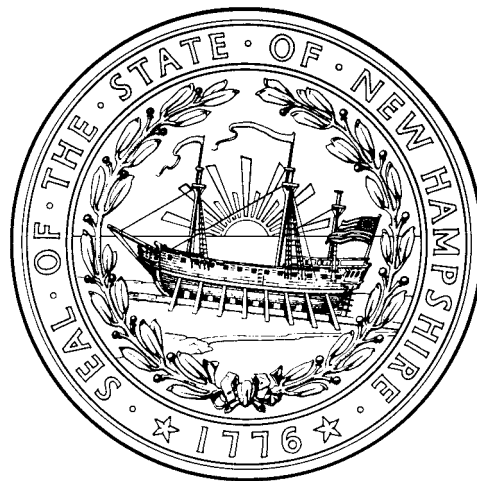


May 5, 2010  
Nos. 16-17

# **STATE OF NEW HAMPSHIRE**

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

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 28, 2010 SESSION**

**COMMENCEMENT – MAY 5, 2010 SESSION**

# SENATE JOURNAL 16 *(continued)*

*April 28, 2010*

## HOUSE MESSAGE

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

**SB 301**, relative to combustion of untreated wood at municipal transfer stations.

**SB 330**, relative to the court accreditation commission and the interbranch criminal and juvenile justice council.

**SB 369**, relative to the effect of changes in local permit status on large groundwater withdrawal permits issued by the department of environmental services.

**SB 384**, authorizing the department of health and human services to provide private adoption agencies access to founded reports of abuse and neglect maintained by the department.

**SB 407**, relative to records maintained by the department of health and human services in abuse and neglect cases.

**SB 415**, relative to remedies against landlords.

**SB 444**, relative to the medical child support obligation.

**SB 458-FN**, relative to enforcement of child support obligations.

**SB 477**, relative to driver education school applicants.

**SB 515**, 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.

**SJR 1**, urging the secretary of agriculture to review the Federal Milk Market Order system.

## 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 630-FN-A**, relative to live racing in New Hampshire.

**HB 1149**, relative to the filing of electronic documents in state agency rulemaking.

**HB 1293-FN**, relative to the oil discharge cleanup fund and relative to tax exemptions for water and air pollution control installations.

**HB 1378-FN**, establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands.

## HOUSE MESSAGE

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

**SB 365**, requiring the sterilization of animals adopted from shelters and rescue groups.

**SB 419**, relative to conversion of convertible lands under the condominium act.

**SB 447**, relative to the residence requirement for assistant town moderators and assistant town clerks.

## HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

**HB 1314**, relative to approval of changes to a capital budget project.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Cloutier, Long, Mann & Graham.

**SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 1314**, relative to approval of changes to a capital budget project.

**Sen. Janeway accedes to House request for Committee of Conference on HB 1314.**

**Motion to accede adopted.**

**The President appointed Senators D'Allesandro, Janeway and Bragdon.**

**April 23, 2010**

**2010-1567-EBA**

**03/10**

**Enrolled Bill Amendment to HB 587-FN**

The Committee on Enrolled Bills to which was referred HB 587-FN

AN ACT establishing an information and analysis center within the department of safety.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 587-FN

This enrolled bill amendment clarifies certain references in the bill and makes a technical correction.

Enrolled Bill Amendment to HB 587-FN

Amend RSA 651-F:1, VII as inserted by section 2 of the bill by replacing line 2 with the following:

date or place of birth, social security number, address, employment history, credit history, financial

Amend RSA 651-F:5, IX as inserted by section 2 of the bill by replacing line 3 with the following:

subparagraph VII(d) and shall be responsible for establishing the existence of the requester's need to

Amend RSA 651-F:6, VII as inserted by section 2 of the bill by replacing line 3 with the following:

Act of 1986, RSA 570-A:1 through RSA 570-A:11, or any other applicable federal or state statute related to civil rights,

**Adopted.**

**April 22, 2010**

**2010-1557-EBA**

**08/10**

**Enrolled Bill Amendment to HB 1245**

The Committee on Enrolled Bills to which was referred HB 1245

AN ACT relative to declarations of candidacy and intent by presidential candidates.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1245

This enrolled bill amendment inserts a contingency to incorporate the provisions on HB 1150 of the 2010 legislative session.

Enrolled Bill Amendment to HB 1245

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

3 Contingent Version; Declarations of Intent; Presidential Candidates.

II. I, \_\_\_\_\_, *swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."* I further declare that I am domiciled in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, and am a qualified voter therein; that I intend to be a candidate for the office of president to be chosen at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

4 Contingency. If HB 1150 of the 2010 regular session of the general court becomes law, then section 3 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If HB 1150 of the 2010 regular session of the general court does not become law, then section 2 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

5 Effective Date.

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

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

**Adopted.**

**April 23, 2010**  
**2010-1566-EBA**  
**10/05**

Enrolled Bill Amendment to HB 1281-FN

The Committee on Enrolled Bills to which was referred HB 1281-FN

AN ACT relative to certain securities laws.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1281-FN

This enrolled bill amendment inserts the corrected version of an RSA text.

Enrolled Bill Amendment to HB 1281-FN

Amend RSA 421-B:8, XII(g)(3) as inserted by section 2 of the bill by replacing line 5 with the following:

published or otherwise disseminated, directly or indirectly, any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication.

**Adopted.**

**April 23, 2010**  
**2010-1568-EBA**  
**05/09**

Enrolled Bill Amendment to HB 1292

The Committee on Enrolled Bills to which was referred HB 1292

AN ACT relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1292

This enrolled bill amendment makes a technical correction to the amending language of section 9 of the bill.

Enrolled Bill Amendment to HB 1292

Amend section 9 of the bill by replacing it with the following:

9 Repeal. The following are repealed:

I. RSA 146-E:6, VII, relative to transfer of fuel oil storage facility ownership.

II. RSA 146-F:5, VIII relative to transfer of motor oil storage facility ownership.

**Adopted.**

**April 27, 2010  
2010-1674-EBA  
09/01**

**Enrolled Bill Amendment to SJR 3**

The Committee on Enrolled Bills to which was referred SJR 3

AN ACT in support of the New England Secondary School Consortium.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SJR 3

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SJR 3

Amend the second paragraph following the resolving clause by replacing line 3 with the following:

4 Commissioners of Education for Connecticut, Maine, Rhode Island, and Vermont; the executive

**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 17

*May 5, 2010*

The Senate reconvened at 10 a.m., a quorum being present.

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

A little later in the session you'll be hearing the announcement of the date for the Annual Senate Barbecue at Blackwater Bluff, and so we're running around, I've been painting and getting the chickens all lined up in a row, and putting the bandstand along the road so people can cheer you as you go by, and bunting is being hung as we speak – although I think there are four chickens now, 'cause I think the fox got one last night. But the point is – I know, it's sad (laughter). But the point is that, that as I clean the house and get Blackwater Bluff ready for the party, I'm going through the rooms, kind of cleaning things out and airing things out, and wiping down windows and throwing things away that I'm not using, and opening up doors

and letting breezes flow through. And in all of our religious traditions there are these – there's this present metaphor for how our lives as humans are so similar to having a house with many rooms. And so the way we live, we humans, and the way we work together, as Senators and senatorial staff, is such that the doors are open and that there are no secret rooms, there are no secret places, and there are no hiding corners, and no darkened, drape-covered places, 'cause there's openness and honesty and deep integrity to everything we do; there's no compartmentalizing in anything that we do, either work or at home. It's a healthy way to live. It makes also for a good house. Let us pray:

*Creator of the universe, You've created us to carry and reflect and shine light, wash our windows, throw back our curtains, breathe and blow through our lives and our work, so that we might bless each other. Amen*

Sen. Barnes led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS AND PRESENTATIONS

**RESOLUTION** presented by Sen. DeVries to Patrick Kaplo, a Litchfield High School teacher and recent recipient of a Milken National Educator Award in recognition of his exceptional skills as an educator.

**RESOLUTION** presented by Sen. Gilmour to members of *The Force Team*, Hollis-Brookline High School's FIRST Robotics Team, in recognition of winning the Granite State Regional competition and qualifying to compete at the 2010 FIRST World Championship.

Sen. Larsen introduced Alexandra Hochberg and Melissa Tilley, students from Concord High School serving as Pages for today's session.

### Recess.

(During recess Sen. Reynolds welcomed visiting students from Plymouth Elementary School.)

### Out of recess.

### Senate Interns Recognized for Service

The following Senate Interns were recognized and thanked for their service by their respective Senators: Michael Pallo (UNH), Peter Marcouillier (UNH), Derrick Beckwith (UNH), Caroline Clair (UNH), Mariann White (UNH), Richard Parsons (St. Anselm), and Bethany Chester (UNH).

### SPECIAL ORDER

**Without objection, President Larsen moved that HB 569-FN and HB 1610-FN be Special-Ordered to follow Executive Departments and Administration Committee bills on today's Calendar.**

### Commerce, Labor and Consumer Protection

**HB 569-FN**, (New Title) clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

### Executive Departments and Administration

**HB 1610-FN**, (New Title) establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire.

### COMMITTEE OF CONFERENCE REPORT

**April 30, 2010**

**2010-1789-CofC**

**10/01**

**Committee of Conference Report on HB 1314, an act relative to approval of changes to a capital budget project.**

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 4 and 5 with the following:

4 Capital Appropriation; Department of Environmental Services; Renovation and Repair; Dorrs Pond Dam in Manchester.

I. The sum not to exceed \$125,000 is hereby appropriated to the department of environmental services, for the purpose of funding the state share of remediation and repair of the Dorrs Pond dam in the city of Manchester related to water flowing from Goldfish Pond. Such sum shall be for a 50 percent local match for the cost of such remediation and repair by the city of Manchester.

II. To provide funds for the appropriations made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$125,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

III. The appropriation in paragraph I of this section shall not lapse until July 1, 2011.

5 Lapse of Capital Project Balance. The sum of \$550,000 from the unencumbered balance of the appropriation to the department of environmental services in 2009, 145:1, VI, C, Dredging Goldfish Pond, Manchester, shall lapse on the effective date of this section.

The signatures below attest to the authenticity of this Report on HB 1314, an act relative to approval of changes to a capital budget project.

Conferees on the Part of the Senate  
Sen. D'Allesandro, Dist. 20  
Sen. Janeway, Dist. 7  
Sen. Bragdon, Dist. 11

Conferees on the Part of the House  
Rep. Cloutier, Sull. 4  
Rep. Long, Hills. 10  
Rep. Mann, Rock. 1  
Rep. Graham, Hills. 18

## **2010-1789-CofC**

### **AMENDED ANALYSIS**

This bill provides that change to the plan, location, or design of a capital budget project must be ratified by the capital budget overview committee. This bill also makes a capital appropriation to the department of education for grants to the Milford school district for construction of kindergarten classrooms, and a capital appropriation to the department of environmental services for renovation and repair of Dorrs Pond dam in Manchester.

**The question is on the adoption of Committee of Conference Report on HB 1314.**

**Committee of Conference Report on HB 1314 adopted.**

**Recess. Out of recess.**

### **COMMITTEE REPORTS**

**HB 1187**, relative to residential elevators and accessibility lifts. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

**Commerce, Labor and Consumer Protection**

**April 29, 2010**

**2010-1773s**

**06/09**

### **Amendment to HB 1187**

Amend RSA 157-B:17-b as inserted by section 1 of the bill by replacing it with the following:

157-B:17-b Elevator or Accessibility Lift in Residential Property. The exemption in RSA 157-B:2, IV for accessibility lifts in private residences shall apply to any residential property, including multi-family rental property, provided that the lift serves only one residential unit and meets any applicable safety criteria established by rule pursuant to RSA 157-B:17-a.

