

6 Assessments for the Facultative Reinsurance Program. Amend the section heading and paragraph I of RSA 420-K:6 to read as follows:

420-K:6 Assessments **for the Facultative Reinsurance Program.**

I. Following the close of each fiscal year, the administrator shall determine the net premiums, the pool expenses of administration and the incurred losses for the year **for the facultative reinsurance coverage it provides**, taking into account investment income and other appropriate gains and losses **relating to the facultative reinsurance program.**

(a) Each member's assessment for the ~~[reinsurance pool]~~ **facultative reinsurance program** shall be based on its number of covered lives times a specified assessment rate. The board of directors shall specify the basis used to set the assessment rate. The board of directors shall establish a regular assessment rate, which shall be:

- (1) Calculated on a calendar year basis based on the net losses from the audited financial statements of the prior fiscal year;
- (2) Established no later than November 1 in the current fiscal year; and
- (3) Anticipated to be sufficient to meet the pool's funding needs **for the facultative reinsurance program.**

(b) In addition to the regular assessment rate, the board may establish a special assessment rate for organizational expenses and to pay claims reinsured by the pool **under the facultative reinsurance program.** Notwithstanding RSA 420-G:4, a writer of health insurance may increase the premiums charged by the amount of the special assessment. Any assessment may appear as a separate line item on a policyholder's bill.

(1) The board shall only establish an interim assessment if the board determines that its funds are or will become insufficient to pay ~~[the reinsurance pool's expense or claims reinsured by the pool]~~ **pool expenses or claim losses relating to the facultative reinsurance program**, in a timely manner.

(2) The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if he or she finds that the amount is required to fulfill the purpose of the reinsurance pool. For the purpose of making this determination, the commissioner may, at the expense of the pool, seek independent actuarial certification of the need for the proposed rate.

(c) The board shall impose and collect assessments on members of the pool.

(d) If the assessment exceeds the amount actually needed, the excess shall be held and invested and, with the earnings and interest thereon, be used to offset future net losses. Each covered life shall be included in the assessment on an aggregate basis and procedures shall be maintained to ensure that no covered life is counted more than once.

7 New Section; Assessments for the Treaty Reinsurance Program. Amend RSA 420-K by inserting after section 6 the following new section:

420-K:6-a Assessments for the Treaty Reinsurance Program.

I. Members shall pay a regular assessment of \$24 per covered life per year to fund pool expenses of administration and claim losses relating to the treaty reinsurance program.

II. The board shall impose and collect assessments on members of the pool.

III. Each covered life shall be included in the assessment on an aggregate basis and procedures shall be maintained to ensure that no covered life is counted more than once.

IV. Provision shall be made in the plan of operation for the imposition of an interest penalty for late payment of assessments.

V. The board may defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may

be assessed against the other members in a manner consistent with the basis for assessments set forth in this chapter. The member insurer receiving such deferral shall remain liable to the pool for the amount deferred. The board may attach appropriate conditions to any such deferral.

8 Repeals. The following are repealed:

I. RSA 420-K:2, III, relative to the initial board of the reinsurance pool.

II. RSA 420-K:4, relative to a standard health benefit plan.

9 Committee Established. There is established a committee to study the small group reinsurance pool. The commissioner of the department of insurance shall prepare a report which evaluates the effect of the reinsurance pool on small group health insurance and the small group market and shall submit such report to the committee for its review on or before December 1, 2009. The report shall quantify the impact of the reinsurance pool on small group premiums and any cost savings to the carriers resulting from the pool.

10 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

11 Duties. The committee shall review the report prepared by the commissioner of the department of insurance evaluating the effect of the reinsurance pool on small group health insurance and the small group market and shall make recommendations for any legislative changes the committee deems necessary.

12 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

13 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.

14 Statement of Purpose. The purpose of sections 15 through 20 of this act is to clarify the original legislative intent in establishing the New Hampshire vaccine association and to ratify the manner in which the New Hampshire vaccine association has administered assessments. The provisions in these sections clarify that all writers of health insurance are members of the New Hampshire vaccine association, whether domestic or foreign. As members of the New Hampshire vaccine association, all writers of health insurance are entitled to vote for board representation and are subject to the assessment. Since its creation in 2002, all writers of health insurance have been treated as members of the New Hampshire vaccine association and have been subject to assessment.

15 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:3, I to read as follows:

I. The New Hampshire vaccine association shall be comprised of all ~~licensed~~ insurers currently writing or maintaining health insurance in New Hampshire.

16 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-A:3, III(a) to read as follows:

(a) Three representatives selected from the ~~licensed~~ insurers ***currently writing or maintaining health insurance in New Hampshire and*** having the most covered lives in New Hampshire.

17 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:3, V(j) and (k) to read as follows:

(j) Notify, in writing, each ~~[licensed]~~ insurer of the insurer's assessment by November 15 of each year.

(k) Submit an annual report to the commissioner of insurance listing those ~~[licensed]~~ insurers that failed to remit their assessments.

18 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:4, IV to read as follows:

IV. Each ~~[licensed]~~ insurer **writing or maintaining health insurance in New Hampshire** shall be assessed in proportion to the number of its covered lives.

19 New Hampshire Vaccine Association; Reference Deletion. Amend RSA 126-Q:5, I to read as follows:

I. The commissioner of insurance shall fine any ~~[licensed]~~ insurer that fails to pay an assessment within 6 months of notification under RSA 126-Q:3, V(j). The fine shall be at least \$5,000 and no more than 125 percent of the amount of the delinquent assessment. Fines so levied shall be deposited with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.

20 Repeal. RSA 126-Q:1, VI, relative to the definition of "licensed insurer," is repealed.

21 Effective Date.

I. Paragraph II of section 8 of this act shall take effect January 1, 2009.

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

2008-0812s

AMENDED ANALYSIS

This bill clarifies the board of directors of the small employer reinsurance pool. This bill also establishes a treaty reinsurance program which will provide reinsurance by the pool on a modified coinsurance basis to members of the pool who provide health insurance to small employers. This bill also establishes a committee to review a report prepared by the commissioner of the department of insurance detailing the effects of the reinsurance pool on small group health insurance and the small group market.

A roll call was requested.

Senator Gatsas withdrew his motion for a roll call.

Senator Barnes withdrew his second for a roll call.

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: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Bragdon, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.

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

Yeas: 15 - Nays: 9

Adopted.

Ordered to third reading.

SB 500-FN, relative to certain insurance fraud. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 6-0. Senator Barnes for the committee.

Commerce, Labor and Consumer Protection

March 4, 2008

2008-0827s

01/10

Amendment to SB 500-FN

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

AN ACT relative to certain insurance fraud, relative to workers' compensation for employee leasing companies, and establishing a task force on employee misclassification.

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

1 New Paragraph; Administrative Services; Duties of the Commissioner. Amend RSA 21-I:13 by inserting after paragraph XIV the following new paragraph:

XV. Maintain a list of persons who have been prohibited from participating in public works projects under RSA 638:20. Such list shall be a public record under RSA 91-A.

2 Workers' Compensation; Liability of Employer Failing to Comply. Amend RSA 281-A:7, VI to read as follows:

VI. Any employer, individual, or corporate officer required to secure payment of compensation under this chapter who fails to secure such payment shall be guilty of a ~~[misdemeanor]~~ **class B felony**.

3 Insurance; Claim Forms. Amend RSA 402:82 to read as follows:

402:82 ~~[Warning Notice on]~~ Claim Forms **and Applications**.

I. All insurance claim forms shall contain a statement that clearly states in substance the following: "Any person who, with a purpose to injure, defraud, or deceive any insurance company, files a statement of claim containing any false, incomplete, or misleading information is subject to prosecution and punishment for insurance fraud, as provided in RSA 638:20." ~~[However, the lack of such a statement shall not constitute a defense against prosecution under RSA 638:20.]~~

II. No insurance company or producer shall accept an application for workers' compensation or property or casualty insurance, unless the application includes:

(a) A written or electronic signature of the producer, unless the transaction does not involve a producer; and

(b) A written or electronic signature of the applicant.

III. The lack of the information required by paragraphs I and II shall not constitute a defense against prosecution under RSA 638:20 or any other criminal statute.

IV. "Electronic signature" shall have the same definition as under RSA 294-E:2.

V. "Written signature" means an original signature or a duplicate copy made by photocopying, facsimile, or other means similar and does not include stamped signatures.

4 New Section; Workers' Compensation; Certificates of Insurance. Amend RSA 412 by inserting after section 37 the following new section:

412:37-a Certificates of Insurance. Every certificate of insurance issued or presented in this state pursuant to a workers' compensation insurance policy shall contain the following information:

- I. All states for which such statutory coverage is provided;
- II. Names of all executive officers or members who are excluded, if any, pursuant to RSA 281-A:18-a, or a notation that no executive officers or members are excluded; and
- III. Names of all sole proprietors or partners who have elected to be covered under the policy or a notation that no sole proprietors or partners are covered.

