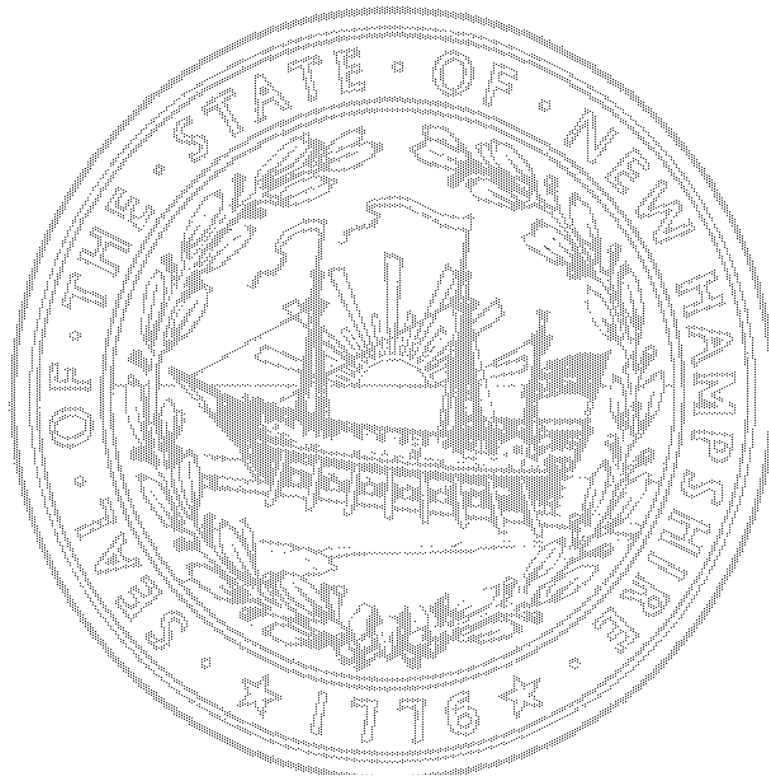


January 31, 2008
Nos. 3-4

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT – JANUARY 23, 2008 SESSION
COMMENCEMENT – JANUARY 31, 2008 SESSION

SENATE

JOURNAL 3 (cont.)

January 23, 2008

HOUSE MESSAGE

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

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

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

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

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

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

HOUSE MESSAGE

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

HB 847, relative to general rules for vessels operating on water.

HB 1136, relative to automated external defibrillators.

HB 1151, relative to reporting dates for the instream flow pilot program.

HB 1165, relative to department of transportation traffic control regulations.

HB 1191, relative to environmental investigations in tax lien and tax sale proceedings.

HB 1207, relative to standards for highway and bridge construction.

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

HB 1228, relative to sales of motor fuel by the department of transportation to certain nonprofit corporations.

HB 1295, establishing a commission to study issues relating to stormwater.

HB 1453, relative to civil liability for damage to protective barriers.

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

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

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

HOUSE MESSAGE

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

HB 351, clarifying that the definition of “overseas business organization” includes all foreign incorporated business organizations and all 80/20 business organizations.

HB 754-FN, repealing the law relative to the Maine-New Hampshire Interstate Bridge Authority.

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 **SB 528**, 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

08-2887

SB 528-FN, relative to a mercury-added thermostat collection program. (Fuller Clark, Dist 24; Odell, Dist 8; Hassan, Dist 23; Owen, Merr 4; Kaelin, Hills 4; Wells, Rock 8: Energy, Environment and Economic Development)

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 4

January 31, 2008

The Senate met at 10:00 a.m.

A quorum was present.

The Rabbi Richard L. Klein, from the Temple Beth Jacob in Concord, guest rabbi to the Senate, offered the prayer.