**The question is on the adoption of Committee Amendment 1773s.**

**Committee Amendment 1773s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1187.**

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

(Sen. Gallus welcomed visiting students from the Ed Fenn School in Gorham.)

**HB 1252**, relative to the duration of medical payments coverage under motor vehicle liability policies. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator DeVries for the committee.

**Commerce, Labor and Consumer Protection**

**April 29, 2010**

**2010-1767s**

**06/09**

**Amendment to HB 1252**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2011.

**The question is on the adoption of Committee Amendment 1767s.**

**Committee Amendment 1767s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1252.**

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

**HB 1254**, relative to insurance coverage in tort cases. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

**Commerce, Labor and Consumer Protection**

**April 29, 2010**

**2010-1762s**

**01/09**

**Amendment to HB 1254**

Amend RSA 498:2-a as inserted by section 1 of the bill by replacing it with the following:

498:2-a Insurance Coverage Disclosure in Tort Cases. At any time after suit for negligence, and an appearance on behalf of the defendant have been filed, the named defendant, or his or her insurance carrier if he or she is insured as to the claim, shall disclose only to the claimant or his or her counsel the policy limits of the policy or policies of all liability insurance applicable to the defendant as to such claim.

**2010-1762s**

**AMENDED ANALYSIS**

This bill authorizes an insurance carrier to disclose the limits of a liability insurance policy to the claimant or his or her counsel in a tort case. Current law allows the superior court in its discretion to order such disclosure only to opposing counsel.

**The question is on the adoption of Committee Amendment 1762s.**

**Committee Amendment 1762s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1254.**

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

**HB 1613-FN**, relative to the general banking laws of the state. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-0. Senator Roberge for the committee.

**Commerce, Labor and Consumer Protection**

**April 29, 2010**

**2010-1770s**

**08/09**

**Amendment to HB 1613-FN**

Amend RSA 384:43, IV as inserted by section 2 of the bill by replacing it with the following:

[V:] **IV.** The bank commissioner shall, in the course of his *or her* regular official examination of the institution and at such other times that he *or she* considers advisable, review and analyze the work and



reports of such [accountants and] auditors. ***The auditors shall provide the commissioner with such work and reports as the commissioner may reasonably request provided such request is limited to matters that relate to the safety and soundness of the institution.*** If the commissioner determines that any audit is inadequate or substantially violates the provisions of this section, he ***or she*** shall report his ***or her*** findings with instructions in writing to the trustees or directors, who shall, within 30 days after receiving such report, cause the institution to comply with the report and instructions.

Amend RSA 392:5, I as inserted by section 4 of the bill by replacing it with the following:

I. A petition setting forth said organizational instrument or its terms, signed by the organizers and requesting that the board of trust company incorporation grant a charter shall be filed with the bank commissioner in the form prescribed by the commissioner. The commissioner shall designate in such form the questions, requests for information and certifications applicable only to deposit taking or lending institutions that need not be responded to by organizers of a nondepository trust company. An examination fee of [\$5,000] ***\$10,000*** shall be paid when the petition is filed. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. ***A petition may be rejected as incomplete by the bank commissioner. A rejected petition may be re-filed with the bank commissioner upon such form and in such manner as prescribed by the bank commissioner and a re-filing fee of up to \$10,000 shall be paid.***

Amend the bill by replacing the bill section heading of section 10 with the following:

10 Examination of Qualified Institutions; Nondepository Trust Companies. Amend RSA 383:9-d to read as follows:

Amend RSA 383:9-d as inserted by section 10 of the bill by replacing the section heading with the following:

383:9-d Examination of [Highly Rated] ***Qualified*** Institutions; Nondepository Trust Companies.

Amend RSA 383:10-d as inserted by section 19 of the bill by replacing it with the following:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate ***and enjoin*** conduct that is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that may violate any of the provisions of Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. ***The commissioner may issue, amend or rescind such orders as are reasonably necessary to carry out provisions of this section and chapter RSA 358-A.*** The commissioner may request the assistance and services of the consumer protection and antitrust bureau of the department of justice. In the instance of conduct involving an alleged criminal offense, the commissioner shall refer to the department of justice all aspects relevant to the criminal investigation and prosecution of such matter.

Amend the bill by inserting after section 22 the following and renumbering the original section 23 to read as 24:

23 Public Deposit Investment Pool; Advisory Committee Membership. Amend RSA 383:24, I(a) to read as follows:

(a) The state treasurer, ***or designee.***

**The question is on the adoption of Committee Amendment 1770s.**

**Committee Amendment 1770s adopted.**

**Sen. DeVries offered a floor amendment.**

**Sen. DeVries, Dist. 18**

**May 4, 2010**

**2010-1873s**

**08/10**

#### **Floor Amendment to HB 1613**

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

AN ACT relative to the general banking laws of the state and relative to employment and retirement benefits of certain non-judicial court employees.

Amend the bill by inserting after section 22 the following and renumbering the original section 23 to read as 24:

23 Certain Non-Judicial Court System Employees; Unused Sick Leave Pay; Retirement Credit.

I. Notwithstanding RSA 490:28 and administrative rules of the department of administrative services, division of personnel, Pers 1204.04, any person retiring in 2010 from full-time, non-judicial employment with the court system, and who is and has been a member of the Manchester employees' contributory retirement system following the transfer of the person's position to the state pursuant to the establishment of unified court system effective January 1, 1984, shall be entitled to payment of unused sick leave which shall be included in the member's salary or wages at the member's date of termination of employment.

II. At such termination of employment, the state shall provide payment of a sum equal to 50 percent of the number of sick leave days remaining to the employee's credit, provided that the total number of days eligible for payment shall not exceed 60 days.

III. The board of trustees of the Manchester employees' contributory retirement system shall include the payment of unused sick leave under paragraph II as earnings of such employee for the purpose of calculating final average earnings of the member-employee.

**2010-1873s**

#### AMENDED ANALYSIS

This bill:

I. Increases certain fees.

II. Allows the banking commissioner to examine certain financial institutions.

III. Requires a statement be sent to the bank commissioner when new officers are sworn in.

IV. Requires background and criminal history records checks for persons seeking to form a trust company or other banking institution.

V. Allows certain non-judicial court system employees who elected not to join the state retirement system upon the establishment of the unified court system but remained in the Manchester employees' contributory retirement system to be permitted upon retirement to be paid for accrued, unused sick time and receive credit for such paid time in the Manchester retirement system.

**The question is on the adoption of Floor Amendment 1873s.**

**Floor Amendment 1873s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1613-FN.**

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

#### MOTION TO REMOVE FROM THE TABLE

**Sen. DeVries moved to remove HB 213-FN from the table.**

**The question is to remove HB 213-FN from the table.**

**Motion adopted.**

#### REMOVED FROM THE TABLE

**HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

**Commerce, Labor and Consumer Protection**

**April 22, 2010**

**2010-1561s**

**09/04**

#### Amendment to HB 213-FN

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

1 New Subdivision; Emergency Notification System. Amend RSA 106-H by inserting after section 15 the following new subdivision:

Emergency Notification System

106-H:16 Emergency Notification System.

I. For the purposes of alerting members of the public about emergencies in a particular area and delivering rapid emergency notification and information, the bureau shall develop and maintain a statewide emergency notification system (ENS). The bureau shall work with technical members from the wireline, wireless, voice over Internet Protocol, and cable industries to design the ENS for the delivery of emergency messages for emergency state and local government purposes in a manner conducive with existing communications systems and networks.

II. The ENS shall use the E911 database and a database developed for persons who request inclusion in the ENS. All telephone numbers in the E911 database shall automatically be included in the ENS. This data shall remain confidential and shall be used solely by the ENS for the purposes of emergency notification and message delivery.

III. The bureau shall, to the greatest extent possible, ensure that the ENS is fully geographic information system (GIS) capable and able to define an emergency zone by address or geographic area. Telephone numbers shall be linked to a GIS mapping database and able to perform a query based on address or a general geographic area.

IV. The ENS shall include means by which persons can opt-out of the system and also opt-in to the system for communications devices not otherwise included in the system, such as nomadic voice over Internet Protocol phones, internet protocol enabled services, and commercial mobile radio services.

V. To accommodate the use of the ENS during an emergency, the ENS shall be capable of providing a pre-recorded message and delivering that message to a large number of telephones and communications devices.

VI. The bureau shall ensure that every state, county, and local emergency response agency has access to and training in the use of the ENS.

VII. The bureau shall establish policies, standards, and procedures, with the assistance, review, and approval of the enhanced 911 commission and the commissioner of safety, for the ENS. The bureau shall conduct regular assessments and internal tests of the ENS to ensure that it is functioning properly in compliance with the requirements of this section and that it meets all federal and state requirements for incident management.

VIII. The bureau, with the approval of the enhanced 911 commission and the commissioner of safety, may develop and modify the ENS to be compatible with the Federal Communications Commission (FCC) guidelines or requirements for broadcast messaging once adopted.

2 Funding. Amend RSA 106-H:9, I and II to read as follows:

I. The enhanced 911 system **and the statewide emergency notification system** shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system **and the statewide emergency notification system** from such fund. Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system **or the statewide emergency notification system**, the department of safety may request, with prior approval

of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services **and the statewide emergency notification system**, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

II. Imposition of the enhanced 911 services surcharge shall ~~[begin not later than 4 months from the approval of the budget, in order to]~~ provide adequate funding for the development of the enhanced 911 database, **the statewide emergency notification system database**, and other operations ~~[necessary to the development]~~ of the enhanced 911 system **and the statewide emergency notification system**.

3 Limitation of Liability. Amend RSA 508:12-a, III to read as follows:

III.(a) No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence receives, develops, collects, **provides**, or processes information for the enhanced 911 database **or the statewide emergency notification system (ENS) database**, relays or transfers enhanced 911 services, **transmits ENS messages and notifications to the public**, or provides emergency telephone and radio communications for ambulance, police and fire departments.

**(b) No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence receives, develops, collects, provides, or processes information within any entity storing 911 records used in the provision of enhanced 911 services or for emergency notification system purposes.**

4 Membership; Enhanced 911 Commission. Amend RSA 106-H:3, I(a) to read as follows:

I.(a) There is hereby established an enhanced 911 commission consisting of ~~[46]~~ **17** members, including the director of the division of fire standards and training and emergency medical services or designee, the chairman of the public utilities commission or designee, a representative of the department of safety, a public member, a police officer experienced in responding to emergency calls, a representative of the disabled community, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

- (1) ~~[Verizon]~~ **Fairpoint**.
- (2) New Hampshire Association of Fire Chiefs.
- (3) New Hampshire Association of Chiefs of Police.
- (4) New Hampshire Federation of Fire Mutual Aids.
- (5) New Hampshire Municipal Association.
- (6) New Hampshire Sheriffs Association.
- (7) New Hampshire Telephone Association.
- (8) New England Cable Telecommunications Association.**
- ~~[(8)]~~ **(9)** The commissioner of the department of administrative services.
- ~~[(9)]~~ **(10)** A representative of the mobile telecommunications carriers industry.
- ~~[(10)]~~ **(11)** A representative of the Professional Firefighters of New Hampshire.

5 Funding of Statewide Emergency Notification System Implementation. Funding for implementation of the statewide emergency notification system required by this act, including funds for software and hardware but excluding phones, shall be limited to \$600,000.

6 Effective Date. This act shall take effect 30 days after its passage.

**2010-1561s**

#### AMENDED ANALYSIS

This bill requires the bureau of emergency communications to develop and maintain a statewide emergency notification system. The bill limits funding for implementation of the system to \$600,000. This bill limits liability with regard to receiving, processing, and storing information for the statewide emergency notification system.

The question is on the adoption of Committee Amendment 1561s.

Committee Amendment 1561s adopted.

The question is on the motion of Ought to Pass as Amended on HB 213-FN.

