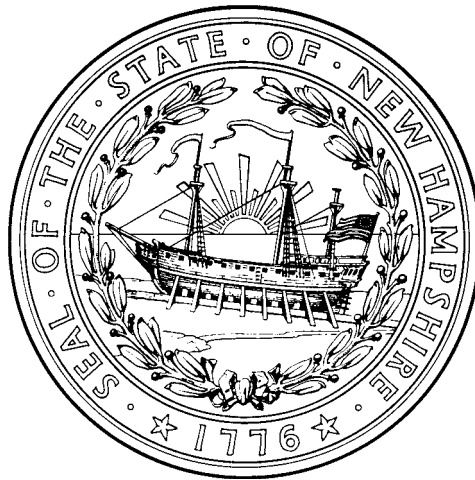


March 18, 2009  
Nos. 7-8

# STATE OF NEW HAMPSHIRE

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**161<sup>st</sup> Session of the New Hampshire General Court**

**Legislative Proceedings**

## SENATE JOURNAL

**ADJOURNMENT – MARCH 11, 2009 SESSION**

**COMMENCEMENT – MARCH 18, 2009 SESSION**

# SENATE JOURNAL 7 *(continued)*

*March 11, 2009*

## 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 39-FN**, relative to the authority of the state board for the licensing and regulation of plumbers.

**HB 52-FN**, relative to the regulation of massage therapists.

**HB 61**, relative to a definition of “sustainable energy.”

**HB 64-FN**, (New Title) relative to eligibility for Aid to the Needy Blind.

**HB 66**, relative to the legal age for blood donations.

**HB 127**, relative to treatment of pregnant inmates.

**HB 148**, relative to the sale and vaccination of animals.

**HB 171**, establishing a commission to evaluate mental health courts and establish standards for the operation of mental health courts.

**HB 189**, enabling municipalities to establish energy commissions.

**HB 230**, relative to the burden of proof for a finding of abuse in domestic violence cases.

**HB 233**, relative to the membership of the board of medicine.

**HB 240-FN**, relative to workers’ compensation for death.

**HB 245**, extending study committees and commissions.

**HB 252**, relative to state agency rulemaking concerning expiring administrative rules.

**HB 253**, relative to the Gunstock area commission.

**HB 297**, (New Title) relative to the adoption of agency forms under the administrative procedures act and relative to the notice of the expedited repeal of rules.

**HB 313-FN**, relative to the assignment of right of child support enforcement.

**HB 321**, delaying the effective date of 2008 SB 342-FN-LOCAL, relative to workforce housing.

**HB 372**, (New Title) relative to drivers’ licenses for persons with certain seizure disorders.

**HB 411**, relative to the safety of retirement accounts.

**HB 446**, defining “unnecessary hardship” for purposes of zoning variances.

**HB 452**, designating segments of the Ammonoosuc River into the rivers management and protection program.

**HB 483**, establishing the developmental services quality council.

**HB 497**, relative to the automated external defibrillator advisory commission.

**HB 514**, establishing a New Hampshire other post-employment benefits (OPEB) trust and enabling political subdivisions to create or participate in OPEB trusts.

**HB 519**, relative to supervision of state employees who are related by birth or marriage.

**HB 534**, relative to the selection of members of zoning boards of adjustment.

**HB 544**, relative to data collected by health care facilities.

**HB 594-FN**, relative to the medicaid pharmacy benefits management program.

**HB 674-FN-A**, relative to eliminating the water resources council, relative to dams, and authorizing the Connecticut lakes headwaters citizens committee to advise the department of environmental services on the management of Lake Francis and associated property.