It will be a big weekend for prayers. On Saturday, some will be praying for the groundhog to see his shadow, others that she not. As for Sunday, well, "Go Pats." In our synagogues we will be reading from the Book of Exodus a section called Mishpatim – statutes. This section follows the Ten Commandments that were part of last week's reading. Our Torah makes no distinction between criminal law, civil law or family law. They are all part of a sacred covenant and much of what we read this week forms the basis of our justice system today. Changing circumstances means changing laws, but one thing that has not changed is that law making is a sacred task. May your work be blessed and bring blessing to all the people of New Hampshire.
Amen

Senator Sgambati led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

INTRODUCTION OF SENATE INTERNS

Emmanuel Janos - Senator Maggie Hassan

Craig Gallot - Senator Iris Estabrook

Shana Friedman - Senator Harold Janeway/Senator Kathleen Sgambati

Frans Andersson - Senator Peter Hoe Burling

Danielle Minutelli - Senator Martha Fuller Clark

Charlie Alford - Senator Deborah Reynolds

Chris McClurg - Senator Bob Letourneau

COMMITTEE REPORTS

Senator Larsen moved without objection that we take up SB 463 which is in the Addendum Calendar.

SB 463, establishing an investment committee in the New Hampshire retirement system. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 6-0. Senator Downing for the committee.

Senate Executive Departments and Administration
January 28, 2008
2008-0259s
10/09

Amendment to SB 463

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

AN ACT establishing an investment committee and an audit committee in the New Hampshire retirement system.

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

1 Retirement System; Management of Funds; Investment Committee; Audit Committee.
Amend RSA 100-A:15 to read as follows:

100-A:15 Management of Funds.

I. The members of the board of trustees shall be the trustees of the several funds created hereby and ***shall set all policies relative to investment of those funds. The trustees shall appoint and oversee an investment committee that shall*** have full power to invest and reinvest such funds~~[-and]~~ ***in accordance with the policies set by the board. The members of the investment committee shall serve at the pleasure of the board of trustees.*** The board of trustees shall have the powers, privileges, and immunities of a corporation. The members of the board of trustees shall ~~[also have the power]~~ ***authorize the investment committee*** to invest and reinvest such funds in participation units in the public deposit investment pool established pursuant to RSA 383:22. Said ~~[trustees]~~ ***investment committee*** shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments. All of the assets and proceeds, and income there from, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested or disbursed in trust solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits and defraying those reasonable administrative expenses provided for under this chapter. In the management, investment, and reinvestment of system assets so held in trust hereunder, the system's board of trustees ***and investment committee*** shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character and with like aims as the system, and by diversifying investments of the system so as to minimize the risk of large losses to the trust fund.

II. The board of trustees shall[:

~~(a) Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.]~~ ***appoint an investment committee to make investments and deposits on behalf of the board. The investment committee shall consist of 5 members, 3 of whom shall be experienced in the field of institutional investment, and 2 of whom shall be members of the board. The investment committee shall:***

~~(b)]~~ ***(a)*** Have the ~~[further]~~ authority to hire investment counsel. The compensation for investment counsel services and the compensation for actuarial services

required by the board of trustees in performing the duties required by RSA 100-A:14 shall be a charge upon the funds of the New Hampshire retirement system.

~~[(e)]~~ **(b)** Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as an agent of the board **and the investment committee**, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

~~[(d)]~~ **(c)** Have the full power and authority to delegate to any agent, within or without the state, who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the **investment committee or the** board of trustees of the New Hampshire retirement system. The ~~board of trustees~~ **investment committee** shall have the power to authorize the payment of compensation to an agent or agents for management services.

(d) Report to the board of trustees at least quarterly on the management, investment, and reinvestment activities of the investment committee.

II-a. The board of trustees shall appoint and oversee an audit committee to undertake audit and reporting requirements under paragraph VI of this section. The audit committee shall consist of 5 members, 3 of whom shall be experienced in the field, and 2 of whom shall be members of the board. The members of the audit committee shall serve at the pleasure of the board of trustees.

III. Except as otherwise provided in this section, no trustee, **no investment committee member, audit committee member**, and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee, **investment committee member, audit committee member**, or employee of the board, directly or indirectly, for himself **or herself** or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee, **investment committee member, audit committee member**, or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IV. The board of trustees is authorized to engage the services of legal counsel for ~~[special investment,] federal~~ and tax matters, and to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines~~[-, and in selecting investment managers, investment products and investment participations]~~. **The investment policies shall not be subject to rulemaking under RSA 541-A.**

VI.**(a)** The funds of the New Hampshire retirement system shall be audited annually. **The audit committee shall hire a qualified auditor who shall conduct the annual audit and report its findings to the board for approval and acceptance. In addition,** the ~~board of trustees~~ **audit committee** shall complete, not later than 120 days after the close of the fiscal year~~[-, unless the fiscal committee and the governor and council for good cause shall extend such period]~~, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. **The fiscal committee and the governor and council for good cause may extend such period.** Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be

conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies.