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

**HB 1286**, (New Title) requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers. Education Committee. Ought to Pass with Amendment, Vote 5-0. Senator Bragdon for the committee.

#### Senate Education

April 27, 2010

2010-1642s

04/01

#### Amendment to HB 1286

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

AN ACT requiring public academies to obtain a criminal history records check on employees and volunteers and permitting nonpublic schools to obtain criminal history records checks on employees and volunteers.

Amend the bill by replacing section 1 with the following:

1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee and Volunteer [~~Background Investigations~~] ***Criminal History Records Check.***

I.(a) The employing school administrative unit, school district, or chartered public school shall complete a [~~background investigation and a~~] criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment. ***A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section.*** A school administrative unit, school district, [~~or~~] chartered public school, ***or public academy*** may extend a conditional offer of employment to a selected applicant [~~after completing a background investigation~~], with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a [~~conditional~~] ***final*** offer of employment unless the school administrative unit, school district, [~~or~~] chartered public school, ***or public academy*** has [~~initiated~~] ***completed*** a criminal history records check. The school administrative unit, school district, [~~or~~] chartered public school, ***or public academy*** shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, [~~or~~] chartered public school, ***or public academy*** fulfilled the requirements of this section.

***(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section.***

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, [~~or~~] chartered public school, ***or public academy*** shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V. 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 school administrative unit, school district, [~~or~~] chartered public school, ***or public academy***. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, [~~or~~] chartered public school, ***or public academy*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. ~~[Upon completion of the background investigation,]~~ The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy**, and shall report the presence or absence of any such crime to the school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy**. Under no circumstances shall the criminal records be released to the school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy**. The school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such convictions. The school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, ~~[or charter]~~ **chartered public school, or public academy** may require the selected applicant for employment or designated volunteer to pay the actual costs of the ~~[background investigation and a]~~ criminal history records check.

V. Any person who has been convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy**. By decision of the appropriate governing body, a school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

VI. This section applies to any employee, selected applicant for employment, designated volunteer, or volunteer organization which contracts with a school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district ~~[or]~~, chartered public school, **or public academy**. The cost for ~~[background investigations, including]~~ criminal history records checks~~;~~ for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall not be required to complete a ~~[background investigation or a]~~ criminal history records check on volunteers, provided that the governing body of a school administrative unit, school district, ~~[or]~~ chartered public school, **or public academy** shall adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a ~~[background investigation and a]~~ criminal history records check.

VIII. A school administrative unit, school district, chartered public school, **public academy**, or school official acting pursuant to a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, chartered public school, **public academy**, or school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall be deemed to grant immunity to any person for that person's reckless or wanton conduct.

**IX.(a) Substitute teachers, student teachers, student interns, and other educational staff shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check and, upon completion, shall issue a letter to the applicant. The letter shall be valid for 30 days from the date of issue and shall constitute satisfactory proof of compliance with this section.**

*(b) Student teachers and student interns shall submit a criminal history records check upon enrollment in a teacher preparation program, but shall not be required to submit additional criminal history records checks if the student teacher or student intern maintains continuous enrollment in the teacher preparation program.*

*X. Violations of this section shall be jointly investigated by the state police and the department of education. Information obtained through such investigations shall remain confidential and shall not be subject to RSA 91-A.*

*XI. In this section, "public academy" shall have the same meaning as in RSA 194:23, II.*

**2010-1642s**

#### AMENDED ANALYSIS

This bill requires nonpublic schools and public academies to submit a criminal history records check through the division of state police and permits nonpublic schools to obtain a criminal history records check for selected applicants for employment and selected volunteers.

**The question is on the adoption of Committee Amendment 1642s.**

**Committee Amendment 1642s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1286.**

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

**HB 1324**, relative to staffing exceptions for geographically isolated small schools. Education Committee. Inexpedient to Legislate, Vote 5-0. Senator Merrill for the committee.

#### MOTION TO TABLE

**Sen. Merrill moved to table HB 1324.**

**The question is on the motion to table HB 1324.**

**Motion adopted.**

#### LAIID ON THE TABLE

**HB 1324**, relative to staffing exceptions for geographically isolated small schools.

**HB 1400**, requiring all colleges and universities to report crimes to the local law enforcement agency. Education Committee. Inexpedient to Legislate, Vote 5-0. Senator Fuller Clark for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1400.**

**Motion of Inexpedient to Legislate adopted.**

**Senators Reynolds, Carson and Barnes are in opposition to the motion of Inexpedient to Legislate on HB 1400.**

**HB 1469**, relative to the required number of instructional days and instructional hours in a school district's calendar. Education Committee. Inexpedient to Legislate, Vote 4-1. Senator Kelly for the committee.

#### MOTION TO TABLE

**Sen. Kelly moved to table HB 1469.**

**The question is on the motion to table HB 1469.**

**Motion adopted.**

#### LAIID ON THE TABLE

**HB 1469**, relative to the required number of instructional days and instructional hours in a school district's calendar.

**HB 1527**, relative to exceptions from the definition of private postsecondary career schools. Education Committee. Inexpedient to Legislate, Vote 4-1. Senator Merrill for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1527.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1528**, relative to observing voter check-in. Election Law and Veterans' Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

**Election Law and Veterans' Affairs**

**April 27, 2010**

**2010-1637s**

**03/01**

**Amendment to HB 1528**

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

AN ACT relative to observing voter check-in and relative to challenged voter affidavits.

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

2 Challenge of Voter; Affidavit. Amend RSA 659:27 to read as follows:

659:27 Challenge of Voter; Affidavit. Any voter at any state election may challenge any other voter offering to vote at such election, and the moderator shall not receive the vote of the person so challenged until he or she shall sign and give to the moderator an affidavit in the following form: I, \_\_\_\_\_, do solemnly swear (or affirm), ***under penalties of voter fraud***, that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward) and have a legal domicile therein. [~~In the alternative, a challenged voter may fill out and sign a qualified voter affidavit.~~]

**2010-1637s**

**AMENDED ANALYSIS**

This bill prohibits standing or sitting within 6 feet of the ballot clerk to observe voter check-in without the permission of the moderator.

This bill also eliminates the authorization for a challenged voter to vote after filling out and signing a qualified voter affidavit and modifies the wording of the challenged voter affidavit.

**The question is on the adoption of Committee Amendment 1637s.**

**Committee Amendment 1637s adopted.**

**Sen. Downing offered a floor amendment.**

**Sen. Downing, Dist. 22**

**May 4, 2010**

**2010-1885s**

**03/10**

**Floor Amendment to HB 1528**

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

AN ACT relative to observing voter check-in, relative to challenged voter affidavits, and ratifying certain actions of the Salem school district.

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

3 Ratification of Salem School District Meeting. All acts, notices, and proceedings at the annual Salem school district meeting held on February 4, 2010 and March 9, 2010, and the public hearing held on January 14, 2010, concerning Article 2, a bond for the construction and equipping of additions and renovations to Barron, Lancaster, and North Salem Elementary Schools, which passed by more than the required 3/5 vote, are hereby legalized, ratified, and confirmed.

4 Effective Date.

I. Sections 1-2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.



**2010-1885s****AMENDED ANALYSIS**

This bill:

I. Prohibits standing or sitting within 6 feet of the ballot clerk to observe voter check-in without the permission of the moderator.

II. Eliminates the authorization for a challenged voter to vote after filling out and signing a qualified voter affidavit and modifies the wording of the challenged voter affidavit.

III. Ratifies certain actions taken at the 2010 Salem school district meeting.

**The question is on the adoption of Floor Amendment 1885s.**

**Floor Amendment 1885s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1528.**

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

**HCR 28**, (New Title) rescinding all requests by the New Hampshire legislature for a federal constitutional convention. Election Law and Veterans' Affairs Committee. Ought to Pass, Vote 5-0. Senator Carson for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HCR 28.**

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

**HCR 29**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. Election Law and Veterans' Affairs Committee. Inexpedient to Legislate, Vote 3-2. Senator Houde for the committee.

**MOTION TO TABLE**

**Sen. Houde moved to table HCR 29.**

**The question is on the motion to table HCR 29.**

**Motion adopted.**

**LAID ON THE TABLE**

**HCR 29**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

**HB 1322**, (New Title) establishing the legislative committee on the maintenance of state-owned dams. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 6-0. Senator Fuller Clark for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1322.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1379**, relative to promotion of the state parks. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

**MOTION TO TABLE**

**Sen. Odell moved to table HB 1379.**

**The question is on the motion to table HB 1379.**

**Motion adopted.**

**LAID ON THE TABLE**

**HB 1379**, relative to promotion of the state parks.

**HB 1520**, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Lasky for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1520.**

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

**MOTION TO REMOVE FROM THE TABLE**

**Sen. Odell moved to remove HB 1609-FN from the table.**

**The question is on the motion to remove HB 1609-FN from the table.**

**Motion adopted.**

**REMOVED FROM THE TABLE**

**HB 1609-FN**, relative to current use and the land use change tax. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

**Committee amendment having previously failed, pending question is on adoption of a floor amendment.**

**Sen. Odell, Dist. 8**

**Sen. Fuller Clark, Dist. 24**

**April 27, 2010**

**2010-1662s**

**09/01**

**Floor Amendment to HB 1609-FN**

Amend RSA 79-A:7, II(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Upon receipt of the land use change tax warrant and the prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice thereof. Such bill shall be mailed, at the latest, within ~~[12]~~ **18** months of the date upon which the local assessing officials receive written notice of the change of use from the landowner or his *or her* agent, or within ~~[12]~~ **18** months of the date the local assessing officials actually discover that the land use change tax is due and payable. Upon receipt of payment, but except for proceedings under RSA 79-A:7, VI(e), the collector shall forward the original tax bill to the register of deeds of the county in which the land is located for the purpose of releasing recorded contingent liens required under RSA 79-A:5, VI. The tax bill shall state clearly whether all, or only a portion, of the land affected by the notice of contingent lien is subject to release. The recording fee charged by the register of deeds shall be paid by the owner of the land in accordance with the fees to which the register of deeds is entitled under RSA ~~[478:17; 478:17-f or]~~ 478:17-g, I ~~[as applicable]~~.

**2010-1662s**

**AMENDED ANALYSIS**

This bill changes the procedure for setting current use value of unproductive land, clarifies that the land use change tax is not a property tax but is a change of use tax, allows local assessing officials 18 months to discover that the land use change tax is due and payable and to mail the tax bill if they receive no written notice, and clarifies current use taxation of condominium development areas.

**The question is on the adoption of Floor Amendment 1662s.**

**Floor Amendment 1662s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1609-FN.**

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

**HB 1235**, relative to regulation of dentistry by the board of dental examiners. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1235.**

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

**HB 1301**, relative to the regulation of fuel gas fitters. Executive Departments and Administration Committee. Ought to Pass, Vote 4-0. Senator DeVries for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1301.**

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

**HB 1359**, relative to the enforcement of humane slaughter laws. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

**Senate Executive Departments and Administration**

**April 28, 2010**

**2010-1710s**

**08/10**

**Amendment to HB 1359**

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

1 Enforcement of Humane Slaughter Provisions. Amend RSA 427:37 to read as follows:

427:37 Administration and Enforcement. The commissioner of agriculture, markets, and food ~~[shall]~~ **may** administer the provisions of this subdivision, adopt such rules, pursuant to RSA 541-A, as may be necessary to carry this subdivision into effect, and approve all methods of slaughter used under the terms of this subdivision. He ~~or she~~ may, by administrative order, allow any person a single temporary exemption from compliance with any provision of this subdivision for such period of time as he ~~or she~~ shall determine reasonable, not to exceed one year. The commissioner of agriculture, markets, and food shall cause to be prosecuted any slaughterer who fails to comply with the provisions of this subdivision. Any ~~[officer or agent of any incorporated society for the prevention of cruelty to animals]~~ **agent authorized by the commissioner**, upon being designated, in writing, for that purpose by the sheriff of any county in this state, may, within such county, at any time inspect the premises and operations of any slaughterer and, if he ~~or she~~ deems it advisable, request an investigation and appropriate action by the commissioner of agriculture, markets, and food.