**INTRODUCTION OF HOUSE BILLS**

Sen. Hassan offered the following Resolution:

*RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee.*

**Resolution adopted.**

**First and Second Reading and Referral**

**HB 633-FN**, relative to eligibility for medical benefits payment by the retirement system for certain group I teacher and political subdivision employee members. (Executive Departments and Administration)

**HB 685-FN**, relative to medical benefits payment by the retirement system for certain vested deferred group I members. (Executive Departments and Administration)

**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:

**SB 96**, naming a bridge in the town of Webster in honor of Sgt. William J. Tracy.

**Sen. D'Allesandro moved adoption of the Report of Committee on Enrolled Bills.**

**Report of Committee on Enrolled Bills adopted.**

**Out of Recess.**

**MOTION TO ADJOURN FROM LATE SESSION**

Sen. Hassan moved that the Senate adjourn from the Late Session.

**Motion adopted.**

**Adjournment from the Late Session.**

# SENATE JOURNAL 8

*March 18, 2009*

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend Canon Charles Lafond, chaplain to the Senate, offered the following meditative thoughts and prayer:

In what seems will be just a few months [sic], my favorite week in New Hampshire will happen: we call it Spring. It's a time for cleaning out houses and cleaning out souls. And as I do my own internal spring cleaning, I find that work, though hard, valuable for leadership. Last week we considered the value of truth. And I would continue that by saying that the two great cancers of truth are fear and – are nostalgia and fantasy: nostalgia, the lies of the past; and fantasy, the lies of the present and the future. So as we do our work of leadership, it's our job to notice those lies and cling to the truth.

*God of all truth, use the scalpel of your love to remove from us the lies we allow to sit at the tables of our hearts. Where there's nostalgia, reveal what is true from what is pretty. Where there's fantasy, reveal what is true from what we wish were true. Guide us from all truth and to all peace.* Amen

Sen. Roberge led the Pledge of Allegiance.

Sen. Fuller Clark is excused from today's session.

**INTRODUCTION OF GUESTS AND PRESENTATIONS**

**Resolution presented by Sen. Downing to the Salem High School 2008 Varsity Boys' Volleyball Team and coaches, winners of 2008 State Championship.**

**Resolution presented by Sen. Downing to the Salem High School Varsity Golf Team and coach, winners of 2008 Class L Championship.**

**Resolution** presented by Sen. Larsen and Sen. Barnes to the Pembroke Academy Varsity Cheer-leading Team and coach, winners of 2009 Class I Spirit State Championship.

**Senate Page:** Julia Jones, Kearsarge Regional High School.

**Senate Page:** Alexander Petrie, Merrimack homeschooled student.

## COMMITTEE REPORTS

### SPECIAL ORDER

**President Larsen moved, without objection, that CACR 9 from Election Law and Veterans' Affairs Committee will be Special-Ordered to the March 25<sup>th</sup> Session.**

**CACR 9**, relating to term of office. Providing that beginning with the 2012 general election, there shall be a 4-year term of office for governor.

**SB 30**, requiring manufactured housing park owners to provide copies of the manufactured housing parks law to prospective tenants. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-0. Senator Roberge for the committee.

**Commerce, Labor and Consumer Protection**

**March 9, 2009**

**2009-0698s**

**05/01**

### Amendment to SB 30

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

AN ACT relative to notice of rights under the manufactured housing law.

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

1 Manufactured Housing Parks. Amend RSA 205-A:2, XI to read as follows:

XI. Fail to provide each tenant who resides in [his] *the* park with a written copy of the rules of said manufactured housing park. Said rules shall set forth the terms and conditions of the tenancy and shall contain the following notice at the top of the first page printed in capital typewritten letters or in 10 point bold face print:

### IMPORTANT NOTICE REQUIRED BY LAW

THE RULES SET FORTH BELOW GOVERN THE TERMS OF YOUR RENTAL AGREEMENT WITH THIS MANUFACTURED HOUSING PARK. THE LAW REQUIRES ALL RULES OF THIS PARK TO BE REASONABLE. NO RULE MAY BE CHANGED WITHOUT YOUR CONSENT UNLESS THIS PARK GIVES YOU 90 DAYS ADVANCE NOTICE OF THE CHANGE.