(b) The audit committee shall cause a performance audit not less frequently than every 3 years.

(c) Copies of all audits and reports shall be forwarded to the governor, the senate president, and the speaker of the house of representatives. The cost of ~~[such audit]~~ **all audits and reports** shall be a charge upon the funds of the New Hampshire retirement system.

VII. The board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed. The investment report shall be submitted to the president of the senate, the speaker of the house, and the governor. The report shall include, but shall not be limited to:

(a) A description of the board's philosophy for investing the assets of the system, including an analysis of any significant changes in philosophy which have occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) ~~[Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.]~~ **An annual investment policy statement which shall incorporate the following:**

(1) A clear statement of investment objectives including the adoption of a reasonable and sound average annual rate of return the retirement system is attempting to earn. The rate of return utilized for the statement of investment objectives shall be same as the assumed rate of return set by the trustees for the biennial actuarial calculation.

(2) A detailed breakdown of the asset structure most likely to enable the fund to reach its long range objective within appropriate risk parameters. The details should include all relevant subcategories among equities, debt, and alternative investments and identify the appropriate benchmarks for each performance analysis. The policy should establish an acceptable range for each allocation as well as a specific target allocation.

(3) Identification of how outcomes are measured and benchmarks are developed and who is responsible for the various decision levels in the investment process between the board of trustees, the investment committee, the retirement system's staff, investment consultants, and portfolio managers. The policy statement should specify the minimum frequency to review outcomes and responsibilities, in order to determine whether decisions as to asset mix and manager selection added value to the fund. Investment managers should be under constant review by the retirement system.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

VIII. The management, investment, and reinvestment practices for the assets held in trust by the board pursuant to this section shall be subject to review by the legislature.

IX. All non-trustee members of the audit and investment committees shall be afforded the same liability insurance and indemnification as board members.

X. Not later than January 1, 2010, the board of trustees shall report to the governor, the senate president, and the speaker of the house of representatives on the operation of the audit and investment committees.

2 Effective Date. This act shall take effect 60 days after its passage.
2008-0259s

AMENDED ANALYSIS

This bill requires the appointment of an investment committee and an audit committee in the New Hampshire retirement system.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Foster.

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

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 426, establishing a committee to study the current definition of the term "community benefit" applicable to nonprofit health care providers. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator Barnes for the committee.

**Commerce, Labor and Consumer Protection
January 23, 2008
2008-0204s
09/01**

Amendment to SB 426

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

- 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.

Amend the bill by replacing sections 4 and 5 of the bill by replacing them 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.

5 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, 2008.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 470, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

Senator Foster Rule #42 on SB 470.

Senator Larsen moved without objection that we take SB 473 out of order in the calendar.

SB 473, naming the Prisoners of War/Missing in Action Memorial in Hesky Park in the town of Meredith. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Sgambati for the committee.

Public and Municipal Affairs

January 22, 2008

2008-0184s

04/05

Amendment to SB 473

Amend the bill by replacing section 2 with the following:

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers authorized under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers at Hesky Park authorized under this act shall be approved by the town of Meredith and any signage or other markers in the state right of way authorized under this act shall be approved by the department of transportation.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Foster.

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

Amendment adopted.

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

A roll call was requested by Senator Reynolds.

Seconded by Senator Gottesman.

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.

SB 499-FN, relative to penalties for unauthorized disclosure of confidential matters in legislative ethics proceedings. Election Law and Internal Affairs Committee. Ought to Pass, Vote 4-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

SB 406, relative to exempting the town of Wakefield from the setback requirements of the shoreland protection act. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 5-0. Senator Odell for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Kenney is in opposition to the motion of inexpedient to legislate on SB 406.

SB 455, relative to the removal of designations from certain real property by the department of environmental services. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 5-0. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

SCR 5, urging that federal, state, and local governments work with broadcasters and consumer groups to inform New Hampshire residents of the 2009 digital broadcast conversion. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Adopted.

Ordered to third reading.

SB 326-FN, relative to salaries for certain unclassified positions. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Burling for the committee.