5 Insurance Fraud; Definitions Added. RSA 638:20, I and I-a are repealed and reenacted to read as follows:

- I. In this section:
 - (a) "Bidding" includes a bid made as any contractor, general contractor, or subcontractor.
 - (b) "Financial interest" means any direct or indirect interest in the entity, whether as an owner, partner, officer, manager, employee, agent, consultant, advisor, or representative, but does not include an employee who does not participate in management of the entity and ownership in a mutual or common investment fund that holds securities unless the person participates in the management of the fund.
 - (c) "Insurance policy" includes an actual or purported insurance policy.
 - (d) "Insurer" includes any insurance company, health maintenance organization, or reinsurance company, or broker or agent thereof, or insurance claims adjuster.
 - (e) "Participating in public works projects" means bidding or working on any public works project or holding any financial interest in any entity bidding or working on any public works project.
 - (f) "Public works project" means any construction project financed by public funds.
 - (g) "Statement" includes, but is not limited to, any notice, statement, proof of loss, bill of lading, receipt of payment, invoice, account, estimate of property damages, bill for service, diagnosis, prescription, hospital or doctor records, x-rays, test results, or other evidence of loss, injury, or expense.

6 New Paragraphs; Insurance Fraud; Penalties. Amend RSA 638:20 by inserting after paragraph V the following new paragraphs:

VI. In addition to any other penalty authorized by law, any person convicted of violating subparagraphs II(a), (b), or (d) relative to a workers' compensation insurance policy shall, as a condition of his or her sentence, be prohibited from participating in any public works projects for a period of no less than one year and no more than 3 years and shall be ordered to pay restitution to its workers' compensation carrier, as determined by the sentencing court. Any person convicted of a third or subsequent violation may, as a condition of his or her sentence, be permanently banned from participating in any public works projects. For the purposes of this paragraph, "restitution" means the difference between the premium actually charged and the premium amount that would have been charged if accurate information had been provided to the carrier, provided that the carrier is not compensated by the offender more than once.

VII. The commissioner of the department of administrative services shall maintain a list of persons who have been banned from participating in public works projects under this section. Such list shall be a public record under 91-A.

7 Employee Leasing Company; Workers' Compensation. Amend RSA 277-B:5, IV to read as follows:

IV. Every application for an original, renewal or restricted license, shall be accompanied by evidence satisfactory to the commissioner that the leased employees are covered by [a] **one single** workers' compensation policy issued by a carrier admitted to write

such coverage in this state. No unlicensed leasing company shall be provided workers' compensation coverage. Employee leasing companies insured in the residual market only shall be issued the National Council of Compensation Insurance Multiple Coordinated Policy as approved by the insurance commissioner. Employee leasing companies insured in the voluntary market shall upon request make available claims data on a client company basis to the National Council of Compensation Insurance. A client company shall be assigned its claims data upon terminating its relationship with an employee leasing company which data shall be used in calculating the client company's subsequent workers' compensation premium. The application shall also be accompanied by evidence satisfactory to the commissioner that any health insurance benefits covering leased employees are provided pursuant to the provisions of RSA 277-B:11, II.

8 Employee Leasing Companies; Workers' Compensation. Amend RSA 277-B:9, II to read as follows:

II. The employee leasing company provides satisfactory evidence to the commissioner that the leased employees are covered by [a] **one single** workers' compensation policy issued by an insurance carrier admitted to write such coverage in this state.

9 Workers' Compensation; Securing Payment of Compensation. Amend RSA 281-A:5, I to read as follows:

I. By insuring and keeping insured the payment of such compensation with [a] **one single** company licensed to write workers' compensation insurance in this state and filing with the commissioner, in a form prescribed by the commissioner, evidence of such coverage as the commissioner deems appropriate.

10 Task Force Established. There is established a task force to study employee misclassification.

11 Membership and Compensation.

I. The members of the task force shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of labor, or designee.
- (d) The commissioner of the department of employment security, or designee.
- (e) The commissioner of the department of insurance, or designee.
- (f) The commissioner of the department of revenue administration, or designee.
- (g) The attorney general, or designee.
- (h) A member of a labor union representing building trades, appointed by the governor.
- (i) A member of an organization representing contractors in the construction industry, appointed by the governor.
- (j) A small business owner from outside the construction industry, appointed by the governor.
- (k) A large business owner from outside the construction industry, appointed by the governor.

II. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

12 Duties. The task force shall study employee misclassification and shall coordinate investigation and enforcement of employee misclassification matters.

13 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named senate member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Six members of the task force shall constitute a quorum.

14 Report. The task force shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of

representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2008.

15 Effective Date.

I. Sections 7-14 of this act shall take effect upon its passage.

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

2008-0827s

AMENDED ANALYSIS

This bill:

I. Increases the penalties for insurance fraud. This bill also increases the penalty for employers who fail to secure workers' compensation.

II. Clarifies workers' compensation coverage for employee leasing companies.

III. Establishes a task force on employee misclassification.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 532, relative to administrative fines under the indoor smoking act. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

SB 537, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator Gottesman for the committee.

Adopted.

Ordered to third reading.

SB 337-FN, relative to home education of children. Education Committee. Ought to Pass with Amendment, Vote 4-2. Senator Estabrook for the committee.

Sen. Estabrook, Dist. 21

February 15, 2008

2008-0661s

04/10

Amendment to SB 337-FN

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

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

I.**(a)** Any parent commencing a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall notify the commissioner of education, resident district superintendent, or principal of a nonpublic school ~~[of such within 30 days]~~ **prior to commencement of such program.**

(b) Any parent planning to continue a home education program under subparagraph I(a) shall notify the commissioner of education, resident district superintendent, or principal of a nonpublic school within 30 days of the anniversary of commencement of the home education program or by the first school day according to the school calendar in the child's resident school district.

2 New Paragraph; Home Education; Notification. Amend RSA 193-A:5 by inserting after paragraph IV the following new paragraph:

V. Prior to the initial year of a home education program, a parent shall provide to the department of education, resident district superintendent, or principal of a nonpublic school, information which summarizes planned and supervised instructional and related activities, including a draft curriculum demonstrating instruction in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music.

3 Effective Date. This act shall take effect July 1, 2008.
2008-0661s

AMENDED ANALYSIS

This bill makes various changes to the notification requirements for parents involved in a home education program.

Amendment adopted.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

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: Reynolds, Sgambati, Burling, 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: 14 - Nays: 10

Adopted.

Ordered to third reading.

SB 339-FN-A, relative to per pupil funding for charter school pupils. Education Committee. Interim Study, Vote 5-0. Senator Fuller Clark for the committee.

Committee report of Interim Study is adopted.

SB 343-FN, authorizing charter schools to apply for and receive school building aid. Education Committee. Ought to Pass with Amendment, Vote 6-0. Senator Fuller Clark for the committee.

Senate Education
March 6, 2008
2008-0877s
04/09

Amendment to SB 343-FN

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

AN ACT making school building aid grants available to charter schools as reimbursement for annual lease costs.

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

1 Annual Grant for Leased Space. Amend RSA 198:15-hh to read as follows:
198:15-hh Annual Grant for Leased Space.

I. The amount of the annual grant for a lease to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred, for the cost of leasing permanent space in a building or buildings not owned by the school district or school administrative unit which is used for the operation of a high school vocational technical education program, to the extent approved by the state board of education, provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district, in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent. For the purposes of this section, the amount of the annual grant for a lease to a vocational technical education center shall be calculated in the same manner as a cooperative school district. ***The amount of the annual grant for a charter school authorized pursuant to RSA 194-B:3-a shall be a sum equal to 40 percent of the amount of the annual lease payment incurred for the cost of leasing space.*** Such lease agreements shall be eligible for grants under this section, provided all of the following conditions apply:

(a) A school district, city, cooperative school district, joint maintenance agreement, ~~or~~ receiving district operating an area school as defined in RSA 195-A:1, ***or charter school authorized pursuant to RSA 194-B:3-a***, which receives grants under this section shall remain eligible to apply for, receive, and expend moneys from other state or federal sources made available for the purpose of purchasing new equipment, materials, or

supplies necessary for the operation of the program. Moneys received from such other state or federal sources shall not be used to make permanent upgrades or renovations to the leased space.

(b) A lease agreement for permanent space shall be adopted in the same manner as required by law for the passage of construction bonds in the school district, city, cooperative school district, joint maintenance agreement, or receiving district operating an area school as defined in RSA 195-A:1. ***A lease agreement for a charter school shall be approved by the charter school board of trustees pursuant to RSA 194-B:5, III(c).***

(c) An initial lease agreement for a term of 10 years or less shall be eligible to receive grants under this section. Upon renewal, a lease agreement may remain eligible to receive grants, provided the commissioner of the department of education determines that the lease agreement represents an efficient use of state and local resources.

(d) In any fiscal year where the state pays a pro rata share of school building aid grants, the state shall pay the same pro rata share for lease agreements approved under this section.