SUBJECT TO THE TERMS OF ANY WRITTEN LEASE AGREEMENT, YOU MAY CONTINUE TO STAY IN THIS PARK AS LONG AS YOU PAY YOUR RENT AND ANY OTHER LAWFUL CHARGES, FOLLOW THE RULES OF THE PARK AND APPLICABLE LOCAL, STATE AND FEDERAL LAW, DO NOT DAMAGE PARK PROPERTY AND DO NOT REPEATEDLY BOTHER OTHER TENANTS IN THE PARK. YOU MAY BE EVICTED FOR NONPAYMENT OF RENT, BUT ONLY IF YOU FAIL TO PAY ALL RENT DUE WITHIN 30 DAYS AFTER YOU RECEIVE WRITTEN NOTICE THAT YOU ARE BEHIND IN YOUR RENT.

YOU MAY ALSO BE EVICTED FOR NOT FOLLOWING THE RULES OF THIS PARK, BUT ONLY IF THE RULES ARE REASONABLE, YOU HAVE BEEN GIVEN WRITTEN NOTICE OF YOUR FAILURE TO FOLLOW THE RULES, AND YOU THEN CONTINUE TO BREAK THE RULES. YOU MAY NOT BE EVICTED FOR JOINING A TENANT ORGANIZATION.

IF THIS PARK WISHES TO EVICT YOU, IT MUST GIVE YOU 60 DAYS ADVANCE NOTICE, EXCEPT IF YOU ARE BEHIND IN YOUR RENT, IN WHICH CASE ONLY 30 DAYS NOTICE IS REQUIRED. THE EVICTION NOTICE MUST GIVE YOU THE REASON FOR THE PROPOSED EVICTION.

YOU HAVE THE RIGHT TO SELL YOUR HOME IN PLACE TO ANYONE AS LONG AS THE BUYER AND HIS HOUSEHOLD MEET THE RULES OF THIS PARK. YOU MUST NOTIFY THE PARK IF YOU INTEND TO SELL YOUR HOME. FAILURE TO DO SO MAY MEAN THAT THE BUYER WILL BE REQUIRED TO MOVE THE HOME FROM THE PARK.

COPIES OF THE LAW UNDER WHICH THIS NOTICE IS REQUIRED, ***RSA 205-A***, MAY BE OBTAINED FROM THE CONSUMER PROTECTION AND ANTITRUST BUREAU OF THE ATTORNEY GENERAL'S OFFICE, STATE HOUSE ANNEX, CONCORD, NEW HAMPSHIRE 03301 ***OR MAY BE ACCESSED FROM THE GENERAL COURT WEBSITE FOR THE STATE OF NEW HAMPSHIRE.***

2 Effective Date. This act shall take effect January 1, 2010.

2009-0698s

## AMENDED ANALYSIS

This bill requires manufactured housing park owners to inform tenants that a copy of RSA 205-A, relative to the regulation of manufactured housing parks, is available on the state website.

**The question is on the adoption of Committee Amendment 0698s.**

**Committee Amendment 0698s adopted.**

**Sen. Hassan offered Floor Amendment 0874s.**

**Sen. Hassan, Dist. 23**

**March 18, 2009**

**2009-0874s**

**05/01**

**Floor Amendment to SB 30**

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

AN ACT relative to notice of rights under the manufactured housing law.

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

1 Manufactured Housing Parks. Amend RSA 205-A:2, XI to read as follows:

XI. Fail to provide each ~~[tenant who resides in his]~~ ***person who applies to be a tenant of the*** park with a written copy of the rules of said manufactured housing park. Said rules shall set forth the terms and conditions of the tenancy and shall contain the following notice at the top of the first page printed in capital typewritten letters or in 10 point bold face print:

## IMPORTANT NOTICE REQUIRED BY LAW

THE RULES SET FORTH BELOW GOVERN THE TERMS OF YOUR RENTAL AGREEMENT WITH THIS MANUFACTURED HOUSING PARK. THE LAW REQUIRES ALL RULES OF THIS PARK TO BE REASONABLE. NO RULE MAY BE CHANGED WITHOUT YOUR CONSENT UNLESS THIS PARK GIVES YOU 90 DAYS ADVANCE NOTICE OF THE CHANGE.