Adopted.

Ordered to third reading.

SB 366, relative to the operation of the state suggestion and extraordinary service award program. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Downing for the committee.

Adopted.

Ordered to third reading.

SB 413, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands. Executive Departments and Administration Committee. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

Adopted.

Ordered to third reading.

SB 325-FN-A, relative to child care provider reimbursement rates. Finance Committee. Ought to pass with amendment, Vote 7-0. Senator Sgambati for the committee.

Sen. Sgambati, Dist. 4

January 23, 2008

2008-0208s

05/09

Amendment to SB 325-FN-A

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

1 Department of Health and Human Services; TANF Child Care Co-payments. For the 2009 fiscal year, the appropriation to the department of health and human services for TANF child care co-payments in the restricted class line 94 of 2007, 262:1. 05, 01, 06, 08, 02, shall

be transferred to the unrestricted child care class line 93 of PAU 05, 01, 06, 08, 02 for the 2009 fiscal year.

2 Footnote Amended; Child Care Reimbursement Rates. Amend the budget footnote following PAU 05, 01, 06, 07, 01 as inserted by 2007, 262 as follows:

Strike Out:

FROM THE AMOUNTS APPROPRIATED HEREIN THE DEPARTMENT SHALL PROVIDE A 5% RATE INCREASE IN FY 08 EFFECTIVE JULY 1, 2007, AND A 5% RATE INCREASE IN FY 09 EFFECTIVE JULY 1, 2008 FOR CHILDCARE PROVIDERS, A 2% RATE INCREASE IN FY 08 EFFECTIVE JULY 1, 2007, AND A 2% RATE INCREASE IN FY 09 EFFECTIVE JULY 1, 2008 FOR RESIDENTIAL PROVIDERS, AND A 2% RATE INCREASE IN FY 08 EFFECTIVE JULY 1, 2007, AND A 2% RATE INCREASE IN FY 09 EFFECTIVE JANUARY 1, 2009 FOR ANCILLARY SERVICE PROVIDERS.

Insert in place thereof:

FROM THE AMOUNTS APPROPRIATED HEREIN, THE DEPARTMENT SHALL PROVIDE A 5% RATE INCREASE IN FY 08 EFFECTIVE JULY 1, 2007 AND RATE ADJUSTMENTS BY TYPE OF PROVIDER CONSISTENT WITH THE OPERATING BUDGET AND FEDERAL CHILD CARE AND DEVELOPMENT FUND STATE PLAN REQUIREMENTS IN FY 09 EFFECTIVE JULY 1, 2008 FOR CHILDCARE PROVIDERS; A 2% RATE INCREASE IN FY 08 EFFECTIVE JULY 1, 2007, AND A 2% RATE INCREASE IN FY 09 EFFECTIVE JULY 1, 2008 FOR RESIDENTIAL PROVIDERS; AND A 2% RATE INCREASE IN FY 08 EFFECTIVE JULY 1, 2007 AND A 2% RATE INCREASE IN FY 09 EFFECTIVE JANUARY 1, 2009 FOR ANCILLARY SERVICE PROVIDERS.

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

MOTION TO TABLE

Senator Sgambati moved to have SB 325-FN-A laid on the table.

Adopted.

LAI D ON THE TABLE

SB 325-FN-A, relative to child care provider reimbursement rates.

SB 354-FN-A, establishing a spending cap on state budget requests. Finance Committee. Inexpedient to Legislate, Vote 6-1. Senator D'Allesandro for the committee.

Committee report of inexpedient to legislate is adopted.

Senator Kenney is in opposition to the motion of inexpedient to legislate on SB 354-FN-A.

SB 448-FN-A, relative to increasing the staff of the charitable trust unit of the department of justice and making an appropriation therefor. Finance Committee. Inexpedient to Legislate, Vote 7-0. Senator D'Allesandro for the committee.

Committee report of inexpedient to legislate is adopted.

SB 498, relative to state guarantees of certain municipal debt issues. Finance Committee. Ought to Pass, Vote 7-0. Senator Janeway for the committee.

Adopted.

Ordered to third reading.

SB 324-FN, consolidating all substance abuse services in the office of alcohol and drug abuse prevention within the department of health and human services. Health and Human Services Committee. Ought to pass with amendment, Vote 6-0. Senator Sgambati for the committee.