II. Lease agreements for the use of portable or modular classroom space shall not be eligible for grants.

III. A school district, city, cooperative school district, joint maintenance agreement, ~~[or]~~ receiving district operating an area school as defined in RSA 195-A:1, ***or charter school authorized pursuant to RSA 194-B:3-a***, shall submit details of the lease arrangement, including a copy of the proposed lease agreement, in writing to the state board of education on such forms as the state board may prescribe. Grant applications for leased space shall be submitted before January 1 of each year in order to be eligible for grants in the fiscal year following the year of submittal. The state board of education shall, no later than March 1, 2004, adopt rules pursuant to RSA 541-A, relative to procedures for grant applications for leased space.

2 Charter School Lease Payment; August, 2008. A grant payment shall be made no later than August 31, 2008 to any eligible charter school for lease costs incurred in the 2008-2009 school year as authorized under RSA 198:15-hh for which aid has not been previously received.

3 Reimbursement for Charter School Lease Payments; 2009 Fiscal Year. Notwithstanding the January 1 application submission deadline in RSA 198:15-c, I and RSA 198:15-hh, III, a charter school submitting an initial application prior to January 1, 2009 for reimbursement of lease costs authorized under RSA 198:15-hh, I which are incurred in the 2009 fiscal year shall be eligible for reimbursement not more than 45 days after receipt of a complete application by the department of education.

4 Effective Date. This act shall take effect July 1, 2008.
2008-0877s

AMENDED ANALYSIS

This bill:

I. Makes school building aid grants available to eligible charter schools approved by the state board of education as reimbursement for annual lease costs.

II. Directs the department of education to make a payment no later than August 31, 2008 to an eligible charter school for lease costs incurred in the 2008-2009 school year.

III. Grants an exception to the filing deadline for eligible charter schools approved by the state board of education seeking reimbursement of lease costs in the 2009 fiscal year.

Amendment adopted.

Senator Gatsas offered a floor amendment.

Sen. Gatsas, Dist. 16

March 13, 2008

2008-1011s

04/01

Floor Amendment to SB 343-FN

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

AN ACT making school building aid grants available to charter schools as reimbursement for annual lease costs and providing supplemental grants to charter schools for the 2009 fiscal year.

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

4 Charter School Supplemental Grants; Fiscal Year 2009. In addition to any other funds distributed to charter schools for the biennium ending June 30, 3009, the commissioner of the department of education shall distribute supplemental grants on a per pupil basis to all charter schools in operation at the beginning of the 2008-2009 school year. The total of such grants shall not exceed \$1,000,000 and shall be a charge against PAU 06, 03, 02, 02, 02, class 93. The per pupil amount shall be based on charter school pupil enrollment as of July 1, 2008. Grants shall be distributed pursuant to RSA 194-B:11, I(c).

2008-1011s

AMENDED ANALYSIS

This bill:

I. Makes school building aid grants available to eligible charter schools approved by the state board of education as reimbursement for annual lease costs.

II. Directs the department of education to make a payment no later than August 31, 2008 to an eligible charter school for lease costs incurred in the 2008-2009 school year.

III. Grants an exception to the filing deadline for eligible charter schools approved by the state board of education seeking reimbursement of lease costs in the 2009 fiscal year.

IV. Distributes a per pupil supplemental grant to all charter schools in operation at the beginning of the 2008-2009 school year.

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, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau.

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

Yeas: 8 - Nays: 16

Floor amendment failed.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 511-FN, relative to requirements for school building aid grants. Education Committee. Interim Study, Vote 6-0. Senator Fuller Clark for the committee.

Committee report of Interim Study is adopted.

SB 539-FN-L, relative to the cost of an adequate education and provision of fiscal capacity disparity aid. Education Committee. Ought to Pass with Amendment, Vote 4-2. Senator Estabrook for the committee.

Sen. Estabrook, Dist. 21

March 3, 2008

2008-0803s

04/10

Amendment to SB 539-FN-LOCAL

Amend the bill by replacing section 7 with the following:

7 School Money; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-b, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil. The quartile containing municipalities with the lowest equalized valuation per pupil shall then be divided in half.

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

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

II. Aid under this section shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

2008-0803s

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes differentiated aid distributed to schools based on the number of pupils receiving special education services, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Requires schools receiving differentiated aid to use it to implement enhanced programs known to improve pupil achievement.

III. Establishes a joint legislative oversight committee on accountability for an adequate education.

IV. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality's equalized valuation, including utilities, per pupil and median family income.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Bragdon.

Seconded by Senator Gatsas.

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

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

Yeas: 17 - Nays: 7

Amendment adopted.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

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: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.

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

Yeas: 15 - Nays: 9

Adopted.

Referred to the Finance Committee (Rule #26).

SB 359, updating the health curriculum requirements for public school students. Education Committee. Ought to Pass with Amendment, Vote 5-0. Senator Foster for the committee.

Senate Education
March 10, 2008
2008-0946s
04/09

Amendment to SB 359

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

AN ACT updating the health curriculum requirements for public school students and requiring the state board of education to provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to read as 5-6, respectively:

4 New Paragraph; State Board of Education; Duties. Amend RSA 186:11 by inserting after paragraph IX-a the following new paragraph:

IX-b. HEALTH AND SEX EDUCATION. Provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty.

2008-0946s

AMENDED ANALYSIS

This bill updates the health education curriculum to include instruction on the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system. The bill also requires the state board of education to provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 362, relative to the responsibility for providing a free appropriate public education to students with disabilities. Education Committee. Interim Study, Vote 4-1. Senator Fuller Clark for the committee.

Committee report of Interim Study is adopted.

Senator Letourneau is in opposition to the motion of Interim Study on SB 362.

SB 374, relative to the process for nonrenewal of teacher contracts. Education Committee. Ought to Pass with Amendment, Vote 4-1. Senator Estabrook for the committee.

**Senate Education
March 10, 2008
2008-0943s
04/09**

Amendment to SB 374

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

1 School Boards; Review by State Board. Amend RSA 189:14-b, I to read as follows:

I. A teacher aggrieved by such decision may ~~[request]~~ **either petition** the state board of education for review thereof **or request arbitration under the terms of a collective bargaining agreement, if applicable, but may not do both.** Such ~~[request]~~ **petition** must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such ~~[request]~~ **petition**, the state board shall notify the school board of the ~~[request]~~ **petition** for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[30]~~ **15** days after the ~~[request]~~ **petition** for review is filed, and the decision of the state board shall be final and binding upon both parties. ~~[A request for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.]~~

2 Public Employee Labor Relations; Grievance Procedures. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. ~~[No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14 a~~

~~shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14 a and RSA 189:14 b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.]~~

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 538, relative to the community college system of New Hampshire board of trustees and repealing a motor vehicle regulation statute applicable to the community college system. Education Committee. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Senate Education

March 10, 2008

2008-0941s

04/01

Amendment to SB 538

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

3 Community College System of New Hampshire; Board of Trustees. Amend RSA 188-F:4, II(k) to read as follows:

(k) One member ~~[representing a]~~ **from the** technology ~~[company]~~ **sector.**

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 386, relative to service territories served by several telephone utilities. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 4-1. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

SB 394, establishing an economic development advisory council. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Hassan for the committee.

Sen. Hassan, Dist. 23
March 4, 2008
2008-0836s
05/10

Amendment to SB 394

Amend RSA 12-A:22-a, II as inserted by section 1 of the bill by replacing it with the following:

- II. The advisory council shall consist of the director of the division of economic development, 3 at-large members who have an interest in economic development, and a representative of each of the following:
- (a) A chamber of commerce.
 - (b) The manufacturing sector.
 - (c) The higher education field.
 - (d) A venture capital formation expert or specialist.
 - (e) A workforce development organization.
 - (f) The biotechnology sector.
 - (g) The information technology or software sector.
 - (h) Commercial real estate or development.
 - (i) A regional or municipal development official.
 - (k) The insurance, banking, or financial services sector.
 - (l) The retail, travel, and tourism sector.
 - (m) The forest-based products sector.
 - (n) An electric utility or energy related interest.
 - (q) An economist.
 - (r) A telecommunications sector representative.
 - (s) The governor's office.
 - (t) A senator, appointed by the president of the senate.
 - (u) A house member, appointed by the speaker of the house of representatives.
 - (v) One representative of organized labor.

Amendment adopted.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23
March 13, 2008
2008-1019s
05/04

Floor Amendment to SB 394

Amend RSA 12-A:22-a,II as inserted by section 1 of the bill by inserting after subparagraph (v) the following new subparagraphs:

- (w) The building community.

(x) A state or local housing agency.

Amend RSA 12-A:22-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Members of the council, except for the legislative members, shall be nominated by the commissioner of the department of resources and economic development and appointed by the governor for a term of 3 years and until their successors are appointed and qualified. Initial appointments made by the governor shall be for staggered terms of one, 2, or 3 years.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 412, establishing the office of technology development and telecommunications planning and the position of director of telecommunications in the department of resources and economic development. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 3-2. Senator Hassan for the committee.

MOTION TO TABLE

Senator Hassan moved to have SB 412 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 412, establishing the office of technology development and telecommunications planning and the position of director of telecommunications in the department of resources and economic development.

SB 368, relative to exemptions for toxics reduction in packaging. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Odell for the committee.

Adopted.

Ordered to third reading.

Recess.

Senator Hassan in the Chair.