SUBJECT TO THE TERMS OF ANY WRITTEN LEASE AGREEMENT, YOU MAY CONTINUE TO STAY IN THIS PARK AS LONG AS YOU PAY YOUR RENT AND ANY OTHER LAWFUL CHARGES, FOLLOW THE RULES OF THE PARK AND APPLICABLE LOCAL, STATE AND FEDERAL LAW, DO NOT DAMAGE PARK PROPERTY AND DO NOT REPEATEDLY BOTHER OTHER TENANTS IN THE PARK. YOU MAY BE EVICTED FOR NONPAYMENT OF RENT, BUT ONLY IF YOU FAIL TO PAY ALL RENT DUE WITHIN 30 DAYS AFTER YOU RECEIVE WRITTEN NOTICE THAT YOU ARE BEHIND IN YOUR RENT.

YOU MAY ALSO BE EVICTED FOR NOT FOLLOWING THE RULES OF THIS PARK, BUT ONLY IF THE RULES ARE REASONABLE, YOU HAVE BEEN GIVEN WRITTEN NOTICE OF YOUR FAILURE TO FOLLOW THE RULES, AND YOU THEN CONTINUE TO BREAK THE RULES. YOU MAY NOT BE EVICTED FOR JOINING A TENANT ORGANIZATION.

IF THIS PARK WISHES TO EVICT YOU, IT MUST GIVE YOU 60 DAYS ADVANCE NOTICE, EXCEPT IF YOU ARE BEHIND IN YOUR RENT, IN WHICH CASE ONLY 30 DAYS NOTICE IS REQUIRED. THE EVICTION NOTICE MUST GIVE YOU THE REASON FOR THE PROPOSED EVICTION.

YOU HAVE THE RIGHT TO SELL YOUR HOME IN PLACE TO ANYONE AS LONG AS THE BUYER AND HIS HOUSEHOLD MEET THE RULES OF THIS PARK. YOU MUST NOTIFY THE PARK IF YOU INTEND TO SELL YOUR HOME. FAILURE TO DO SO MAY MEAN THAT THE BUYER WILL BE REQUIRED TO MOVE THE HOME FROM THE PARK.

COPIES OF THE LAW UNDER WHICH THIS NOTICE IS REQUIRED, ***RSA 205-A***, MAY BE OBTAINED FROM THE CONSUMER PROTECTION AND ANTITRUST BUREAU OF THE ATTORNEY GENERAL'S OFFICE, STATE HOUSE ANNEX, CONCORD, NEW HAMPSHIRE 03301 ***OR MAY BE ACCESSED FROM THE GENERAL COURT WEBSITE FOR THE STATE OF NEW HAMPSHIRE.***

2 Effective Date. This act shall take effect January 1, 2010.

**2009-0874s****AMENDED ANALYSIS**

This bill requires manufactured housing park owners to provide prospective tenants with a copy of the rules of the housing park and to inform prospective tenants that a copy of RSA 205-A, relative to the regulation of manufactured housing parks, is available on the state website.

**The question is on the adoption of Floor Amendment 0874s.**

**Floor Amendment 0874s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 30.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 94**, relative to the creation of express trusts for payment of claims for materials and services rendered in building projects. Commerce, Labor and Consumer Protection Committee. Re-refer to committee, Vote 4-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Re-refer to Committee on SB 94.**

**Motion of Re-refer to Committee adopted.**

**SB 119**, relative to provider contract standards. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 4-0. Senator Reynolds for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on SB 119.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

(Sen. Reynolds introduced Sant Bani School students from Sanbornton, visitors in the Gallery.)