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

**The question is on the adoption of Committee Amendment 1710s.**

**Committee Amendment 1710s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1359.**

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

**HB 1376**, relative to the regulation of pharmacies and pharmacists. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 5-0. Senator Downing for the committee.

**Senate Executive Departments and Administration**

**April 28, 2010**

**2010-1698s**

**10/03**

**Amendment to HB 1376**

Amend the bill by replacing section 12 with the following:

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

**The question is on the adoption of Committee Amendment 1698s.**

**Committee Amendment 1698s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1376.**

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

**HB 1415**, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

**Senate Executive Departments and Administration**

**April 28, 2010**

**2010-1699s**

**10/03**

**Amendment to HB 1415**

Amend RSA 5:35-b as inserted by section 1 of the bill by replacing it with the following:

5:35-b Records of the Governor. Within one year of leaving office, the governor, in consultation with the director, shall donate a selection of official papers and records to the state. Such records shall be placed in a New Hampshire depository selected by the governor, with the approval of the director, and shall be preserved and disclosed under such terms and conditions as the governor and director deem appropriate.

**The question is on the adoption of Committee Amendment 1699s.**

**Committee Amendment 1699s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1415.**

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

**Recess. Out of recess.**

**HB 1689**, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration**

**April 28, 2010**

**2010-1717s**

**04/09**

**Amendment to HB 1689**

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

AN ACT exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011 and extending the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia.

Amend section 1 of the bill by deleting paragraphs (47), (94), (126), and (127) and renumbering the remaining paragraphs accordingly.

Amend section 1 of the bill by inserting after paragraph (134) the following new paragraphs:

(135) RSA 4:9-j	Committee to Oversee the Location, Design, and Construction of a Public Works Employee Memorial
(136) RSA 18:1	Commission to Study Uniform State Laws
(137) RSA 21-M:8-g	Victims' Assistance Commission
(138) RSA 106-K:5	New Hampshire Criminal Justice Information System Board
(139) RSA 126:24-e	Institutional Review Board
(140) RSA 126-A:17	Advisory Council on Child Care
(141) RSA 137-F:3	Board of Hearing Care Providers
(142) RSA 141-J:11	New Hampshire Birth Conditions Program Advisory Panel
(143) RSA 171-A:17	Human Rights Committee
(144) RSA 211:60	Advisory Committee on Marine Fisheries
(145) RSA 225-A:3-a	Passenger Tramway Safety Board
(146) RSA 238:20	Scenic and Cultural Byways Council
(147) RSA 261:97-d	New Hampshire Conservation Number Plate Advisory Committee
(148) RSA 281-A:62	Advisory Council on Workers' Compensation
(149) RSA 282-A:128	Advisory Council on Unemployment Compensation
(150) RSA 621-A:9	Juvenile Justice Advisory Board
(151) 2009, 19:1	New Hampshire Drug Use Review Board
(152) 2008, 73:3	Arboviral Illness Task Force

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

2 Commission to Evaluate the Long-Term Uses of the Lakes Region Facility Located in Laconia; Report Date Extended. Amend 2009, 144:282, V to read as follows:

V. The commission shall report its findings and any recommendations for uses of the property to the chairman of the long range capital planning and utilization committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor and executive councilors on or before June 30, ~~[2010]~~ **2011**.

**2010-1717s**

#### AMENDED ANALYSIS

Pursuant to 2009, 144:87, I(a), section 1 of the bill reinstates certain non-regulatory boards, commissions, councils, advisory committees, and task forces. This portion of the bill is a request of the committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces established in 2009, 144:87, II.

Section 2 of the bill extends the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia to June 30, 2011.

**The question is on the adoption of Committee Amendment 1717s.**

**Committee Amendment 1717s adopted.**

**Sen. Reynolds offered a floor amendment.**

**Sen. Reynolds, Dist. 2**

**May 5, 2010**

**2010-1899s**

**04/10**

#### Floor Amendment to HB 1689

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

AN ACT exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, extending the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia, and extending the telecommunications planning and development advisory committee.

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

3 Telecommunications Planning and Development Advisory Committee; Prospective Repeal Date Amended. Amend 2000, 298:7, I, as amended by 2003, 7:2 and 2007, 315:2 to read as follows:

I. Section 6 of this act shall take effect ~~[July 1, 2010]~~ **July 1, 2013**.

4 Telecommunications Planning and Development Advisory Committee; Report Date Amended. Amend RSA 12-A:46, IX to read as follows:

IX. The committee shall report its findings and recommendations to the director in the form of an interim report on or before December 1, 2007 and a final report on or before ~~[June 1, 2008]~~ **June 1, 2013**.

**2010-1899s**

#### AMENDED ANALYSIS

Pursuant to 2009, 144:87, I(a), section 1 of the bill reinstates certain non-regulatory boards, commissions, councils, advisory committees, and task forces. This portion of the bill is a request of the committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces established in 2009, 144:87, II.

This bill also extends the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia to June 30, 2011 and extends the telecommunications planning and development advisory committee to July 1, 2013.

**The question is on the adoption of Floor Amendment 1899s.**

**Floor Amendment 1899s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1689.**

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

**HB 1690**, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces. Executive Departments and Administration Committee. Ought to Pass with Amendment, Vote 3-0. Senator Cilley for the committee.

**Senate Executive Departments and Administration**

**April 29, 2010**

**2010-1734s**

**04/10**

**Amendment to HB 1690**

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

1 Repeal of Certain Non-Regulatory Boards, Commissions, Councils, Advisory Committees, and Task Forces. Notwithstanding 2009, 144:87, I(a), the following non-regulatory boards, commissions, councils, advisory committees, and task forces are hereby repealed effective December 31, 2010:

- |                              |  |
|------------------------------|--|
| (1) RSA 12-A:44              | Advisory Committee on Travel and Tourism   |
| (2) RSA 12-H                 | New Hampshire Council on Applied Technology and Innovation                             |
| (3) RSA 19-C                 | American and Canadian French Cultural Exchange Commission                              |
| (4) RSA 21-H:14-a            | Strategic Capital Plan Committee   |
| (5) RSA 21-I:19-c            | Interagency Energy Efficiency Committee  |
| (6) RSA 21-I:28-a            | Legislative Advisory Committee on the Administration of the State Employee Health Plan |
| (7) RSA 21-K:17              | Granite State Cultural Legacy Award Selection Committee                                |
| (8) RSA 21-P:24-a            | Hazardous Materials Transportation Advisory Committee                                  |
| (9) RSA 125-G:6 and 7        | Nuclear Waste Technical Review Council   |
| (10) RSA 125-P               | Council on the Relationship Between Public Health and the Environment                  |
| (11) RSA 126-H:9             | Joint Legislative Oversight Committee on Healthy Kids Corporation Reform               |
| (12) RSA 132:19-21           | Perinatal Alcohol, Tobacco, and Other Drug Use Task Force                              |
| (13) RSA 149-O               | Recycling Market Development Steering Committee  |
| (14) RSA 151-C:16            | Task Force on the Certificate of Need Statute  |
| (15) RSA 151-E:6-a           | Long Term Care Rate Advisory Committee   |
| (16) RSA 153:5-b             | Advisory Committee on Portable Fire Extinguisher and Fixed Fire Extinguishing Systems  |
| (17) RSA 169-H               | Commission on Juvenile Justice   |
| (18) RSA 187-B               | Environmental Research Advisory Committee  |
| (19) RSA 200-C:14            | Advisory Committee for the Workers' Personal Care Assistance Program                   |
| (20) RSA 201-A:3 through 8-b | State Library Advisory Council   |
| (21) RSA 201-A:24 and 24-a   | New Hampshire Automated Information Systems Board                                      |
| (22) RSA 201-A:27            | "Webster" Advisory Board   |

(23) RSA 216-F:5, IV-V	Standing Subcommittee to New Hampshire Statewide Trail System Advisory Committee
(24) RSA 216-H:5	Ahern State Park Advisory Committee
(25) RSA 217-B:2 through 4	Freedom's Way Heritage Area Commission
(26) RSA 275:59	Advisory Council to the Labor Commissioner
(27) RSA 327-A:4	Advisory Council to the Commissioner of the Department of Health and Human Services on the Dispensing of Spectacles, Eyeglasses, and Contact Lenses
(28) RSA 332-E:2	Advisory Committee to the Commissioner of Environmental Services
(29) RSA 430:10	State Committee on Mosquito Control
(30) RSA 434:38	Advisory Board to the Commissioner of Agriculture
(31) RSA 437-A:7-9	Committee to Study Pet Overpopulation in New Hampshire
(32) RSA 481:1-b	Water Resources Committee
(33) RSA 482:93	Dam Management Review Committee
(34) RSA 483-D:2 and 3	Winnepesaukee River Watershed Advisory Committee
(35) 2004, 164:2-3	Energy Planning Advisory Board
(36) RSA 4:9-f through 9-h	Committee to Select the Location and Design for a September 11 Memorial
(37) RSA 4-C:29	Housing and Conservation Planning Program Advisory Board
(38) RSA 21-K:18 through 22	New Hampshire Civil War Memorials Commission
(39) RSA 125-G:4	Nuclear Waste Policy Advisory Committee
(40) RSA 126:24-g	Advisory Committee on Quality of Vital Records Information
(41) RSA 126-A:32	Emergency Shelter and Homeless Coordination Commission
(42) RSA 141-E:5	Asbestos Abatement Advisory Committee
(43) RSA 169-G:1	Review Panel
(44) RSA 171-A:1-d	Committee to Develop a Plan to Address Long-Term Workforce and Related Human Resources Issues
(45) RSA 188-E:4	Regional Advisory Committees
(46) RSA 188-E:19	Automotive Technology Advisory Council
(47) RSA 207:22-b	Wildlife Damage Control Advisory Board
(48) RSA 261:90-a	Official Cover Plate Advisory Committee
(49) RSA 263:34-f	Motorcycle Rider Education Program Advisory Committee
(50) RSA 273-A:9, V	Joint Committee on Employee Relations
(51) RSA 321-A:10-11	Amusement Ride Safety Advisory Board
(52) RSA 541-B:23	Oversight Committee for Claims Arising From the Clinical Operation and Administration of the New Hampshire Hospital and Clinical Services Provided to the Department of Corrections
(53) RSA 664:5-c	Advisory Committee to Monitor the Application of Federal and New Hampshire Campaign Financing Statutes

2 High-Level Radioactive Waste; Office of Energy and Planning. Amend RSA 125-G:3, III-V and the introductory paragraph in RSA 125-G:3, VI to read as follows:

III. The office shall disseminate or arrange with the federal Department of Energy or other federal agency to disseminate in a timely manner information received under paragraph II to ~~[the council, the committee,]~~ appropriate state agencies, appropriate local units of government, and interested citizen groups and citizens.