Sen. Sgambati, Dist. 4

January 18, 2008

2008-0165s

01/09

Amendment to SB 324-FN

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

1 New Paragraph; Office or Division for Substance Abuse. Amend RSA 126-A:4 by inserting after paragraph II the following new paragraph:

II-c. Notwithstanding any other provision of law to the contrary, and to ensure the implementation of a comprehensive and integrated approach to the problem of substance abuse, the commissioner shall establish a single office or division within the department for the administration of all departmental substance abuse prevention, intervention, and treatment policy, programs, activities, and services. Such office or division shall work with other executive branch departments and agencies and the governor's commission on alcohol and drug abuse prevention, intervention and treatment to ensure the effective and coordinated use of state and federal resources. Such office or division shall have at least the same status within the department as the unit of the department responsible for the administration of public health services.

2 New Paragraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Response to Written Requests. Amend RSA 12-J:2 by inserting after paragraph III the following new paragraph:

IV. All executive branch departments shall respond promptly to written requests from the commission for information concerning the alcohol and drug abuse prevention, intervention, and treatment programs and services provided by them and the costs and funding sources for such programs and services.

3 Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Meetings and Reports. RSA 12-J:4 is repealed and reenacted to read as follows:
12-J:4 Meetings and Reports.

I. The commission shall meet at least 4 times each year and may convene public hearings as necessary to promote the goals of the commission.

II. The commission shall submit an annual report to the governor, speaker of the house of representatives, and president of the senate by November 1 of each year regarding the activities of the commission. The first annual report shall be due November 1, 2008. The annual report shall:

(a) Identify alcohol and drug abuse prevention, intervention, and treatment services and programs provided by state departments and agencies or funded in whole or in part by state or federal funds;

(b) Indicate the progress made during the prior year toward the implementation of the statewide plan developed by the commission pursuant to RSA 12-J:3, I;

- 12 -J:3, I;
- (c) Recommend any revisions to the statewide plan developed pursuant to RSA
 - (d) Identify and prioritize unmet needs for prevention, intervention, and treatment;
 - (e) Indicate the progress, or lack thereof, in addressing the unmet needs;
 - (f) Recommend initiatives to address the unmet needs;
 - (g) Specify the resources and any legislation necessary to support existing programs for prevention, intervention, and treatment and to develop, implement, support, and evaluate the initiatives recommended by the commission; and
 - (h) In even-numbered years the report may include specific recommendations for funds to be included in the next state biennial budget to support alcohol and drug abuse prevention, intervention, and treatment services and programs.

III. To assist the commission in the timely completion of its annual report, each commission member that is an executive branch department or entity shall provide the information specified in paragraph II for its department or entity to the commission on or before September 1 of each year

4 Effective Date. This act shall take effect 60 days after its passage.
2008-0165s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a single office or division within the department for the administration of all departmental substance abuse prevention, intervention and treatment policy, programs, activities and services. This bill also clarifies the meetings and the content of the annual report required of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

Amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

SB 466, relative to probate court jurisdiction over special needs trust. Health and Human Services Committee. Ought to pass with amendment, Vote 4-0. Senator Sgambati for the committee.

Health and Human Services
January 16, 2008
2008-0127s
09/10

Amendment to SB 466

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

1 Probate Court Jurisdiction; Creation of Special Needs Trusts. Amend RSA 547:3, I(c) to read as follows:

(c) The interpretation and construction of wills and the ***creation by judgment or decree***, interpretation, construction, modification, and termination of those trusts described in RSA 564-A:1, I.

2 Certain Provisions Regarding Trusts; Definitions. Amend RSA 564-A:1, I to read as follows:

I. "Trust" means an express trust created by: ***a judgment or decree of the probate court, including a special needs trust authorized by 42 U.S.C. 1396p(d)(4)(A) and (C); and*** a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both[;]. "Trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust created by the judgment or decree ~~[of a]~~ ***by any other*** court, a liquidation trust, or a trust for the primary purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument wherein a person is nominee or escrowee for another, a trust created in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;

3 Uniform Trust Code; Subject Matter Jurisdiction. Amend RSA 564-B:2-203(a) to read as follows:

(a) Except as provided in subsection (b) of this section, the probate court shall have exclusive jurisdiction of the ***creation by judgment or decree***, interpretation, construction, modification, termination, and administration of those trusts described in RSA 564-A:1, I, and over the appointment, removal, and surcharge of trustees of such trusts.