**SB 155**, relative to financial disclosure by legislators. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

**Election Law and Veterans' Affairs****March 9, 2009****2009-0703s****09/01****Amendment to SB 155**

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

1 New Paragraph; Legislative Ethics; Filing of Forms. Amend RSA 14-B:3 by inserting after paragraph III the following new paragraph:

IV. The committee shall review all financial disclosure forms required by RSA 14-B:8 and shall place the completed forms on file in the office of the secretary of state for purposes of the requirements of RSA 15-A, in accordance with the filing deadlines established under RSA 14-B:8 and RSA 14-B:9. The filing of a financial disclosure form in accordance with RSA 14-B:8 by a representative, senator, or officer of the house of representatives or senate shall satisfy the requirement of filing a statement of financial interest pursuant to RSA 15-A.

2 Retention of Records. RSA 14-B:6 is repealed and reenacted to read as follows:

14-B:6 Retention of Records. All records required to be filed or placed on file with the secretary of state under the provisions of this chapter, or the rules or guidelines adopted in accordance with RSA 14-B:5, shall be maintained by the office of the secretary of state for a period of 6 years, after which time they may be destroyed.

3 New Sections; Financial Disclosure Form; Filing With Secretary of State; Penalty. Amend RSA 14-B by inserting after section 7 the following new sections:

14-B:8 Financial Disclosure Form. Every representative, senator, and officer of the house of representatives and the senate, shall file with the legislative ethics committee a financial disclosure form annually no later than the third Friday of January. The financial disclosure form shall include the following information:

I. The name, address, office, county or district, and telephone number of the reporting individual.

II. The name, address, and type of any business, profession, or other organization (including any unit of government) in which the reporting individual or reporting individual's spouse was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity, and from

which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. If the individual filing the financial interest statement or that individual's spouse has no qualifying income he or she shall report this by writing his or her initials following the statement "My or my spouse's income does not qualify \_\_\_\_."

III. A statement of whether the reporting individual or reporting individual's spouse has a financial interest in any of the businesses, professions, occupations, groups, or matters listed in this paragraph and a place on the form where the nature of the financial interest shall be described for each matter, as applicable.

(a) Any profession, occupation, or business licensed or certified by the state of New Hampshire, listing each such profession, occupation, or category of business.

(b) Health care.

(c) Insurance.

(d) Real estate, including brokers, agents, developers, and landlords.

(e) Banking or financial services.

(f) State of New Hampshire, county, or municipal employment.

(g) The New Hampshire retirement system.

(h) The current use land assessment program.

(i) Restaurants and lodging.

(j) The sale and distribution of alcoholic beverages.

(k) The practice of law.

(l) Any business regulated by the public utilities commission.

(m) Horse or dog racing, or other legal forms of gambling.

(n) Education.

(o) Water resources.

(p) Agriculture.

(q) New Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax.

(r) A place where the reporting individual may, but is not required by this chapter to, specify any other area for which he or she has a financial interest.

IV. The following statement regarding the disclosure of financial interest: "An individual has a reportable financial interest in a business, profession, occupation, group, or matter listed in this section if a change in law, administrative rule, or other official action by the general court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the individual reporting the financial interest or that individual's spouse than it would on the general public."

V. The following statement regarding the filing of a declaration of intent form: "If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have."

VI. The following statement followed by a line for the person filing the form to sign and date the form: "I hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

14-B:9 Filing With Secretary of State. All forms filed under RSA 14-B:8 shall be on file with the secretary of state on or before February 15.

14-B:10 Penalty. Any representative, senator, or officer of the house of representatives or senate who knowingly fails to comply with the provisions of this section shall be guilty of a misdemeanor.

4 Financial Disclosure; Filing. Amend RSA 15-A:3 to read as follows:

## 15-A:3 Persons Required to File.

**I.** The following persons shall file a statement of financial interests as required by this chapter:

~~[I.]~~ **(a)** All candidates who file for state or county office.

~~[H.]~~ **(b)** All persons filing an acceptance of nomination form for state or county office.

~~[III.]~~ **(c)** Every person appointed by the governor, governor and council, president of the senate, or the speaker of the house of representatives to any board, commission, committee, board of directors, authority, or equivalent state entity whether regulatory, advisory, or administrative in nature.