SB 382, relative to gasoline and diesel fuel prices. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 5-0. Senator Cilley for the committee.

Committee report of Inexpedient to Legislate is adopted.

SB 384, relative to the repair of septic systems prior to the sale of waterfront property. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Sgambati for the committee.

Sen. Sgambati, Dist. 4
March 3, 2008
2008-0798s
08/09

Amendment to SB 384

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

1 Sale of Waterfront Property; Department Notification. Amend RSA 485-A:39 to read as follows:

485-A:39 Waterfront Property Sale; Site Assessment Study.

I. Prior to the execution of a purchase and sale agreement for any developed waterfront property using a septic disposal system, the owner of the property shall, at ~~his or her~~ **the owner's** expense, engage a permitted subsurface sewer or waste disposal system designer to perform a site assessment study to determine if the site meets the current standards for septic disposal systems established by the department. The site assessment study shall include an on-site inspection **and shall identify any remedial action required to meet the department's current standards for septic disposal systems and if the system is failing, the action necessary to bring the system into compliance.** If the site assessment is not complete prior to the time that the buyer and seller enter into a purchase and sale contract, the contract shall be subject to the buyer's acceptance of the completed site assessment.

II. The site assessment study form shall become a part of the purchase and sale agreement.

III. The site assessment study form, with stated findings, shall be given to the buyer **and the seller** and receipt of the form shall be acknowledged in writing by the buyer **and the seller.**

IV. Failure of the seller or the seller's agent to notify the buyer of the findings or deliver ~~approved plans of the septic disposal system~~ **the completed site assessment study form** pursuant to paragraph III of this section shall be a violation and, notwithstanding RSA 651:2, shall be punishable by a fine not to exceed \$500.

V. The site assessment study shall consist of 3 sections:

(a) Section A shall include the name, address, and telephone number of the seller and the seller's agent and the location and a brief description of the property, including the tax map reference and lot number.

(b) Section B shall include the lot size, slope, loading (based on the number of bedrooms in the structure), water source, soil type, and estimated seasonal high water table information from U.S. Natural Resources Conservation Service maps. A space shall be included on the form for the permitted designer to write his assessment of the site for the

current use of the system, based upon the criteria and information required in this subparagraph.

(c) Section C shall include information about the present septic disposal system, if available. If the installed system was approved by the department, a copy of the approval form, approval number and plan shall be attached to the site assessment study.

~~[An assessment indicating that the site fails to meet any of the criteria established under this section shall not prohibit the sale of the property but must be disclosed to the buyer as full and proper notice of the possible limitations of the site for a septic disposal system.]~~

VI. The department shall design the site assessment form pursuant to paragraph V of this section. The commissioner shall adopt rules pursuant to RSA 541-A relative to the procedures for the availability and distribution of the form to interested parties.

VII. An assessment indicating that the site fails to meet any of the criteria established under this section shall not prohibit the sale of the property but shall be disclosed to the buyer as full and proper notice of the possible limitations of the site for a septic disposal system.

VIII. If the septic disposal system designer, during the course of a site assessment, discovers evidence that a system is in failure, the designer shall notify, in writing, the department and the local health officer, and shall include that information in the site assessment report.

IX. If no state-approved plan exists for the property, or the approved plan cannot be located, the assessor shall perform a standard dye test on the septic disposal system. Surfacing of the dye on the ground or in nearby surface waters shall be an indication of failure, and the assessor shall report that failure as provided in paragraph VIII.

2 Septic System Failure; Definition. Amend RSA 485-A:2, IV to read as follows:

IV. "Failure" means the condition produced when a subsurface sewage or waste disposal system does not properly contain ~~[or treat]~~ sewage or causes ~~[or threatens to cause]~~ the discharge of sewage on the ground surface or into adjacent surface ~~[or groundwaters]~~ ***waters.***

3 Developed Waterfront Property; Definition. Amend RSA 485-A:2, I to read as follows:

I. "Developed waterfront property" means any parcel of land which is contiguous to or within 200 feet of ~~[tidal waters or a great pond]~~ ***public waters*** as defined in ~~[RSA 4:40 a]~~ ***RSA 483-B*** and upon which stands a structure suitable for either seasonal or year-round human occupancy.

4 Permit Renewal; Septic Designers. Amend RSA 485-A:35, I to read as follows:

I. ***(a)*** All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the person who is directly responsible for them and who has a permit issued by the department to perform the work. The department shall issue a permit to any person who applies to the department, and pays a fee of ~~[\$40]~~ ***\$80*** and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The department shall require an oral or written examination or both to determine who may qualify for a permit. Permits shall be issued from January 1 and shall expire December 31 of ~~[each]~~ ***every other*** year. Permits shall be renewable upon proper application, ~~[and payment of an annual fee of \$40]~~ ***payment of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b).*** A permit issued to any person may be suspended, revoked or not renewed only for just cause and after the permit holder has had a full opportunity to be heard by the department. An appeal from a decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541.

(b) Permitted designers shall complete a minimum of 3 hours annually of continuing education approved by the department.

5 Permit Renewal; Septic Installers. Amend RSA 485-A:36, I to read as follows:

I.(a) No person shall engage in the business of installing subsurface sewage or waste disposal systems under this subdivision without first obtaining an installer's permit from the department. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The department shall issue an installer's permit to any person who submits an application provided by the department, pays a fee of ~~[\$40]~~ **\$80** and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read approved waste disposal plans. The department shall require an oral or written examination or both to determine who may qualify for an installer's permit. Individuals who have been actively engaged in the business of installing systems for at least 12 months prior to January 1, 1980, shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial fee, if application is made before June 30, 1980. Permits shall be issued from January 1 and shall expire December 31 of ~~each~~ **every other** year. Permits shall be renewable upon proper application ~~[and payment of an annual fee of \$40]~~ **payment of a biennial fee of \$80, and documentation of compliance with the continuing education requirement of subparagraph (b).** The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of waste disposal systems in violation of this subdivision or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14. All fees shall be deposited with the state treasurer as unrestricted revenue.

(b) Permitted installers shall complete a minimum of 3 hours annually of continuing education approved by the department.

6 Effective Date. This act shall take effect January 1, 2009.
2008-0798s

AMENDED ANALYSIS

This bill:

- I. Requires a site assessment study to identify remedial actions necessary.
- II. Adds a section to the site assessment study.
- III. Requires a septic disposal system designer to report remedial actions to the department of environmental services and the local health officer.
- IV. Defines "developed waterfront property" and septic system "failure."
- V. Prescribes continuing education requirements for septic system designers and installers.

MOTION TO TABLE

Senator Sgambati moved to have SB 384 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 384, relative to the repair of septic systems prior to the sale of waterfront property.

SB 420, relative to criminal background checks of health care facilities. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 4-0. Senator Cilley for the committee.

Senate Executive Departments and Administration
March 6, 2008
2008-0885s
01/09

Amendment to SB 420

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

AN ACT relative to criminal background checks of health care facilities and certain nurse applicants.

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

3 Nurse Practice Act; Criminal History Record Check. Amend RSA 326-B:15, II and III to read as follows:

II. ~~[The]~~ **An** applicant **for licensure as an RN or an LPN** shall **also** submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and **if applicable the** fingerprint form to the division of state police ~~[which]~~. **The division of state police** shall conduct a criminal history records check **on all applicants** through its records and **for applicants for licensure as LPNs or RNs shall also conduct a criminal records check** through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board. The board shall maintain the confidentiality of all criminal history records information received pursuant to this section.

4 Nurse Practice Act; Criminal History Record Check. RSA 326-B:15, II and III is repealed and reenacted to read as follows:

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board. The board shall maintain the confidentiality of all criminal history records information received pursuant to this section.

5 Contingency. Section 4 of this act shall take effect 30 days after the date of certification by the director of the division of state police to the secretary of state and the

director of legislative services that the division of state police is able to begin carrying out the responsibilities set forth under RSA 326-B:15, II and III as inserted by section 4 of this act; provided, that such certification shall be provided no later than March 1, 2009.

6 Effective Date.

- I. Section 4 of this act shall take effect as provided in section 5 of this act.
- II. Sections 1 and 2 of this act shall take effect January 1, 2009.
- III. The remainder of this act shall take effect upon its passage. 2008-0885s

AMENDED ANALYSIS

This bill requires every applicant applying for a license to operate a health care facility to submit with the application the results of a criminal records check for the applicant, the licensee, or certificate holder if different than the applicant, the administrator, and each household member, if applicable. Current law only requires residential facilities and home health care agencies to comply with such a law.

This bill also requires only those applicants applying for licensure as an LPN or RN to submit a set of fingerprints and to undergo a criminal history records check through the Federal Bureau of Investigation in addition to the state criminal history records check for a limited period of time. Current law requires all applicants for licensure under RSA 326-B to submit a set of fingerprints and to undergo both criminal history records checks.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 453, relative to the terms of members of the electricians' board. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 4-0. Senator Kenney for the committee.