IV. The office~~[-in accordance with the recommendations and advice of the council and committee,]~~ shall respond to contacts made under paragraph I and information received under paragraph II if a response is appropriate. The office shall consult with ~~[the council, the committee,]~~ appropriate state agencies~~[-]~~ and affected local units of government. ~~[The council and the committee may prepare written comments for use by the office in preparing its response.]~~

V. ~~The office shall provide staff and support services to the committee, as the committee may require.~~

~~VI. V.~~ The office~~[-in consultation with the council and the committee,]~~ shall adopt rules, under RSA 541-A, relative to procedures necessary to enable it to discharge its duties and powers under this chapter and to carry out the purposes and objectives of this chapter, including but not limited to:

3 High-Level Radioactive Waste. Amend RSA 125-G:8-11 to read as follows:

125-G:8 Office~~[- Council, and Committee as Advocates]~~ **as Advocate**. The office~~[- the council, and the committee]~~ shall serve as ~~[advocates]~~ **an advocate** on behalf of the citizens of this state before the federal Department of Energy and other federal agencies on matters related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-G:9 Educational Programs. The office shall promote and coordinate educational programs which provide information on the nature of high-level radioactive waste; the long-term or temporary storage or permanent disposal of these wastes; the activities of the office~~[- the council, and the committee]~~ and the activities of the federal Department of Energy and other federal agencies related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

125-G:10 Review of Fund Applications. The office~~[- in consultation with the council and the committee,]~~ shall review any application to the federal Department of Energy or other federal agency or its contractor, by a state agency, or any other person including the state institutions of higher learning, a local unit of government, or a regional planning commission or any other person for funds for any program related to the long-term or temporary storage or permanent disposal of high-level radioactive waste. If the office finds that the application is not consistent with the state's nuclear waste policy or that the application is not in the best interests of the state, the office~~[- after consultation with the council and the committee,]~~ shall forward its findings to the governor, the speaker of the house of representatives and the president of the senate, and the federal agency to which the application for funds is being made. If the office finds that the application of a state agency is not consistent with the state's nuclear waste policy or that the application of a state agency is not in the best interests of the state, the findings forwarded to the governor shall include a recommendation that the governor take action as necessary to safeguard the interests of the state by stipulating certain conditions for the acceptance of the funds.

125-G:11 Office to Cooperate With Congress and With Other States. The office~~[- in consultation with the council and the committee,]~~ shall monitor activity by Congress and the federal government related to the long-term or temporary storage or permanent disposal of high-level radioactive waste. The office~~[- in consultation with the committee,]~~ may advise the New Hampshire congressional delegation of action which is necessary to protect the interests of the state and may work with the congressional delegations and the state governments of other affected northeastern states.

4 High-Level Radioactive Waste; Further Requirements for Site Studies. Amend RSA 125-G:14, II to read as follows:

II. At the completion of each phase of site characterization, including area characterization, and prior to the initiation of any subsequent phase of investigation, the federal Department of Energy shall prepare and administer an oral briefing for the office~~[- the council, the committee,]~~ interested members of the legislature, and the governor's office, collectively, in which a synopsis of the previously completed study phase is detailed. The briefing shall include, at a minimum, the significant findings of the study, including those findings which could possibly preclude the site from being developed into a repository for the long-term or temporary storage



or permanent disposal of high-level radioactive waste. Any noted deficiencies in the data base, interpretation of the data base, or conclusions or recommendations regarding the data base, cited in writing by the technical community of the state or recorded in public hearings in the state, shall be addressed in the briefing. The methods by which those deficiencies were resolved or are to be addressed shall be identified by the Department of Energy during the briefing. The office ~~[in consultation with the council and the committee]~~ shall determine the adequacy of the resolution of the noted deficiencies and shall prepare a written report of their findings. The office shall transmit the findings with a recommendation concerning a future course of action to the governor, the senate president, and the speaker of the house of representatives. If the findings and the recommendations indicate adequate identification of deficiencies and their resolution, the governor may recommend adoption of a joint resolution authorizing initiation of additional phases of site characterization. If the findings and the recommendations indicate inadequate identification of deficiencies or their inadequate resolution, the governor may recommend that the conflict resolution procedure outlined in the agreement be initiated.

5 High-Level Radioactive Waste; Office as Agents for Agreements. Amend RSA 125-G:15, III to read as follows:

III. The office shall consult with the ~~[council, the committee, and the]~~ attorney general during the negotiation of any agreement or modification or technical revisions to an agreement executed under paragraph I or II. The ~~[council, the committee, and the]~~ attorney general shall prepare such written comments on any agreement or draft agreement being negotiated by the office as may be appropriate and necessary.

6 High-Level Radioactive Waste. Amend RSA 125-G:18 and 19 to read as follows:

125-G:18 Review of Site Selection; Recommendation.

I. If the federal Department of Energy selects a site in the state for construction of a repository for the long-term or temporary storage or permanent disposal of high-level radioactive waste, the office shall review the adequacy of the selected site and of the repository plan prepared by the federal Department of Energy pursuant to RSA 125-G:16, II(m). The review shall include a full scientific review of the adequacy of the selected site and the repository plan. ~~[The office shall solicit written comments on the selected site and the repository plan from the council and the committee.]~~ The office may utilize recognized experts in conducting its scientific review. The office shall conduct at least one public hearing in the affected county on the repository plan and shall make available to the public arguments and evidence for and against the repository plan. The office shall provide 30 days' notice of the date and location of the public hearing. The office shall solicit comments from appropriate state agencies, local units of government, and interested citizen groups on the adequacy of the selected site and the repository plan. The office shall make these comments available to the public.

II. After completing the review, the office shall submit a recommendation, complete with supporting reasons for the recommendation, to the speaker of the house of representatives, the senate president, and the governor on the issue of the site and repository plan selected by the federal Department of Energy. The governor, after review of the recommendation and findings of the office, may confer with the office, ~~[council, committee,]~~ representatives of state agencies, institutions of higher learning, or representatives of the affected county or locality. The governor, thereafter, shall recommend appropriate legislation to the legislature relating to the establishment of a long-term or temporary storage or permanent disposal facility for high-level radioactive waste. There shall be no further activity by the Department of Energy related to the long-term or temporary storage or permanent disposal of high-level radioactive waste in the state while legislation proposed by the governor or the legislature relative to such topic is being considered by the legislature.

125-G:19 Office to Implement Agreements. The office ~~[in consultation with the committee and the council,]~~ shall implement all agreements, modifications, and technical revisions approved pursuant to this chapter. In doing so, the office may solicit the views of appropriate state agencies, local units of government, and interested citizen groups.

7 Department of Health and Human Services; Duties of Oversight Committee. Amend RSA 126-A:15, I to read as follows:

I. The committee shall provide legislative oversight of and informational meetings on the programs, policies, and rules of the department of health and human services as brought to its attention by committee members, legislators, department personnel, or others. The committee's work may include, but is not limited to, analyzing the efficacy of selected programs, studying the characteristics of target populations, researching trends affecting program costs and participation, and reviewing alternate approaches to programmatic and administrative concerns. The committee shall monitor the on-going medicaid modernization

plan. The committee shall monitor the recommendations of the committee to study the HIV/AIDS service delivery (2005, 47) and determine whether such recommendations have been implemented. ~~[The committee shall review the council on the relationship between public health and the environment, established in RSA 125-P:1, every 2 years as provided in RSA 125-P:4.]~~ The committee shall provide informational meetings on such topics to the general court. The committee shall maintain communications with the department of health and human services, and any other departments, as necessary to accomplish its work.

8 State Board of Fire Control; Fire Equipment Service Certification. Amend RSA 153:5-a to read as follows:

153:5-a Fire Equipment Service Certification. The commissioner of safety~~[-in consultation with the advisory committee established in RSA 153:5-b,]~~ shall adopt rules pursuant to RSA 541-A, for the voluntary certification of persons engaged in the inspection, installation, and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm systems in this state. Such rules may include the issuance of various types and classes of certificates, and a fee not to exceed \$200 for such issuance, for an individual or firm engaged in the installation or servicing of such extinguishing and fire alarm systems. Fees shall be deposited in the fire standards and training and emergency medical services fund, established in RSA 21-P:12-d. Applicants for certification shall provide proof of certification by a national organization recognized by the commissioner and provide proof of insurance.

9 Workers' Personal Care Assistance Program; Insufficient Funds. Amend RSA 200-C:13, I to read as follows:

I. Promptly notify the governor, the general court, the Developmental Disabilities Advocacy Center, the governor's commission on disability ~~[and the advisory committee established under RSA 200-C:14];~~ and

10 Department of Cultural Resources; Rulemaking Authority. Amend RSA 21-K:8, II to read as follows:

II. The New Hampshire automated information system, as authorized by RSA 201-A:25, II~~[-provided that the rules shall be subject to review and recommendation by the New Hampshire automated information system board established by RSA 201-A:24].~~

11 Savings Banks; Security for Certain Deposits of Public Funds. Amend RSA 386:57, II to read as follows:

II. The bank commissioner shall by rules adopted under RSA 541-A define and classify by risk the nature of securities appropriate for collateral. ~~[There is created an advisory committee on collateralization of public funds to assist the bank commissioner in the development of such rules. The committee shall consist of the following: the state treasurer; 2 members of the New Hampshire Bankers Association, appointed by the president of the association; 2 members of the New Hampshire Government Finance Officers Association, appointed by the president of the association; and one public member recommended by both associations and appointed by the bank commissioner.]~~

12 Winnepesaukee River Watershed Advisory Committee. Amend the chapter heading of RSA 483-D and RSA 483-D:1 to read as follows:

#### CHAPTER 483-D WINNIPESAUKEE RIVER WATERSHED ~~[ADVISORY COMMITTEE]~~

483-D:1 Model Required. The department of environmental services shall develop and implement a model for managing the flow of water in the Winnepesaukee River watershed. ~~[The department shall develop the model with input from the Winnepesaukee River watershed advisory committee.]~~

13 Ophthalmic Dispensing; Renewal of Registration. Amend RSA 327-A:14 to read as follows:

327-A:14 Renewal of Registration; Continuing Education. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the commissioner. Certificates of registration for ophthalmic dispensing shall be renewed upon the payment of the renewal fee and the completion of 8 credits of continuing education during the previous 2-year period. Any national, regional, or state optical company, trade, or professional group is authorized to sponsor continuing education programs approved by the American Board of Opticianry, the National Contact Lens Examiners, or the commissioner. The commissioner or the deputy commissioner of the department of health and human services shall authorize continuing education programs which contribute to the advancement, extension, or enhancement of the professional skills and the technical knowledge of opticians. ~~[In authorizing such programs, the commissioner or deputy commissioner may seek the advice of the Ophthalmic Dispensing Advisory Council.]~~

14 Mental Health Practice; Organization and Meetings. Amend RSA 330-A:9, II to read as follows:

II. When a quorum is not available for just and timely resolution of a specific matter, former board members ~~[or advisory committee members]~~ may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter.

15 Mental Health Practice; Board. Amend RSA 330-A:10, XII-XIII to read as follows:

XII. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines ~~[consistent with the standards established by the advisory committee for each of the licensed mental health disciplines]~~. All candidates for licensure shall be documented with the board.

XIII. Establishment of the scope of practice for each mental health discipline licensed under this chapter ~~[consistent with the standards established by the advisory committee for each of the licensed mental health disciplines]~~.

16 Mental Health Practice; Investigations and Complaints. Amend RSA 330-A:28, I-a to read as follows:

I-a. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee. If the chairperson of the board is recused the remaining board members shall elect an acting chairperson from among the board. The chairperson or acting chairperson shall appoint a former board member ~~[or a member from the appropriate advisory committee]~~ to replace the recused board member during the investigation and proceedings against the licensee. The replacement board member shall be from the same mental health discipline as the recused member.

17 Regulation of Water Treatment and Distribution. Amend RSA 332-E:3, II-III to read as follows:

II. The department ~~[on recommendation of the advisory committee]~~ shall establish the criteria and conditions for the classification of public water systems and water treatment plants or water distribution systems.

III. The department ~~[on recommendation of the advisory committee]~~ shall establish by regulation pursuant to RSA 541-A the qualifications, conditions, licensing standards, and procedures for the certification of individuals to act as operators.

18 Examinations. Amend RSA 332-E:5, VI to read as follows:

VI. The department ~~[in conjunction with the advisory committee]~~ may require the taking of educational courses and the demonstration of course proficiency by all operators prior to the renewal of their certificate.