~~[IV.]~~ **(d)** All agency heads.

~~[V.]~~ **(e)** Any public official designated, due to the responsibilities of the position, by the agency head.

~~[VI.]~~ **(f)** The secretary of state and the treasurer, and any of their subordinates designated, due to the responsibilities of the position, by the secretary of state or treasurer.

~~[VII.]~~ **(g)** All persons elected to state or county office, and all persons appointed to such elective office to fill a vacancy; and

~~[VIII.]~~ **(h)** Any person, not employed by or working under contract for the state, who is acting on behalf of the governor or an agency while engaged in state business.

**II. *The filing of a financial disclosure form by an elected member of the house of representatives or senate pursuant to RSA 14-B:8 shall satisfy the requirement for filing a statement of financial interest pursuant to this chapter.***

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

**2009-0703s**

#### AMENDED ANALYSIS

This bill establishes the contents of the financial disclosure form which legislators are required to file with the legislative ethics committee. The bill changes the record retention requirements for financial disclosure forms and establishes a penalty for failure to file. The bill also allows legislative financial disclosure forms to satisfy the requirements of RSA 15-A.

**The question is on the adoption of Committee Amendment 0703s.**

**Committee Amendment 0703s adopted.**

**Sen. Merrill offered Floor Amendment 0871s.**

**Sen. Merrill, Dist. 21**

**March 18, 2009**

**2009-0871s**

**01/10**

#### Floor Amendment to SB 155

Amend RSA 14-B:8, I-IV as inserted by section 3 of the bill by replacing it with the following:

**I.** The name, address, office, county or district, and telephone number of the reporting individual.

**II.** The name, address, and type of any business, profession, or other organization (including any unit of government) in which the reporting individual or reporting individual's family member was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. If the individual filing the financial interest statement or that individual's family member has no qualifying income he or she shall report this by writing his or her initials following the statement "My or my family member's income does not qualify \_\_\_\_."

**III.** A statement of whether the reporting individual or reporting individual's family member has a financial interest in any of the businesses, professions, occupations, groups, or matters listed in this paragraph and a place on the form where the nature of the financial interest shall be described for each matter, as applicable.

(a) Any profession, occupation, or business licensed or certified by the state of New Hampshire, listing each such profession, occupation, or category of business.



- (b) Health care.
- (c) Insurance.
- (d) Real estate, including brokers, agents, developers, and landlords.
- (e) Banking or financial services.
- (f) State of New Hampshire, county, or municipal employment.
- (g) The New Hampshire retirement system.
- (h) The current use land assessment program.
- (i) Restaurants and lodging.
- (j) The sale and distribution of alcoholic beverages.
- (k) The practice of law.
- (l) Any business regulated by the public utilities commission.
- (m) Horse or dog racing, or other legal forms of gambling.
- (n) Education.
- (o) Water resources
- (p) Agriculture.
- (q) New Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax.
- (r) A place where the reporting individual may, but is not required by this chapter to, specify any other area for which he or she or a family member has a financial interest.

IV. The following statement regarding the disclosure of financial interest: "An individual has a reportable financial interest in a business, profession, occupation, group, or matter listed in this section if a change in law, administrative rule, or other official action by the general court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the individual reporting the financial interest or that individual's family member than it would on the general public."

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Paragraph; Legislative Ethics Committee; Definition Added. Amend RSA 14-B:1 by inserting after paragraph II the following new paragraph:

III. "Family member" means any person related to and living in the same domicile as the representative, senator, and officer of the house of representatives or senate who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

**The question is on the adoption of Floor Amendment 0871s.**

**Floor Amendment 0871s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 155.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 44**, establishing a commission to review all fees charged by the department of environmental services. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 4-0. Senator Merrill for the committee.

**Energy, Environment and Economic Development**

**March 12, 2009**

**2009-0770s**

**08/09**

#### **Amendment to SB 44**

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall review all fees charged by the department of environmental services as well as determine which fees shall produce estimated revenues equal to 125 percent of the direct operating expenses of the department for the previous fiscal year.