Senate Executive Departments and Administration

March 5, 2008

2008-0870s

08/09

Amendment to SB 453

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

1 New Paragraph; Electricians' Board; Term Limits. Amend RSA 319-C:4 by inserting after paragraph I the following new paragraph:

I-a. No member of the board shall serve more than 12 years, including the time of 2 5-year terms, being held over after a term expires, and fulfilling an unexpired term. Members' terms shall be staggered and in no case shall any member's term coincide with another member's term. To avoid coinciding terms, the next appointment for a member shall be for a term which complies with this paragraph.

2 Effective Date. This act shall take effect 60 days after its passage.
2008-0870s

AMENDED ANALYSIS

This bill imposes term limits on the terms of members of the electricians' board.

This bill also requires that no board member's term coincides with another member's term.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 536-FN, reclassifying certain positions in the insurance department. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

Adopted.

Ordered to third reading.

SB 346-FN, relative to the regulation of fuel gas fitters by the state fire marshal. Finance Committee. Ought to Pass, Vote 6-0. Senator Gallus for the committee.

Adopted.

Ordered to third reading.

SB 348-FN, relative to the certification of forensic counselors by the board of forensic counselors. Finance Committee. Interim Study, Vote 6-0. Senator Sgambati for the committee.

MOTION TO TABLE

Senator Sgambati moved to have SB 348-FN laid on the table.

Adopted.

LAIID ON THE TABLE

SB 348-FN, relative to the certification of forensic counselors by the board of forensic counselors.

SB 351-FN, requiring that funds in the civil legal services fund be distributed to New Hampshire Legal Assistance to establish an office at a location in Carroll county. Finance Committee. Inexpedient to Legislate, Vote 5-1. Senator D'Allesandro for the committee.

Committee report of Inexpedient to Legislate is adopted.

SB 410, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute. Finance Committee. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

SB 534-FN, eliminating the processing fee on court credit card transactions. Finance Committee. Ought to Pass, Vote 6-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

SB 496, establishing a commission to study incentives for providers of home and community-based care. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Janeway for the committee.

Sen. Sgambati, Dist. 4

March 4, 2008

2008-0833s

01/04

Amendment to SB 496

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-6 to read as 2-7, respectively:

1 Statement of Purpose.

I. The general court recognizes that the number of people over the age of 85 living in New Hampshire is expected to at least double, reaching nearly 45,000, in 2030 according to the United States Census Bureau. These seniors, and many under age 85, will need assistance if they are to remain in their homes. Many New Hampshire families are caring for their parents, grandparents, and developmentally disabled children but need assistance as they juggle caring for their relatives with work outside the home.

II. The general court further recognizes that the pool from which caregivers for the elderly and developmentally disabled is drawn is shrinking. Turnover among these direct care workers ranges from 30–80 percent resulting in inconsistent, disruptive care delivery or, in some cases, no available care at all. Factors which contribute to high turnover include low wages, lack of benefits, lack of support and respect from supervisors and isolated working conditions. Home care workers typically receive lower wages and fewer benefits than their counterparts in hospitals and nursing home settings.

III. Therefore, the general court hereby establishes a commission to bring representatives from the home care industry, direct care workers, and appropriate state agencies together to identify and recommend incentives for providers of home and community-based care.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 505-FN, relative to the moratorium on certain nursing home beds. Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Sgambati for the committee.

Committee report of Inexpedient to Legislate is adopted.

SB 529, changing certain references in the mental health laws. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Sgambati for the committee.

Sen. Hassan, Dist. 23

March 3, 2008

2008-0806s

01/03

Amendment to SB 529

Amend the bill by replacing section 17 with the following:

17 Involuntary Admissions; Change in Term. Amend RSA 171-B:2, IV to read as follows:

IV. The person has ~~[mental retardation]~~ ***an intellectual disability***, as defined in the most current edition of the Diagnostic ~~[and Statistical]~~ Manual ~~[of Mental Disorders published by]~~ ***-Intellectual Disability developed by the National Association for the Dually Diagnosed in association with*** the American Psychiatric Association; and

Amendment adopted.

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

Adopted.

Ordered to third reading.

SCR 6, urging the federal government to allow certain nursing homes to use a number of beds for respite care. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Kenney for the committee.

Sen. Kenney, Dist. 3

March 4, 2008

2008-0816s

09/04

Amendment to SCR 6

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

A RESOLUTION urging the federal government to create a simplified process for short-term admissions to nursing homes for the purpose of respite care.

Amend the resolution by replacing all after the title with the following:

Whereas, an increasing number of elderly and disabled citizens are being cared for in the home, often by family members; and

Whereas, the home care providers of such persons need time to relax and take care of other responsibilities; and

Whereas, there is an acute need for safe and appropriate short-term placements where elderly and disabled citizens can stay while their home caregivers enjoy a period of respite from providing home-based care; and

Whereas, certain nursing homes in New Hampshire would be willing to provide short-term respite care if there was a simplified and streamlined process for such admissions; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the general court of New Hampshire hereby urges Congress to develop a simplified and streamlined process for short-term admissions to nursing homes for the purpose of respite care that minimizes, to the greatest extent possible, paperwork and recordkeeping that needs to be completed prior to and during such admissions; and

That copies of this resolution shall be sent by the senate clerk to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Health and Human Services, and each member of the New Hampshire congressional delegation.

2008-0816s

AMENDED ANALYSIS

This senate concurrent resolution urges the federal government to allow certain nursing homes to use a number of beds for respite care and to create a simplified, streamlined process for short-term admissions to nursing homes for the purpose of respite care.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Recess.

Senator Larsen in the chair.

SB 425, relative to the data collection practices of health care providers. Health and Human Services Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Sen. Hassan, Dist. 23

January 28, 2008

2008-0275s

01/03

Amendment to SB 425

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

AN ACT relative to the data collection practices of health care providers and relative to the development of a comprehensive uninsured health care database.

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

1 Health Care Data Collection. RSA 126:25, II is repealed and reenacted to read as follows:

II. A health care provider that is licensed by the state or lawfully providing health care services in New Hampshire and that submits its health care claims electronically for reimbursement shall submit health care claim data for any person who receives health care services and does not have health insurance and whose care is not paid for by a governmental program to the department of health and human services or its agent. The health care claims data shall be submitted in a format that is consistent with the claims data submitted electronically for reimbursement and shall include service level remittance information for each billed service that includes patient demographics, provider information, charge payment information, and clinical diagnosis and procedure codes.

2 New Chapter; Comprehensive Uninsured Health Care Database. Amend RSA by inserting after chapter 126-Q the following new chapter:

CHAPTER 126-R

COMPREHENSIVE UNINSURED HEALTH CARE DATABASE

126-R:1 Database Development and Use.

I. The commissioner of the insurance department and the commissioner of the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive uninsured health care database. The memorandum of understanding shall include a description of the uninsured database, the criteria and procedures for the collection and the release of the uninsured data set, and the requirements for reporting information on the uninsured.

II. To the extent allowed by the Health Information Portability and Accountability Act (HIPAA), the data shall be available as a resource tool for policy analysts, insurers, legislators, employers, health care providers, purchasers of health care, and state agencies to review the uninsured population's utilization of health care, the cost of services provided to the uninsured, and the effect of that utilization on the commercial insurance market.

III. The comprehensive uninsured health care database shall not include any data that contains direct personal identifiers. For purposes of this section, "direct personal identifiers" shall include information relating to an individual that contains primary identifiers, such as the individual's name, street address, e-mail address, telephone number, and social security number.

126-R:2 Rulemaking Authority.

I. The commissioner of the department of health and human services, in consultation with the commissioner of the insurance department, shall adopt rules under RSA 541-A as may be necessary to provide for the reporting and release of uninsured health care data.

II. The commissioner of the insurance department, in consultation with the commissioner of the department of health and human services, shall adopt rules under RSA 541-A as may be necessary to provide for the collection of uninsured health care data.

3 Effective Date. This act shall take effect January 1, 2009.

2008-0275s

AMENDED ANALYSIS

This bill requires health care providers that submit health care claims electronically for reimbursement to submit health care claims data for any person who is uninsured and whose care is not paid for by a governmental program to the department of health and human services.

This bill also requires the commissioner of the insurance department and the commissioner of the department of health and human services to enter into a memorandum of understanding for collaboration in the development of a comprehensive uninsured health care database. The bill grants rulemaking authority to the commissioners for the purposes of the collaborative effort.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 460, relative to the definition of surviving issue. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Foster for the committee.

Senate Judiciary

March 5, 2008

2008-0861s

01/09

Amendment to SB 460

Amend the bill by replacing section 2 with the following:

2 Applicability. This act shall apply to all children, including retroactively, conceived after the death of a parent.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 483, establishing a committee to study in-home intervention and counseling services for families and children charged with a crime or designated in need of services by the juvenile court. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gottesman for the committee.

Senate Judiciary

March 5, 2008

2008-0858s

05/04

Amendment to SB 483

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

- (a) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 387, relative to forfeiture of recognizances. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

Committee report of Inexpedient to Legislate is adopted.

Senator Barnes is in opposition to the motion of Inexpedient to Legislate on SB 387.

SB 392, relative to recovery of child support payments. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Foster for the committee.

Committee report of Inexpedient to Legislate is adopted.

SB 400, relative to the authority of bail commissioners. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Clegg for the committee.