19 High-Level Radioactive Waste; State to Intervene. Amend RSA 125-G:12 to read as follows:

125-G:12 State to Intervene. In appropriate cases, the office ~~[in consultation with the committee]~~ shall request the state attorney general to institute or intervene in judicial proceedings to protect the state's interests, enforce the state's policy, and present the state's point of view on matters related to the long-term or temporary storage or permanent disposal of high-level radioactive waste.

20 High-Level Radioactive Waste; Office as Agent for Agreements. Amend RSA 125-G:15, IV to read as follows:

IV. The office ~~[in concert with the committee]~~ shall hold at least one public hearing within the county or counties in which the site is located on any proposed agreement or modification or technical revision to an agreement negotiated under paragraph I or II. The office shall issue 30 days' notice of the date and location of hearings conducted under this section. The office shall prepare a written summary of testimony presented at hearings conducted under this section and shall consider the need for modifications or technical revisions to the negotiated agreement as a result of the hearing.

21 High-Level Radioactive Waste; Finance. Amend RSA 125-G:20 to read as follows:

125-G:20 Finance. The office shall attempt to finance all of its expenses from moneys received from the federal Department of Energy and other federal agencies and from other grants for which the office may apply. ~~[Expenses of the committee members to attend meetings shall be reimbursed by the office from these funds.]~~

22 Vital Records and Health Statistics; Memorandum of Understanding. Amend RSA 126:24-cc to read as follows:

126:24-cc Memorandum of Understanding. The commissioner and secretary of state shall enter into a memorandum of understanding to address the role of each agency in maintaining the state's vital records system. The memorandum shall facilitate a working relationship between the 2 agencies in meeting their respective responsibilities under this chapter and RSA 5-C. The memorandum shall be reviewed annually and may be modified at the request of either agency ~~or at the request of the advisory committee on quality of vital records information under RSA 126:24-h~~.

23 Automotive Technology Curriculum; Funding. Amend RSA 188-E:18, VI to read as follows:

VI. Existing or new technical education centers that provide automotive technology education shall obtain program certification pursuant to paragraph II of this section prior to becoming eligible to receive state renovation and construction funds. ~~[All documentation relating to program certification shall be submitted to the automotive technology advisory council established in RSA 188-E:19 for approval prior to release of any such funding.]~~

24 Wildlife Damage Control Program. Amend RSA 207:22-c, II to read as follows:

II. A cooperative fencing program:

(a) Commercial growers may participate in a cost-share-fencing program where the state pays for the full cost of fencing materials only. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials~~[-, provided the commercial grower's participation and eligibility has been approved by the wildlife damage control advisory board].~~

(b) Commercial growers desiring to participate in the cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before April 1 of each year.

(c) Construction and maintenance costs of installed fences shall be the responsibility of the applicant.

~~(d) [The wildlife damage control advisory board shall determine on an annual basis no later than April 30 of each year the recipients of the fencing moneys for the ensuing year. The board shall make its determinations based on urgency of need for damage relief and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall be final.]~~

~~(e)~~ The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until ~~[such time as] approved by [a majority of the wildlife damage control advisory board]~~ **the executive director**.

~~[(f)]~~ **(e)** The executive director shall adopt rules pursuant to RSA 541-A to implement and execute the cooperative fencing program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

~~[(g)]~~ **(f)** The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

~~[(h)]~~ **(g)** For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive, an annual gross income from the sale of crops normally produced of at least \$2,500.

25 Official Cover Plates; Design for Members of the General Court. Amend RSA 261:90 to read as follows:

261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of United States senators from this state, representatives to congress from this state, the governor, members of the governor's council, the president of the senate, members of the senate, the speaker of the house of representatives, members of the house of representatives, the attorney general, the secretary of state, and the state treasurer. The fee for official cover plates shall be \$1 in addition to any other number plate manufacturing fee otherwise required. The official cover plates, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. Official cover plates shall have the title of the person requesting the plates, except for members of the governor's council whose plates shall have their council district numbers embossed

on them, and members of the general court, whose plates shall have their house seat numbers or their senate district numbers embossed on them unless the president of the senate, for members of the senate, or the speaker of the house of representatives, for members of the house of representatives, shall designate a title for their plates. ***The president of the senate, or a designee, and the speaker of the house of representatives, or a designee, shall provide the director with input as needed on the cover plate design for members of the general court.*** The director shall not issue more than 2 sets of official cover plates to any person. Official cover plates may be attached only to vehicles registered in the name of the person issued the plates or the name of the spouse of a member of the general court, or any vehicle being operated by a member of the general court. Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor. Official cover plates shall be manufactured at the state prison and the prison shall provide the plates to the department at the prison's cost.

26 Motorcycle Rider Education Program. Amend RSA 263:34-b, I to read as follows:

I. The director shall establish standards for and shall administer the motorcycle rider education program. The standards ~~[shall be based on the recommendations of the advisory committee established in RSA 263:34-f and]~~ shall include, but not be limited to, standards for a nationally accepted and state-approved rider training course. The director may expand the program to include public awareness, alcohol and drug effects, driver improvement for motorcyclists, licensing improvement, program promotion, or other motorcycle safety programs.

27 Conditions and Requirements for a License; Driver Education. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director ~~[and the motorcycle rider education program advisory committee]~~ and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

28 Repeal. The following are repealed:

- I. RSA 125-G:2, III, relative to the definition of nuclear waste technical review council.
- II. RSA 125-G:3, VI(d), relative to application requirements under RSA 125-G:7.
- III. RSA 149-M:29, II(h), relative to the market development steering committee.
- IV. RSA 201-A:21, I, relative to the definition of New Hampshire automated information systems board.
- V. RSA 327-A:5, VIII, relative to the duty of the commissioner of the department of health and human services to call meetings of the advisory council established in RSA 327-A:4.
- VI. RSA 330-A:22, I, relative to the advisory committee for mental health disciplines.
- VII. RSA 332-E:1, I, relative to the definition of advisory committee.
- VIII. RSA 434:33, I, relative to the definition of advisory board.
- IX. RSA 621-A:9, II(j), relative to a member of the commission on juvenile justice serving as a member of the juvenile justice advisory board.
- X. 2004, 164:4, relative to the prospective repeal of the energy planning advisory board.
- XI. RSA 6:12, I(b)(70), relative to moneys credited to the Civil War memorials fund.
- XII. RSA 99-D:8, IV, relative to review of claims by the legislative oversight committee.
- XIII. RSA 99-D:9, III, relative to review of claims by the legislative oversight committee.

XIV. RSA 125-G:2, I, relative to the definition of nuclear waste policy advisory committee.

XV. RSA 125-G:5, relative to the responsibilities and duties of the nuclear waste policy advisory committee.

XVI. RSA 169-C:39-b, I, relative to the definition of the New Hampshire children's trust fund board.

XVII. RSA 169-C:39-e, relative to the duties of the New Hampshire children's trust fund board.

XVIII. RSA 169-C:39-f, relative to criteria for selection of grantees for grants from the New Hampshire children's trust fund.

XIX. RSA 169-C:39-h, relative to rulemaking authority of the New Hampshire children's trust fund board.

29 Effective Date. This act shall take effect December 31, 2010.

**The question is on the adoption of Committee Amendment 1734s.**

**Committee Amendment 1734s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1690.**

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

#### **SPECIAL ORDER**

**Without objection President Larsen moved HB 569-FN be Special-Ordered to the end of the Calendar.**

#### **Commerce, Labor and Consumer Protection**

**HB 569-FN**, (New Title) clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

#### **SPECIAL ORDER**

**HB 1610-FN**, (New Title) establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire. Executive Departments and Administration Committee. Interim Study, Vote 4-1. Senator Cilley for the committee.

**The question is on the adoption of committee recommendation of Refer to Interim Study on HB 1610-FN.**

**Motion of Refer to Interim Study failed.**

**Sen. Cilley moved Ought to Pass on HB 1610-FN.**

**Sen. Fuller Clark offered a floor amendment.**

**Sen. Fuller Clark, Dist. 24**

**May 4, 2010**

**2010-1884s**

**05/10**

#### **Floor Amendment to HB 1610-FN**

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

AN ACT establishing a New Hampshire commission on Native American affairs.

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

1 New Subdivision; Department of Cultural Resources; New Hampshire Commission on Native American Affairs. Amend RSA 21-K by inserting after section 23 the following new subdivision:

New Hampshire Commission on Native American Affairs

21-K:24 New Hampshire Commission on Native American Affairs Established.

I. In order to recognize the historic and cultural contributions of Native Americans to New Hampshire, to promote and strengthen their own heritage, and to further their needs through state policy and programs, there is hereby established the New Hampshire commission on Native American affairs.

II. The commission shall consist of 15 members who derive from geographically diverse areas of the state and are representative of the diverse groups, organizations, and individuals knowledgeable about Native American history, culture, and affairs as follows:

- (a) The director or designee of the division of travel and tourism development.
- (b) The director or designee of the Native American Program at Dartmouth College.
- (c) An archeologist appointed by the director of the division of historical resources.
- (d) The director or designee of the state council on the arts.
- (e) A genealogist appointed by the New Hampshire Society of Genealogists.

(f) Ten members from the public at large, who shall be representatives from the Native American community, appointed by the governor from recommendations prepared by the director of the division of historical resources. All interested individuals shall submit a letter to the director of the division of historical resources stating why they wish to be considered and their qualifications accompanied by 3 letters of recommendation.

III. Each member of the commission shall serve a 3-year term, and no member shall serve more than 2 consecutive terms. A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment was made but for the unexpired term only. Initial appointments by the governor shall be for staggered terms of one, 2, or 3 years. Members of the commission shall serve without compensation.

IV. For voting purposes a quorum shall be 9 members.

V. At the first meeting, which shall be called by the first named member of the commission within 45 days after the completion of the naming of the commission members, members of the commission shall elect a chairman, secretary, and treasurer. Officers shall be elected for a one-year term but may be elected to serve an additional term. All officers of the commission shall be elected by a majority vote of the members.

VI. The commission shall:

(a) Review and study local, state, and federal issues common to Native Americans and persons of Native American descent who are residing in this state.

(b) Develop recommendations to assist state agencies with the preservation and protection of Native American artifacts and burial grounds under the Native American Graves Protection and Repatriation Act of 1990, P.L. 101-601.

(c) Assist Native American groups, organizations, and individuals in New Hampshire with:

(1) Securing social services, education, employment opportunities, health care, housing, cultural opportunities, and census information as available at both the state and federal levels, including assistance in determining eligibility for the Indian Child Welfare Act of 1978, 25 U.S.C. section 1902 et seq.

(2) Establishing and/or continuing programs concerning Native American history, culture, and affairs, including those offered through the United States Department of Education Office on Indian Education pursuant to Title VII of the Elementary and Secondary Education Act established in 1972.

(3) Promoting and strengthening the creation, display, and sale of Native American arts and crafts, and providing educational information to artisans and marketing outlets promoting the legal labeling of such products as Indian or Native American produced, as provided in 18 U.S.C. section 1159(c)(3)(B) and 25 U.S.C. section 305e (d), as well as determining eligibility for the Indian Arts and Crafts Act of 1990, P.L. 101-644, and receiving assistance and support from the Indian Arts and Crafts Board, as provided in 25 U.S.C. section 305 et seq.

VII. The commission shall meet at least 4 times a year and at any other times at the request of the chairperson or by 7 members of the commission. Notice of all meetings and minutes of such meetings shall be posted on the New Hampshire department of cultural resources website.

VIII. The commission may accept any gifts, grants, or donations from any public or private source, provided that such gifts, grants, or donations shall be used exclusively to advance the commission's purpose and duties. Information concerning the receipt of any gifts, grants, or donations shall be posted on the department of cultural resources website.