**The question is on the adoption of Committee Amendment 0770s.**

**Committee Amendment 0770s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 44.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**SB 24**, relative to rulemaking by the board of natural scientists and the board of professional geologists. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0.

Senator Downing for the committee.

**The question is on the committee recommendation of Ought to Pass on SB 24.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 49**, relative to the board of barbering, cosmetology, and esthetics. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Carson for the committee.

**The question is on the committee recommendation of Ought to Pass on SB 49.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 131**, relative to state hiring of veterans. Executive Departments and Administration Committee. Ought to Pass, Vote 3-0. Senator Carson for the committee.

**The question is on the committee recommendation of Ought to Pass on SB 131.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 159-FN**, relative to broadband technology planning and development. Finance Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

**The question is on the committee recommendation of Ought to Pass on SB 159-FN.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 187**, relative to the administrative changes to the Nashua public works retirement system. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Barnes for the committee.

**The question is on the committee recommendation of Ought to Pass on SB 187.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

**SB 189**, relative to decisions of local land use boards. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator DeVries for the committee.

**The question is on the committee recommendation of Ought to Pass on SB 189.**

**Motion of Ought to Pass adopted, bill ordered to Third Reading.**

#### **MOTION TO REMOVE FROM THE TABLE**

**Sen. Sgambati moved SB 138-FN be removed from the table.**

**The question is on the motion to remove SB 138-FN from the table.**

**Motion adopted.**

**SB 138-FN**, relative to insurance coverage for telemedicine services.

**Commerce, Labor and Consumer Protection**

**March 5, 2009**

**2009-0666s**

**01/05**

#### **Amendment to SB 138-FN**

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

1 New Chapter; New Hampshire Telemedicine Act. Amend RSA by inserting after chapter 415-I the following new chapter:

#### **CHAPTER 415-J**

#### **NEW HAMPSHIRE TELEMEDICINE ACT**

415-J:1 New Hampshire Telemedicine Act. This chapter shall be known and may be cited as the New Hampshire telemedicine act.

415-J:2 Definitions. In this chapter:

I. "Health benefit policy" means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, executed, or renewed in this state, including, but not limited to, those contracts executed by the state of New Hampshire on behalf of state employees under RSA 21-I, by an insurer.

II. "Insurer" means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, preferred provider organization, provider sponsored health care corporation, managed care entity, or any similar entity authorized to issue contracts under this title or to provide health benefit policies.

III. "Telemedicine" means the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Standard telephone, facsimile transmissions, or both, in the absence of other integrated information and data, do not constitute telemedicine services.

415-J:3 Coverage for Telemedicine Services.

I. It is the intent of the general court to recognize the application of telemedicine for covered services provided within the scope of practice of a physician or other health care provider as a method of delivery of medical care by which an individual shall receive medical services from a health care provider without face-to-face contact with the provider.

II. Beginning 60 days after the effective date of this section, no health benefit policy that is issued, amended, or renewed shall require face-to-face contact between a health care provider and a patient as a prerequisite for payment for services appropriately provided through telemedicine in accordance with generally accepted health care practices and standards prevailing in the applicable professional community at the time the services were provided. The coverage required in this section may be subject to all terms and conditions of the plan agreed upon among the enrollee or subscriber, the insurer, and the provider.

III. Nothing in this section shall preclude any health professional, within the scope of the health professional's practice, from employing the technology of telemedicine or participating in the application of telemedicine within the health professional's practice or under the direction of another health professional with such scope of practice. Such action shall not be interpreted as practicing medicine without a license.

2 Effective Date. This act shall take effect 60 day after its passage.

**2009-0666s**

#### AMENDED ANALYSIS

This bill establishes the New Hampshire telemedicine act, which prohibits health insurance providers from requiring face-to-face contact between a health care provider and a patient as a condition of payment of services provided through telemedicine in accordance with professional health care standards.