Adopted.

Ordered to third reading.

SB 445, updating the procedure for recommending persons for initial appointment as marital masters. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Gottesman for the committee.

Senate Judiciary
March 11, 2008
2008-0966s
09/04

Amendment to SB 445

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

AN ACT changing the procedure for recommending persons for initial appointment as marital masters.

Amend the bill by replacing section 1 with the following:

1 Nominations and Appointments of Marital Masters. Amend RSA 490-D:7, I and II to read as follows:

I. The administrative judge of the judicial branch family division, ***with the concurrence of the supreme court***, shall recommend persons to the governor and council for initial appointment as marital masters. In recommending candidates for initial appointment as marital masters under this chapter, the division shall utilize the procedures and standards described in ~~[superior court rules in effect as of July 1, 2004]~~ ***the rules of the judicial branch family division***, except as otherwise provided in this chapter.

II. For appointments of new marital masters, the administrative judge of the judicial branch family division, ***with the concurrence of the supreme court***, shall submit to the governor the name of a nominee. The governor may accept the candidate nominated by the administrative judge and submit the candidate to the council for confirmation or may reject the candidate submitted by the administrative judge, and request a new nominee. If the council rejects a candidate for confirmation, the governor shall request a new nominee.
2008-0966s

AMENDED ANALYSIS

This bill changes the procedure for recommending persons for initial appointment as marital masters by replacing a reference to superior court rules with judicial branch family division rules and requiring the concurrence of the supreme court.

This bill was requested by the supreme court.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 342-FN-L, establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-0. Senator Hassan for the committee.

Public and Municipal Affairs

March 4, 2008

2008-0818s

06/09

Amendment to SB 342-FN-LOCAL

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

1 Findings and Statement of Purpose.

I. The state of New Hampshire is experiencing a shortage of housing that is affordable to working households. This housing shortage poses a threat to the state's economic growth, presents a barrier to the expansion of the state's labor force, undermines state efforts to foster a productive and self-reliant workforce, and adversely affects the ability of many communities to host new businesses.

II. Achieving a balanced supply of housing, which requires increasing the supply of workforce housing, serves a statewide public interest, and constitutes an urgent and compelling public policy goal.

III. The purpose of this act is to provide a simplified appeals mechanism for developments that propose the creation of workforce housing.

2 New Subdivision; Workforce Housing Opportunities. Amend RSA 674 by inserting after section 57 the following new subdivision:

Workforce Housing

674:58 In this subdivision:

I. "Affordable" means housing with combined rental and utility costs or combined mortgage and loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.

II. "Multi-family workforce housing" means a building or structure containing 5 or more dwelling units.

III. "Reasonable and realistic opportunities for the development of workforce housing" means opportunities to develop economically viable workforce housing within the framework of a municipality's ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of workforce housing shall be considered in determining whether opportunities for the development of workforce housing are reasonable and realistic.

IV. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing, which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than 2 bedrooms, shall not constitute workforce housing for the purposes of this subdivision.

674:59 Workforce Housing Opportunities. In every municipality that exercises the power to adopt land use ordinances and regulations, such ordinances and regulations shall provide reasonable and realistic opportunities for the development of workforce housing, including multifamily workforce housing. In order to provide such realistic opportunities, lot size and overall density requirements for workforce housing shall be reasonable. Municipalities shall not use unreasonable requirements for inclusionary zoning to prevent the development of projects that include workforce housing supported by higher income housing.

674:60 Appeals.

I. Any person whose application to develop workforce housing is denied or is approved with conditions or restrictions which have a substantial adverse impact on the viability of the proposed workforce housing development may appeal the municipal action to the superior court. The appeal shall set forth how the municipal action violates the

workforce housing requirements of RSA 674:59 or how the conditions or restrictions of approval have a substantial adverse impact on the viability of the proposal. The appeal shall specifically describe the order or action requested of the court. The petition to the court shall set forth how the denial is due to the municipality's failure to comply with the workforce housing requirements of RSA 674:59 or how the conditions or restrictions of approval have a substantial adverse impact on the viability of the proposal.

II. A hearing on the appeal shall be held within 6 months of the date on which the action was filed unless counsel for the parties agree to a later date, or the court so orders for good cause.

III. In order to expedite the appeal, either party may request the court to promptly appoint an impartial referee to hear the appeal. The parties shall bear the reasonable expenses of the referee.

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

MOTION TO TABLE

Senator Fuller Clark moved to have SB 342-FN-L laid on the table.

Adopted.

LAI D ON THE TABLE

SB 342-FN-L, establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing.

SB 398, establishing a committee to study municipal boundaries and the laws pertaining to these boundaries. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

Public and Municipal Affairs
March 4, 2008
2008-0822s
06/09

Amendment to SB 398

Amend paragraph I(a) of section 2 of the bill by replacing it with the following:

(a) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 407, establishing a committee to study the right of entry upon lands for the purpose of conducting a land survey. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

Public and Municipal Affairs

March 4, 2008

2008-0821s

05/10

Amendment to SB 407

Amend the bill by replacing subparagraph I(a) of section 2 of the bill with the following:

- (a) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 489, establishing a commission to study erecting a fire tower on Copple Crown mountain in Wolfeboro. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Sgambati for the committee.

Public and Municipal Affairs

March 4, 2008

2008-0825s

04/01

Amendment to SB 489

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

AN ACT establishing a commission to study erecting a fire tower on Copple Crown mountain in Brookfield.

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

1 Commission Established. There is established a commission to study erecting a fire tower on Copple Crown mountain in Brookfield.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(c) One member from the forest protection bureau, division of forests and lands, department of resources and economic development, appointed by the director of the division of forests and lands.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study erecting a fire tower on Copple Crown mountain in Brookfield. The commission may solicit and receive information and testimony from any individual or organization with information relevant to the commission's objectives.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Two members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2008.

6 Effective Date. This act shall take effect upon its passage.
2008-0825s

AMENDED ANALYSIS

This bill establishes a commission to study erecting a fire tower on Copple Crown mountain in Brookfield.

MOTION TO TABLE

Senator Sgambati moved to have SB 489 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 489, establishing a commission to study erecting a fire tower on Copple Crown mountain in Wolfeboro.

SB 524, relative to eligibility for persons to receive the elderly property tax exemption. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Sgambati for the committee.

Adopted.

Ordered to third reading.

SB 421-L, requiring municipal land use regulation to provide reasonable opportunities for the creation of workforce housing. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-0. Senator DeVries for the committee.

Sen. Fuller Clark, Dist. 24
February 12, 2008
2008-0523s
06/03

Amendment to SB 421-LOCAL

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

AN ACT relative to workforce housing.

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

1 Findings and Statement of Purpose.

I. The state of New Hampshire is experiencing a shortage of housing that is affordable to working households. This housing shortage poses a threat to the state's economic growth, presents a barrier to the expansion of the state's labor force, undermines state efforts to foster a productive and self-reliant workforce, and adversely affects the ability of many communities to host new businesses.

II. Achieving a balanced supply of housing, which requires increasing the supply of workforce housing, serves a statewide public interest, and constitutes an urgent and compelling public policy goal.

III. The purpose of this act is to clarify the requirements of *Britton v. Chester*, 134 N.H. 434 (1991), and to provide guidance for complying with those requirements to local officials and the public.

IV. The subdivision enacted in section 2 of this act is intended to provide the maximum feasible flexibility to municipalities in exercising the zoning powers under RSA 674 consistent with their obligation to provide reasonable opportunities for the development of workforce housing, and is not intended to create a system of statewide land use regulation or a statewide zoning process.

2 New Subdivision: Workforce Housing. Amend RSA 674 by inserting after section 57 the following new subdivision:

Workforce Housing

674:58 Definitions. In this subdivision

I. "Affordable" means housing with combined rental and utility costs or combined mortgage and loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.

II. "Multi-family workforce housing" means a building or structure containing 5 or more dwelling units.

III. "Reasonable and realistic opportunities for the development of workforce housing" means opportunities to develop economically viable workforce housing within the framework of a municipality's ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of workforce housing shall be considered in determining whether opportunities for the development of workforce housing are reasonable and realistic.

IV. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

“Workforce Housing” also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than 2 bedrooms, shall not constitute workforce housing for the purposes of this subdivision.

674:59 Workforce Housing Opportunities. In every municipality that exercises the power to adopt land use ordinances and regulations, such ordinances and regulations shall provide reasonable and realistic opportunities for the development of workforce housing, including multi-family workforce housing. In order to provide such realistic opportunities, lot size and overall density requirements for workforce housing shall be reasonable. Municipalities shall not use unreasonable requirements for inclusionary zoning to prevent the development of projects that include workforce housing supported by higher income housing.

3 Declaration of Purpose. Amend RSA 672:1, III-e to read as follows:

III-e. All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary, and affordable to low and moderate income persons and families is in the best interests of each community and the state of New Hampshire, and serves a vital public need. Opportunity for development of such housing, including so-called cluster development and the development of multi-family structures, ~~should~~ **shall** not be prohibited or discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers.