4 Uniform Trust Code; Methods of Creating Trusts. Amend RSA 564-B:4-401(2) and (3) to read as follows:

(2) declaration by the owner of property that the owner holds identifiable property as trustee; ~~[or]~~

(3) exercise of a power of appointment in favor of a trustee; ***or***

(4) judgment or decree of a court.

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 446, allowing probate court judges and district court justices to sit on either court in certain circumstances. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Clegg for the committee.

**Senate Judiciary
January 23, 2008
2008-0196s
03/09**

Amendment to SB 446

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

1 District Courts; Assignment of Judges. Amend RSA 502-A:5-a to read as follows:

502-A:5-a Assignment of Judges. After assessing caseload needs and requirements under exigent circumstances and consulting with the administrative judges, the chief justice of the supreme court may assign from a precertified list of judges any district court justice to hear cases in the probate court on a temporary basis. ***For purposes of this section only, “exigent circumstances” shall mean the unavailability of a probate court judge for a period of time that would cause delay or a burden on the rights of litigants in a particular matter.***

2 Judges of Probate and Their Jurisdiction; Assignment of Judges. Amend RSA 547:38 to read as follows:

547:38 Assignment of Judges. After assessing caseload needs and requirements under exigent circumstances and consulting with the administrative judges, the chief justice of the supreme court may assign from a precertified list of judges any probate court judge to hear cases in the district court on a temporary basis. ***For purposes of this section only, “exigent circumstances” shall mean the unavailability of a district court judge for a period of time that would cause delay or a burden on the rights of litigants in a particular matter.***

3 Effective Date. This act shall take effect upon its passage.
2008-0196s

AMENDED ANALYSIS

This bill clarifies the circumstances under which probate court judges and district court justices may sit on either court.

Amendment adopted.

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

Adopted.

Ordered to third reading.

SB 487, clarifying the law regarding bail pending appeal. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Reynolds for the committee.

Adopted.

Ordered to third reading.

SB 367, relative to the date of the final property tax bill in municipalities that bill quarterly. Public and Municipal Affairs Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

Adopted.

Ordered to third reading.

SB 364, relative to vehicle weight tolerance. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 5-0. Senator Letourneau for the committee.

Adopted.

Ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Senator Sgambati moved to have SB 325-FN-A removed from the table.

Adopted.

SB 325-FN-A, relative to child care provider reimbursement rates.

The question is on the adoption of the committee amendment (0208).

Amendment adopted.

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

Adopted.

Ordered to third reading.

RESOLUTION

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

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 325-FN-A, relative to child care provider reimbursement rates.

SB 326-FN, relative to salaries for certain unclassified positions.

SB 364, relative to vehicle weight tolerance.

SB 366, relative to the operation of the state suggestion and extraordinary service award program.

SB 367, relative to the date of the final property tax bill in municipalities that bill quarterly.

SB 413, authorizing the department of resources and economic development to retain the administrative fee for certain disposals of state lands.

SB 426, establishing a committee to study the current definition of the term "community benefit" applicable to nonprofit health care providers.

SB 446, allowing probate court judges and district court justices to sit on either court in certain circumstances.

SB 463, establishing an investment committee and an audit committee in the New Hampshire retirement system.

SB 466, relative to probate court jurisdiction over special needs trust.

SB 470, allowing lobbyists and those connected with lobbyists to sit on committees established by the judicial branch.

SB 473, naming the Prisoners of War/Missing in Action Memorial in Hesky Park in the town of Meredith.

SB 487, clarifying the law regarding bail pending appeal.

SB 498, relative to state guarantees of certain municipal debt issues.

SB 499-FN, relative to penalties for unauthorized disclosure of confidential matters in legislative ethics proceedings.

SCR 5, urging that federal, state, and local governments work with broadcasters and consumer groups to inform New Hampshire residents of the 2009 digital broadcast conversion.

ANNOUNCEMENTS

Senator Barnes (Rule #44).

RESOLUTION

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

Adopted.

In recess to the Call of the Chair.