**Recess/out of Recess.**

**The question is on the adoption of Committee Amendment 0666s on SB 138-FN.**

**A roll call was requested by Sen. Gatsas, seconded by Sen. Barnes.**

**The following Senators voted Yes: Gallus, Reynolds, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Larsen, D'Allesandro, Merrill, Downing, Hassan.**

**The following Senators voted No: Carson, Gatsas, Barnes, DeVries, Letourneau.**

**Yeas: 17 - Nays: 5**

**Committee Amendment 0666s adopted.**

**The question is on the motion of Ought to Pass as Amended on SB 138-FN.**

**Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.**

**Senators Carson, Gatsas and Barnes are opposed to the Motion of Ought to Pass as Amended on SB 138-FN.**

#### MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan 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.

**Motion adopted.**

**Adjournment from the Early Session.**

**LATE SESSION****Third Reading and Final Passage**

**SB 24**, relative to rulemaking by the board of natural scientists and the board of professional geologists.

**SB 30**, relative to notice of rights under the manufactured housing law.

**SB 44**, establishing a commission to review all fees charged by the department of environmental services.

**SB 49**, relative to the board of barbering, cosmetology, and esthetics.

**SB 119**, relative to provider contract standards.

**SB 131**, relative to state hiring of veterans.

**SB 138-FN**, relative to insurance coverage for telemedicine services.

**SB 155**, relative to financial disclosure by legislators.

**SB 159-FN**, relative to broadband technology planning and development.

**SB 187**, relative to the administrative changes to the Nashua public works retirement system.

**SB 189**, relative to decisions of local land use boards.

**ANNOUNCEMENTS**

SENATOR REYNOLDS (Rule 44): Thank you, Madam President. Madam President and honorable members of the Senate, it's with some sadness that I share with you the passing, this past week, of Stanley Frederick "Stub" Fadden, Jr. of Haverhill. And "Stub" was a racing icon in the State of New Hampshire. His racing career spanned four decades; it included notable NASCAR wins, he won the New England 200 and the New England 300 held at Catamount Stadium; he won the Don McTavish Award in 1976 and the NASCAR North Tour Sportsmanship Award in 1968, 1981, 1990. His career spanned many decades; he won over 230 short-track events before moving to the NASCAR Touring Series. He had 13 wins and over 200 starts in the NASCAR events, and also helped to introduce racing to not only his son but his grandsons as well. He was inducted into the New England Auto Racers Hall of Fame in February of 2003, and is well remembered for his legendary car No. 16 going around the track. So I just wanted to note for the permanent Journal in the Senate and ask that it be made part of the Journal, the passing of a true racing icon in the State of New Hampshire, Stub Fadden. Thank you very much, Madam President.

SENATOR GILMOUR (Rule 44): I would like to ask my colleagues to think of Pat Mandravelis who died on Friday at the Community Hospice House in Merrimack, a place that she helped found. Pat was a native New Hampshire person and began her long career in nursing when she attended Nashua Memorial Hospital School of Nursing, a place that has now morphed into Southern New Hampshire Medical Center. She spent her professional life there, beginning as a junior staff nurse and finishing her career as vice-president of Operations and vice-president of Community Health and Wellness. Pat was a nurse's nurse, which meant sometimes she was tough, and she had certainly been known to call a new junior doctor who perhaps was being a little "big for his britches" to task on occasion. But she was always fair and always kind. A great nursing leader, was honored many times as the Distinguished Nursing Executive and the Outstanding Women's Award in Nashua. She also was a great community activist and there's not a board that she didn't touch, be it the Red Cross or the United Way or the Community Health Center, and she was very instrumental in bringing the Dental Connection, the first effort to bring oral health to the underserved citizens of Nashua. So she leaves a legacy of a healthier community, she leaves a memory of good wit, and we'll miss her. Thank you.

**President Larsen moved, without objection, that all Rule 44's shall be recorded in the permanent Journal of the Senate.**

**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments.

**Motion adopted.**

**The Senate is in recess to the Call of the Chair.**