IX. Beginning November 1, 2011, and each year thereafter, the commission shall submit an annual report of its activities, findings, and recommendations to the governor, the speaker of the house of representatives,

the senate president, the commissioner of the department of cultural resources, and the state library. The annual report shall be approved by a majority vote of the commission and shall be posted on the department of cultural resources website.

X. The commission shall be administratively attached to the department of cultural resources.

XI. Nothing in the purposes and duties of the commission shall be interpreted to provide any Native American with any other special rights or privileges that the state does not confer on or grant to other state residents. The authority to grant state tribal status or recognition under Section 104 of the Indian Arts and Crafts Act of 1990, 18 U.S.C. section 1159(c)(3)(B), is reserved solely to the New Hampshire general court.

2 Repeal. RSA 21-K:24, relative to the New Hampshire commission on Native American affairs, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect upon its passage.

**2010-1884s**

#### AMENDED ANALYSIS

This bill establishes the New Hampshire commission on Native American affairs.

**The question is on the adoption of Floor Amendment 1884s.**

**Floor Amendment 1884s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1610-FN.**

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

**HB 1164**, relative to newborn screening tests. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Gallus for the committee.

**Sen. Sgambati offered a floor amendment.**

**Sen. Sgambati, Dist. 4**

**April 27, 2010**

**2010-1650s**

**01/10**

#### Floor Amendment to HB 1164

Amend RSA 132:10-a, III-a as inserted by section 1 of the bill by replacing it with the following:

*III-a. The department shall ensure that the laboratory analyzing tests authorized under paragraph I destroy any samples no later than 6 months following the completion of testing. Any samples taken for newborn screening shall only be used for tests required under this section. No such samples may be used for other research or DNA testing purposes unless authorized by the parent or guardian.*

**The question is on the adoption of Floor Amendment 1650s.**

**Floor Amendment 1650s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1164.**

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

**HB 1363**, relative to continuing care communities. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Downing for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1363.**

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

**HB 1493**, (New Title) establishing a committee to study comprehensive mental health and substance use disorders parity. Health and Human Services Committee. Ought to Pass with Amendment, Vote 4-0. Senator Gilmour for the committee.



**Health and Human Services**  
**April 27, 2010**  
**2010-1644s**  
**01/04**

**Amendment to HB 1493**

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

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

**The question is on the adoption of Committee Amendment 1644s.**

**Committee Amendment 1644s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1493.**

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

**HB 1553**, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Sgambati for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1553.**

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

**HB 1623**, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug. Health and Human Services Committee. Ought to Pass with Amendment, Vote 4-0. Senator Sgambati for the committee.

**Health and Human Services**  
**April 27, 2010**  
**2010-1648s**  
**01/04**

**Amendment to HB 1623**

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

AN ACT relative to the disposal of hypodermic syringes, lancets, needles, or any instrument adapted for the administration of drugs by injection with or without a written or oral prescription.

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

1 Information Required. Amend the introductory paragraph and subparagraph (1) of RSA 318:52-c, I(b) to read as follows:

(b) The following conditions shall apply to all purchases of hypodermic syringes [or], ***lancets***, needles, ***or any instrument adapted for the administration of drugs by injection***:

(1) Pharmacists shall provide to each purchaser at the time of purchase information regarding the safe disposal of hypodermic syringes [or], ***lancets***, needles, ***or any instrument adapted for the administration of drugs by injection with or without a written or oral prescription***, including local disposal locations or a telephone number to call for such information, if appropriate.

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

**2010-1648s**

**AMENDED ANALYSIS**

This bill clarifies the information pharmacists are to provide to purchasers of syringes.

**The question is on the adoption of Committee Amendment 1648s.**

**Committee Amendment 1648s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1623.**

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

**HB 1692**, establishing a commission on primary care workforce issues. Health and Human Services Committee. Ought to Pass, Vote 4-0. Senator Gallus for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1692.**

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

**HB 50**, (New Title) relative to proceedings of medical injury claims screening panels. Judiciary Committee. Ought to Pass, Vote 3-2. Senator Reynolds for the committee.

#### **MOTION TO TABLE**

**Sen. Hassan moved to table HB 50.**

**The question is the motion to table HB 50.**

**Motion adopted.**

#### **LAIID ON THE TABLE**

**HB 50**, (New Title) relative to proceedings of medical injury claims screening panels.

**HB 138**, revising certain provisions of the sexually violent predators statute. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Lasky for the committee.

**Senate Judiciary**

**April 28, 2010**

**2010-1686s**

**04/01**

#### **Amendment to HB 138**

Amend RSA 135-E:1 as inserted by section 1 of the bill by replacing it with the following:

135-E:1 Findings and Intent. The general court finds that a small but extremely dangerous number of sexually violent predators exist who ~~[do not have a mental disease or defect that renders them appropriate for involuntary treatment under RSA 135-C, which is intended to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment, sexually violent predators generally]~~ have antisocial personality features which are unamenable to existing mental illness treatment modalities, and those features render them likely to engage in criminal, sexually violent behavior. The general court further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The general court further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under existing law. It is therefore the intent of the general court to create a civil commitment procedure for the long-term care and treatment of sexually violent predators. ***This procedure primarily targets individuals who are nearing completion of their maximum sentence of imprisonment, having been refused parole, who pose a high risk of repeated acts of predatory behavior if released to the community.***

Amend RSA 135-E:2, XI(d) as inserted by section 2 of the bill by replacing it with the following:

(d) ***Felonious sexual assault in violation of RSA 632-A:3, III;***

**The question is on the adoption of Committee Amendment 1686s.**

**Committee Amendment 1686s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 138.**

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

**Recess. Out of recess.**

#### **AFTERNOON SESSION**

#### **COMMITTEE REPORTS, RESUMED**

**HB 191**, relative to liability of a landowner giving permission to ride bicycles on his or her property. Judiciary 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 HB 191.**

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

**HB 219**, relative to hearings for incapacitated persons admitted to state institutions by their guardians. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Reynolds for the committee.

**Senate Judiciary****April 29, 2010****2010-1738s****09/03****Amendment to HB 219**

Amend RSA 464-A:25, I(a)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Counsel for a ward admitted to a state institution who has been appointed pursuant to subparagraph (3) shall deliver a written report to the court within 5 days of his or her appointment which shall declare whether the ward requests a hearing on the propriety of the admission. Unless the ward waives a hearing, counsel's report shall include a request for a hearing on behalf of the ward. A copy of counsel's report shall be sent to the ward and to the guardian. If the court does not receive a written report from counsel within 5 days of counsel's appointment, the court shall order appropriate relief, including but not limited to substitution of counsel, an order to show cause, or scheduling of a hearing on the propriety of the admission without awaiting a report from counsel.

**The question is on the adoption of Committee Amendment 1738s.**

**Committee Amendment 1738s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 219.**

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

**HB 325**, (New Title) establishing standards for adequate service of process and establishing a commission to study service of process by laypersons. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 325.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1127**, relative to service of process on commercial tenants. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Reynolds for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1127.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1219**, repealing the wartime registration of aliens laws. Judiciary Committee. Ought to Pass, Vote 4-0. Senator Houde for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1219.**

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

**Senators Barnes and Letourneau are in opposition to the motion of Ought to Pass on HB 1219.**

**HB 1257**, changing requirements for extensions of time for hearings by pretrial screening panels for medical injury claims. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1257.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1334**, relative to penalties for unpaid fines concerning hazardous materials accidents. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

**Senate Judiciary**  
**April 29, 2010**  
**2010-1740s**  
**08/04**

**Amendment to HB 1334**

Amend RSA 154:8-a, II-a(h) as inserted by section 1 of the bill by replacing it with the following:

(h) A one-time penalty of \$1,000 plus interest assessed at the rate of interest established in RSA 336:1, may be assessed for nonpayment.

Amend RSA 154:8-a, II-a(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Any person whose act or omission caused the actual or threatened discharge of hazardous materials or toxic wastes which resulted in the reasonable and proportionate response of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the personnel costs of police, fire, public safety, and municipal personnel, including mutual aid standby personnel, directly involved in the emergency response[~~except that costs for on-duty paid personnel who have responded to the emergency involving the discharge of hazardous materials during their assigned duty shift shall not be costs eligible for reimbursement~~] **and any reasonable court costs and legal fees incurred by the municipality, organization, or mutual aid district in collecting costs or defending an unsuccessful appeal of such costs.**

Amend RSA 154:8-a, II-a(f) as inserted by section 3 of the bill by replacing it with the following:

(f) If no appeal is filed within 30 days after receipt of the bill, the person responsible for the [~~equipment contamination~~] ***hazardous materials response*** shall be deemed to have waived all rights to appeal and shall be liable to the municipality, organization, or mutual aid district for the total amount billed, ***subject to the additional penalty and interest set forth under RSA 154:8-a in the case of nonpayment.***

**2010-1740s**

**AMENDED ANALYSIS**

This bill establishes a penalty for unpaid fines concerning hazardous materials and accidents.

**The question is on the adoption of Committee Amendment 1740s.**

**Committee Amendment 1740s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1334.**

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

**HB 1533**, (New Title) establishing a committee to study the statute governing annulment of criminal records. Judiciary Committee. Ought to Pass with Amendment, Vote 5-0. Senator Letourneau for the committee.

**Senate Judiciary**  
**April 29, 2010**  
**2010-1743s**  
**04/09**

**Amendment to HB 1533**

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

1 Committee Established. There is established a committee to study the statute governing annulment of criminal records.

2 Membership and Compensation.

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

(a) Five members of the house of representatives appointed by the speaker of the house of representatives, at least one of whom shall be a member of the criminal justice and public safety committee and at least one of whom shall be a member of the judiciary committee.

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

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

### 3 Duties.

#### I. The committee shall:

- (a) Study the history of the state annulment statute (RSA 651:5) as it has been interpreted and applied in New Hampshire.
- (b) Study whether the application of the annulment statute in criminal cases affects the ability of the press to report on matters of public safety and the public's right to know.
- (c) Study how press coverage of criminal cases involving the annulment statute has been affected by the emergence of the Internet's increasing importance to the public.
- (d) Study whether the current use of the amendment process is working effectively, is in the best interests of our citizens, and whether additional clarifications to the statute are needed in the interest of justice.
- (e) Study any other issue which it deems relevant to its purpose.

II. The committee may solicit testimony from any person or organization with information or expertise relevant to the subject of its study.

4 Chairperson. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. 5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2010.

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

**The question is on the adoption of Committee Amendment 1743s.**

**Committee Amendment 1743s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1533.**

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

**HCR 22**, (New Title) urging Congress to develop and pass a comprehensive immigration reform program. Judiciary Committee. Ought to Pass, Vote 3-2. Senator Houde for the committee.

#### **MOTION TO TABLE**

**Sen. Houde moved to table HCR 22.**

**The question is on the motion to table HCR 22.**

**Motion adopted.**

#### **LAID ON THE TABLE**

**HCR 22**, (New Title) urging Congress to develop and pass a comprehensive immigration reform program.

**HCR 24**, supporting the Youth PROMISE Act. Judiciary Committee. Ought to Pass, Vote 3-2. Senator Lasky for the committee.

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

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

**Senators Barnes and Letourneau are in opposition to the motion of Ought to Pass on HCR 24.**

**HJR 20**, urging Congress to maintain the crime victims fund established in the Victims of Crimes Act and to continue to fully fund federal contributions to state and local victim services organizations. Judiciary Committee. Ought to Pass, Vote 5-0. Senator Houde for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HJR 20.**

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

**SPECIAL ORDER**

**Without objection President Larsen moved Special-Ordered HB 569-FN be taken up at this time.**

**HB 569-FN**, (New Title) clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-2. Senator Hassan for the committee.

**Commerce, Labor and Consumer Protection**

**April 15, 2010**

**2010-1429s**

**05/01**

**Amendment to HB 569-FN**

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

AN ACT regarding insurance coverage requirements for diagnosis and treatment of autism spectrum disorders.