4 Effective Date. This act shall take effect 60 days after its passage.
2008-0523s

AMENDED ANALYSIS

This bill declares it to be the policy of planning and zoning regulation in the state that municipalities have an obligation to provide reasonable and realistic opportunities for the development of workforce housing.

MOTION TO TABLE

Senator DeVries moved to have SB 421-L laid on the table.

Adopted.

LAIID ON THE TABLE

SB 421-L, requiring municipal land use regulation to provide reasonable opportunities for the creation of workforce housing.

SB 479, relative to the vote required for passage of school bonds. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-1. Senator Barnes for the committee.

Public and Municipal Affairs
March 10, 2008
2008-0948s
04/09

Amendment to SB 479

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Senator Gottesman moved the question.

Without objection Senator Larsen moved to close debate.

Amendment adopted.

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

A roll call was requested by Senator Kenney.

Seconded by Senator Bragdon.

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

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

Yeas: 14 - Nays: 10

Adopted.

Ordered to third reading.

Senator Letourneau is in opposition to the amendment on SB 479.

SB 484, establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 2-0. Senator Hassan for the committee.

Public and Municipal Affairs

March 10, 2008

2008-0949s

04/09

Amendment to SB 484

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of corrections, or designee.
- (d) The attorney general, or designee.

(e) One member appointed by the chief justice of the New Hampshire supreme court.

(f) One member from the New Hampshire Sheriff's Association, appointed by that association.

(g) One member from the New Hampshire Association of Chiefs of Police, appointed by that association.

(h) One member from the New Hampshire Public Defender's Office, appointed by that organization.

(i) One member from the New Hampshire Police Association, appointed by that association.

(j) One member from the National Alliance on Mental Illness-New Hampshire, appointed by that association.

(k) One county attorney in New Hampshire appointed by the New Hampshire Association of Counties.

(l) One county superintendent in New Hampshire appointed by the New Hampshire Association of Counties.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Reynolds moved to have SB 508-FN-L removed from the table.

Adopted.

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

The question is on the adoption of the committee amendment (#0832).

Amendment adopted.

Senator Reynolds offered a floor amendment.

Sen. Reynolds, Dist. 2

March 12, 2008

2008-1000s

08/09

Floor Amendment to SB 508-FN-LOCAL

Amend the bill by replacing section 1 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~~]**\$1,500** 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.***

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 307-FN-L, exempting Purple Heart plate recipients from number plate and registration fees. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 4-0. Senator Letourneau for the committee.

MOTION TO TABLE

Senator Letourneau moved to have SB 307-FN-L laid on the table.

Adopted.

LAIID ON THE TABLE

SB 307-FN-L, exempting Purple Heart plate recipients from number plate and registration fees.

SB 361, relative to the widening of Interstate 93. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Letourneau for the committee.

Sen. Letourneau, Dist. 19
March 5, 2008
2008-0848s

06/09

Amendment to SB 361

Amend the bill by replacing section 1 with the following:

1 Priority Construction. The various construction projects that constitute the 18-mile widening of Interstate 93 from the Massachusetts border to the split of Interstate 93 in Manchester shall be given highest priority by the commissioner of the department of transportation once work has commenced on any one of the projects.
2008-0848s

AMENDED ANALYSIS

This bill directs the commissioner of transportation to give highest priority to the projects involving the widening of Interstate 93 from Manchester to the Massachusetts border.

Amendment adopted.

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

A roll call was requested by Senator Letourneau.

Seconded by Senator Roberge.

The following Senators voted Yes: Gallus, Reynolds, Kenney, Burling, Odell, Roberge, Kelly, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Downing, Hassan.

The following Senators voted No: Sgambati, Cilley, Janeway, Bragdon, Gottesman, Foster, Estabrook, Fuller Clark.

Yeas: 16 - Nays: 8

Adopted.

Ordered to third reading.

SB 424, relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds. Transportation and Interstate Cooperation Committee. Inexpedient to Legislate, Vote 3-0. Senator Letourneau for the committee.

MOTION TO TABLE

Senator Letourneau moved to have SB 424 laid on the table.

Adopted.

LAIID ON THE TABLE

SB 424, relative to prohibiting ATV and trail bike use on state-owned rail trails acquired using federal funds.

SB 503-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 3-1. Senator Clegg for the committee.

Transportation and Interstate Cooperation

March 5, 2008

2008-0862s

10/01

Amendment to SB 503-FN

Amend RSA 215-A:21, V as inserted by section 2 of the bill by replacing it with the following:

V. All OHRVs except conventional motor vehicles registered for highway use ~~and those registered pursuant to paragraph IV~~ shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ***A nonresident registering an OHRV for a 5-day period shall be issued a temporary registration by the executive director. The executive director shall determine the design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.***

Amend the introductory paragraph of RSA 215-A:23, V-a as inserted by section 3 of the bill by replacing it with the following:

V-a. Temporary Registration for Nonresidents -- \$32 for each non-transferable, 5-day registration upon presentation of a valid out-of-state driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:
2008-0862s

AMENDED ANALYSIS

This bill allows nonresidents to be issued a 5-day temporary registration for an OHRV to be operated in this state.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 516-FN-L, relative to aid for county bridges. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

Transportation and Interstate Cooperation

March 5, 2008

2008-0867s

03/01

Amendment to SB 516-FN-LOCAL

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

1 Bridge Aid; Application. Amend RSA 234:5 to read as follows:

234:5 Application. The selectmen of a town, the mayor of a city, or the county commissioners for an unincorporated place may annually apply to the commissioner of transportation in the manner prescribed by the commissioner for bridge aid on a class II, IV, or V highway. ***The county commissioners may annually apply to the commissioner of transportation in the manner prescribed by the commissioner for bridge aid for a county-owned bridge.***

2 Bridge Aid; How Cost Borne. Amend RSA 234:10 to read as follows:

234:10 Bridge Aid; How Cost Borne. When public convenience and necessity require the construction or reconstruction of any bridge on a class II, IV, or V highway the cost shall be borne 1/5 by the municipality and 4/5 by the state. ***When public convenience and necessity require the reconstruction of any county-owned bridge, the cost shall be borne 1/5 by the county and 4/5 by the state.***

2008-0867s

AMENDED ANALYSIS

This bill makes county-owned bridges eligible for bridge aid.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

Senator Sgambati is in favor of SB 516-FN-L.

SB 533, establishing a committee to study age-based driver's license renewal testing. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Transportation and Interstate Cooperation

March 5, 2008

2008-0866s

03/01

Amendment to SB 533

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Two members of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-

named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 306-FN, relative to allowing video gaming in Coos county, building a casino in Berlin, and establishing a fund to assist with the payment of property taxes. Ways and Means Committee. Inexpedient to Legislate, Vote 3-2. Senator Reynolds for the committee.

MOTION TO TABLE

Senator Reynolds moved to have SB 306-FN laid on the table.

Adopted.

LAID ON THE TABLE

SB 306-FN, relative to allowing video gaming in Coos county, building a casino in Berlin, and establishing a fund to assist with the payment of property taxes.

Senator Letourneau is in opposition to the tabling motion on SB 306-FN.

SB 330-FN, relative to video lottery machines at certain pari-mutuel facilities. Ways and Means Committee. Inexpedient to Legislate, Vote 3-2. Senator Janeway for the committee.

MOTION TO TABLE

Senator Downing moved to have SB 330-FN laid on the table.

Adopted.

LAID ON THE TABLE

SB 330-FN, relative to video lottery machines at certain pari-mutuel facilities.

Senator Letourneau is in opposition to the tabling motion on SB 330-FN.

SB 493, allowing certain tax exempt organizations to be defined as charitable organizations for purposes of games of chance operations. Ways and Means Committee. Ought to Pass with Amendment, Vote 2-0. Senator D'Allesandro for the committee.

Senate Ways and Means
March 10, 2008
2008-0961s

08/09

Amendment to SB 493

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

(a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations which shall have been registered with the secretary of state for at least 2 years and in existence for at least 2 years in a town or city in this state, provided that the primary activities conducted by the organization were for the purpose for which the organization was established and have not included charitable gambling operations; which is organized under the laws of this state; and to which contributions are exempt from federal income tax.

Chambers of commerce or other similar organizations, which are tax exempt under the Internal Revenue Code, and whose mission is to promote the improvement of the business environment, economic vitality, and overall stability and quality of life of the geographic area in which they serve, shall also be eligible for licensure under this chapter. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

- (1) Document that it is exempt from federal income tax.
- (2) Establish that the purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in [the town or city in which the games of chance are conducted] ***the geographic area in which they serve by the use of funds generated by games of chance.***
- (3) Register with the secretary of state and, if required under RSA 7:19-32, with the director of charitable trusts.
- (4) Maintain a current list of bona fide members.

Amendment adopted.

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

A roll call was requested by Senator Roberge.

Seconded by Senator Barnes.

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

The following Senators voted No: Roberge, Bragdon, Barnes, Letourneau, Fuller Clark.

Yeas: 19 - Nays: 5

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Foster moved to have SB 334-FN removed from the table.

Adopted.

SB 334-FN, relative to undue influence on real estate appraisals and relative to the quorum of the real estate appraiser's board.

The question is on the adoption of the committee amendment (#0466).

Amendment adopted.

Senator Burling offered a floor amendment.

**Sen. Burling, Dist. 5
February 13, 2008
2008-0591s
10/05**

Floor Amendment to SB 334-FN

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 -4 to read as 3 - 5, respectively:

2 Real Estate Appraisers; Prohibited Conduct. Amend RSA 310-B:5-a to read as follows:

310-B:5-a Prohibited Conduct.

I. A person licensed or certified by the board under this chapter, shall, after a hearing, be subject to disciplinary action as provided in RSA 310-B:18 for being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses; provided that, for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended.

II. A person licensed or certified by the board under this chapter who adjusts an appraisal in violation of RSA 479:31 shall be guilty of a misdemeanor and shall be subject to disciplinary proceedings under RSA 310-B:18.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

SB 518-FN, relative to agricultural restricted covenants. Wildlife, Fish and Game, and Agriculture Committee. Ought to Pass with Amendment, Vote 3-0. Senator Janeway for the committee.

Wildlife, Fish and Game and Agriculture

March 6, 2008

2008-0882s

08/09

Amendment to SB 518-FN

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

1 Agricultural Preservation Restrictions. Amend RSA 432:18, II to read as follows:

II. "Agricultural preservation restriction" means the restraint placed on the development rights of agricultural land, whether stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the land which is appropriate to retaining land or water areas predominantly in their agricultural use, to prohibit or limit (1) construction or placement of buildings except those used for agricultural purposes ~~[or for dwellings used for family living by the landowner, his immediate family or employees]~~; (2) excavation, dredging, or removal of loam, sod, peat, gravel, soil, rock, or other mineral substance in such a manner as to adversely affect the land's future agricultural potential; or (3) other acts or uses detrimental to such retention of the land for agricultural use.

2 New Paragraph; Agricultural Restricted Covenants; Definition. Amend RSA 432:18 by inserting after paragraph II the following new paragraph:

II-a. "Agricultural restricted covenant" means a covenant entered into between a landowner and the department for a limited time set by the parties with financial or technical assistance provided by the department in return for guarantees of continued farm use of the property for a minimum specified time period.

3 Site; Agricultural Restricted Covenant Added. Amend RSA 432:18, IX to read as follows:

IX. "Site" means a specific land area for agricultural purposes in which agricultural land development rights ***including agricultural restricted covenants*** are acquired in order to preserve land suitable for agricultural production.

4 New Paragraph; Duties of the Commissioner. Amend RSA 432:21 by inserting after paragraph V the following new paragraph VI:

VI. Adopt rules relative to procedures for granting financial or technical assistance for aid for the creation of agricultural restricted covenants.

5 Administration; Agricultural Restricted Covenants. Amend RSA 432:22, I to read as follows:

I. Acquisition of agricultural land development rights shall be conducted in cooperation with a landowner upon review pursuant to this section. Any proposal for designating a site as an agricultural preservation restriction area ***or a site for an agricultural restricted covenant*** shall be submitted by the landowner to the committee for approval.

6 Administration; Agricultural Restricted Covenants. Amend RSA 432:22, V to read as follows:

V. The committee shall view each parcel subject to agricultural preservation restriction ***or an agricultural restricted covenant*** not less than once every 2 years to assure that its use complies with law and the rules of the committee. The committee may delegate responsibility for monitoring of the agricultural preservation restriction ***or the agricultural restricted covenant to the department***, to the conservation commission in the municipality, or to the conservation district, in which the parcel is situated. Such

commission or district shall submit a report of its inspection to the committee in a timely manner.

7 Release; Agricultural Restricted Covenants. Amend RSA 432:24, I-II to read as follows:

I. Agricultural preservation restrictions shall be in perpetuity except as released pursuant to this section and RSA 432:25. ***Agricultural restricted covenants shall run in accordance with the agreement between a landowner and the department except as released pursuant to this section and RSA 432:25.*** All customary rights and privileges of ownership shall be retained by the owner including the right to privacy and the right to carry out all regular agricultural practices which are not prohibited by RSA 432:18, II.

II. Agricultural preservation restrictions ***and agricultural restricted covenants*** may be released by the committee if the site is no longer suitable for agricultural purposes. An owner of an agricultural preservation site may request the committee's approval to release the restriction for the public good. Prior to the release of the agricultural land development rights by the committee, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within said period. At least 2 committee members shall sit on the hearing panel.

8 Easement Restriction. For all agricultural easements acquired under RSA 432 after July 1, 2008, the construction or placement of any building is prohibited except those used solely for agricultural purposes.

9 Effective Date. This act shall take effect July 1, 2008.

Amendment adopted.

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

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Cilley moved to have SB 525 removed from the table.

Adopted.

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

The question is on the committee report of Ought to Pass.

Senator Cilley offered a floor amendment.

**Sen. Cilley, Dist. 6
March 13, 2008
2008-1023s
04/05**

Floor Amendment to SB 525

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

AN ACT establishing the first Saturday in May as Emergency Medical Services Providers Memorial Day.

Amend the bill by replacing section 1 with the following:

1 New Section; Powers of Governor and Council; Emergency Medical Services Providers Memorial Day. Amend RSA 4 by inserting after section 13-m the following new section:

4:13-n Emergency Medical Services Providers Memorial Day. In recognition of the service given by the men and women who, night and day, serve the people of this state as emergency medical services providers, and inviting the governments, communities, and people of this state to observe such day with appropriate ceremonies and activities, the governor shall proclaim the first Saturday in May of each year as Emergency Medical Services Providers Memorial Day in honor of the emergency medical services providers who have been killed or disabled in the line of duty and those still serving.

2008-1023s

AMENDED ANALYSIS

This bill establishes the first Saturday in May as Emergency Medical Services Providers Memorial day.

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.

RESOLUTION

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

Adopted.

LATE SESSION
Third Reading and Final Passage

SB 334-FN, relative to undue influence on real estate appraisals and relative to the quorum of the real estate appraiser's board.

SB 337-FN, relative to home education of children.

SB 338, relative to the Hampton Beach capital improvement fund.

SB 346-FN, relative to the regulation of fuel gas fitters by the state fire marshal.

SB 359, updating the health curriculum requirements for public school students and requiring the state board of education to provide for procedures through which students may be excused from course requirements relating to health and sex education on religious grounds without penalty.

SB 361, relative to the widening of Interstate 93.

SB 368, relative to exemptions for toxics reduction in packaging.

SB 374, relative to the process for nonrenewal of teacher contracts.

SB 386, relative to service territories served by several telephone utilities.

SB 394, establishing an economic development advisory council.

SB 398, establishing a committee to study municipal boundaries and the laws pertaining to these boundaries.

SB 400, relative to the authority of bail commissioners.

SB 407, establishing a committee to study the right of entry upon lands for the purpose of conducting a land survey.

SB 410, relative to the conditions for issuance of a cremation certificate and relative to the medical examiner's statute.

SB 420, relative to criminal background checks of health care facilities and certain nurse applicants.

SB 425, relative to the data collection practices of health care providers and relative to the development of a comprehensive uninsured health care database.

SB 445, changing the procedure for recommending persons for initial appointment as marital masters.

SB 453, relative to the terms of members of the electricians' board.

SB 460, relative to the definition of surviving issue.

SB 468, relative to the reinsurance pool and the New Hampshire vaccine association.

SB 479, relative to the vote required for passage of school bonds.

SB 483, establishing a committee to study in-home intervention and counseling services for families and children charged with a crime or designated in need of services by the juvenile court.

SB 484, establishing a commission to investigate alternatives to incarceration for nonviolent offenders and cost savings related to such alternatives.

SB 493, allowing certain tax exempt organizations to be defined as charitable organizations for purposes of games of chance operations.

SB 496, establishing a commission to study incentives for providers of home and community-based care.

SB 500-FN, relative to certain insurance fraud, relative to workers' compensation for employee leasing companies, and establishing a task force on employee misclassification.

SB 501, relative to workers' compensation on certain state projects and penalty collection powers of the department of labor.

SB 503-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

SB 506, naming the Elm Street bridge in Newport after Specialist Justin A. Rollins.

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

SB 518-FN, relative to agricultural restricted covenants.

SB 524, relative to eligibility for persons to receive the elderly property tax exemption.

SB 529, changing certain references in the mental health laws.

SB 531, relative to the capital appropriation for the Hillsborough north superior court and relative to the venue for criminal cases in Hillsborough county.

SB 532, relative to administrative fines under the indoor smoking act.

SB 533, establishing a committee to study age-based driver's license renewal testing.

SB 534-FN, eliminating the processing fee on court credit card transactions.

SB 536-FN, reclassifying certain positions in the insurance department.

SB 537, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics.

SB 538, relative to the community college system of New Hampshire board of trustees and repealing a motor vehicle regulation statute applicable to the community college system.

SCR 6, urging the federal government to create a simplified process for short-term admissions to nursing homes for the purpose of respite care.

ANNOUNCEMENTS

Senator Letourneau (Rule #44).

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

RESOLUTION

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of 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.