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

2 New Section; Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-E by inserting after section 1 the following new section:

417-E:2 Coverage for Treatment of Pervasive Developmental Disorder or Autism

I. For the purposes of this chapter, treatment of pervasive developmental disorder or autism as required under RSA 417-E:1, III(h) shall include the following:

(a) Professional services and treatment programs, including applied behavioral analysis, necessary to produce socially significant improvements in human behavior or to prevent loss of attained skill or function. To be eligible for coverage, applied behavior analysis must be provided by a person professionally certified by the national Behavior Analyst Certification Board or performed under the supervision of a person professionally certified by the national Behavior Analyst Certification Board.

(b) Prescribed pharmaceuticals subject to the same terms and conditions of the policy as other prescribed pharmaceuticals.

(c) Direct or consultative services provided by a licensed professional including a licensed psychiatrist, licensed advanced practice registered nurse, licensed psychologist, or licensed clinical social worker; and

(d) Therapy services provided by a licensed speech therapist, licensed occupational therapist, or licensed physical therapist.

II. An insurer may require submission of a treatment plan, including the frequency and duration of treatment, signed by the primary care provider, an appropriately credentialed treating specialist, a child psychiatrist, a pediatrician with a specialty in behavioral-developmental pediatrics, a neurologist with a specialty in child neurology, or a licensed psychologist with training in child psychology, that the treatment is medically necessary for the patient and is consistent with nationally recognized treatment standards for the condition such as those set forth by the American Academy of Pediatrics. An insurer may require an updated treatment plan no more frequently than on a semi-annual basis. Coverage shall not be denied on the basis that services are habilitative in nature.

III. The policy, contract, or certificate may limit coverage for applied behavior analysis to \$50,000 per year for children 0 to 8 years of age, and \$36,000 thereafter. An insurer may not apply payments for coverage unrelated to autism spectrum disorders to any maximum benefit established under this paragraph.

IV. Nothing in this section shall be construed to affect any obligation by a school district or the state of New Hampshire to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, or the provision of services to an individual under any other federal or state law.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the insurance coverage requirements established under this section, including those rules required to ensure compliance with the Gramm-Leach-Bliley Act of 1999, Public Law 106-102, as amended.

3 Repeal. RSA 417-E:2, III, relative to the limit on coverage for treatment of pervasive developmental disorder or autism, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2014.

II. The remainder of this act shall take effect January 1, 2011.

**2010-1429s**

**AMENDED ANALYSIS**

This bill specifies the insurance coverage required for diagnosis and treatment of autism spectrum disorders.

(Sen. Hassan welcomed Michelle Jarvis, president of New Hampshire Autism Society, thanking her for her work on HB 569-FN legislation, often referred to as “Connor’s Law,” in recognition of Michelle’s son, Connor Jarvis.)

**The question is on the adoption of Committee Amendment 1429s.**

**Committee Amendment 1429s failed.**

**Sen. Hassan offered a floor amendment.**

**Sen. Hassan, Dist. 23**

**May 5, 2010**

**2010-1906s**

**09/04**

**Floor Amendment to HB 569-FN**

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

2 New Section; Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-E by inserting after section 1 the following new section:

**417-E:2 Coverage for Treatment of Pervasive Developmental Disorder or Autism**

I. For the purposes of this chapter, treatment of pervasive developmental disorder or autism as required under RSA 417-E:1, III(h) shall include the following:

(a) Professional services and treatment programs, including applied behavioral analysis, necessary to produce socially significant improvements in human behavior or to prevent loss of attained skill or function. To be eligible for coverage, applied behavior analysis must be provided by a person professionally certified by the national Behavior Analyst Certification Board or performed under the supervision of a person professionally certified by the national Behavior Analyst Certification Board.

(b) Prescribed pharmaceuticals subject to the same terms and conditions of the policy as other prescribed pharmaceuticals.

(c) Direct or consultative services provided by a licensed professional including a licensed psychiatrist, licensed advanced practice registered nurse, licensed psychologist, or licensed clinical social worker; and

(d) Services provided by a licensed speech therapist, licensed occupational therapist, or licensed physical therapist.

II. An insurer may require submission of a treatment plan, including the frequency and duration of treatment, signed by the primary care provider, an appropriately credentialed treating specialist, a child psychiatrist, a pediatrician with a specialty in behavioral-developmental pediatrics, a neurologist with a specialty in child neurology, or a licensed psychologist with training in child psychology, that the treatment is medically necessary for the patient and is consistent with nationally recognized treatment standards for the condition such as those set forth by the American Academy of Pediatrics. An insurer may require an updated treatment plan no more frequently than on a semi-annual basis. Coverage shall not be denied on the basis that services are habilitative in nature.

III. The policy, contract, or certificate may limit coverage for applied behavior analysis to \$36,000 per year for children 0 to 12 years of age, and \$27,000 from ages 13 to 21. An insurer may not apply payments for coverage unrelated to autism spectrum disorders to any maximum benefit established under this paragraph.

IV. Nothing in this section shall be construed to affect any obligation by a school district or the state of New Hampshire to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, or the provision of services to an individual under any other federal or state law.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the insurance coverage requirements established under this section.

3 Applicability. This act shall apply to all group policies, contracts, and certificates issued or renewed on or after January 1, 2011.

4 Effective Date.

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

II. The remainder of this act shall take effect upon its passage.

**The question is on the adoption of Floor Amendment 1906s.**

**Floor Amendment 1906s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 569-FN.**

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

**HB 1310**, (New Title) allowing towns to hire health care workers. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Barnes for the committee.

**The question is on the adoption of committee recommendation of Inexpedient to Legislate on HB 1310.**

**Motion of Inexpedient to Legislate adopted.**

**HB 1358**, relative to the amendment of property tax inventories and tax lists by selectmen or assessors. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 3-0. Senator Barnes for the committee.

**Public and Municipal Affairs**

**April 29, 2010**

**2010-1753s**

**10/03**

#### **Amendment to HB 1358**

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

1 Property Taxation; Amendment of Inventory and Tax List. Amend RSA 76:15 to read as follows:

76:15 Amendments of Inventories and Tax Lists. Inventories and tax lists already delivered to tax collectors shall be amended by selectmen or assessors to the extent of correcting errors or perfecting the description of certain property therein listed, upon application made to them by the tax collector prior to [his] posting **of the** notice of a tax sale **or tax lien** in accordance with the provisions of RSA [80:21] **80**. Notice of such amendment to the inventory shall be sent by the selectmen or assessors, in writing and by registered mail, prior to the posting of the list of delinquent taxes by the tax collector but not more than 30 days prior to the posting, to the last known address of the owner or of the persons taxed.

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

**The question is on the adoption of Committee Amendment 1753s.**

**Committee Amendment 1753s adopted.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**May 4, 2010**

**2010-1835s**

**10/01**

#### **Floor Amendment to HB 1358**

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

AN ACT relative to the amendment of property tax inventories and tax lists by selectmen or assessors, and making a capital appropriation for the 12 Hills Avenue building in Concord.

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



2 Capital Appropriation; Department of Administrative Services; Hills Avenue Building.

I. The sum of \$687,000 is hereby appropriated to the department of administrative services, for the purpose of renovating portions of the 12 Hills Avenue building in Concord that were damaged as a result of a recent storm.

II. To provide funds for the appropriations made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$687,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

III. The appropriation in paragraph I of this section shall not lapse until July 1, 2011.

3 Lapse of Portion of Capital Project Balance. The sum of \$687,000 from the unencumbered balance of the appropriation to the department of administrative services in 2009, 145:1, II, A, 1 Hillsborough County North - Asbestos Abatement, shall lapse on the effective date of this section.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

**2010-1835s**

#### AMENDED ANALYSIS

This bill clarifies a reference in a provision allowing selectmen or assessors to correct property tax inventories and tax lists.

This bill also makes a capital appropriation to the department of administrative services for the purpose of renovating portions of the 12 Hills Avenue building in Concord that were damaged as a result of a recent storm.

**The question is on the adoption of Floor Amendment 1835s.**

**Floor Amendment 1835s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1358.**

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

**HB 1380-FN**, relative to assessing fees by zoning boards of adjustment. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 4-0. Senator DeVries for the committee.

**Public and Municipal Affairs**

**April 29, 2010**

**2010-1750s**

**03/10**

#### Amendment to HB 1380-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Appeals to Board of Adjustment; Fees. Amend RSA 676:5 by inserting after paragraph III the following new paragraphs:

IV. The board of adjustment may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications.

V.(a) A board of adjustment reviewing a land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third party review and consultation during the review process, provided that the review and consultation does not substantially replicate a review and consultation obtained by the planning board.

(b) A board of adjustment retaining services under subparagraph (a) shall require detailed invoices with reasonable task descriptions for services rendered. Upon request of the applicant, the board of adjustment shall promptly provide a reasonably detailed accounting of expenses, or corresponding escrow deductions, with copies of supporting documentation.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Planning Board; Third Party Review. Amend RSA 676:4-b, I to read as follows:

I. A planning board reviewing a subdivision plat, site plan, or other land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third party review and consultation during the review process, *provided that the review and consultation does not substantially replicate a review and consultation obtained by the zoning board of adjustment.*

**2010-1750s**

#### AMENDED ANALYSIS

This bill authorizes zoning boards of adjustment to assess fees to cover costs and administrative expenses and third party review and consultation.

**The question is on the adoption of Committee Amendment 1750s.**

**Committee Amendment 1750s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1380-FN.**

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

**HB 1571**, relative to the penalty for failure to file an annual inventory of taxable property. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

**Public and Municipal Affairs**

**April 29, 2010**

**2010-1752s**

**10/03**

#### Amendment to HB 1571

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect April 1, 2011.

**The question is on the adoption of Committee Amendment 1752s.**

**Committee Amendment 1752s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1571.**

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

**HB 1143**, (New Title) relative to driver restrictions on persons 16 to 18 years of age. Transportation and Interstate Cooperation Committee. Ought to Pass, Vote 3-0. Senator Gilmour for the committee.

**The question is on the adoption of committee recommendation of Ought to Pass on HB 1143.**

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

**HB 1195**, relative to height, length, width, and weight limits for trucks. Transportation and Interstate Cooperation Committee. Ought to Pass with Amendment, Vote 5-0. Senator Letourneau for the committee.

**Transportation and Interstate Cooperation**

**April 29, 2010**

**2010-1754s**

**06/09**

#### Amendment to HB 1195

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

1 New Section; Exception for Vehicles Being Towed. Amend RSA 266 by inserting after section 13-b the following new section:

266:13-c Exception for Vehicles Being Towed.

I. The provisions of this subdivision shall not apply to damaged, disabled, or abandoned vehicles or combinations of vehicles being towed by a tow truck for a reasonable distance to the nearest safe haven off the highway. These provisions may be further waived for towing longer distances on a case by case basis by special permit.

II. For towing beyond the nearest practicable safe haven as provided in paragraph I a special overwidth permit shall not be required if the unit, including load, complies with the following conditions:

(a) The unit shall not exceed 13 feet 6 inches in height and 102 inches in width except that where an accident or collision has caused a disfigurement of the disabled unit the width may not exceed 120 inches. Rear view mirrors may extend to a point not in excess of that which affords the driver of the tow truck a view to the rear along both sides of the vehicle.

(b) During daylight hours the disabled unit shall carry warning flags indicating its maximum width. During the hours of darkness the maximum width shall be indicated by lighted clearance lamps.

(c) The combined overall length of the tow truck and disabled, damaged, or abandoned vehicles in tow shall not exceed 150 feet. No single unit tow truck shall exceed 45 feet in overall length. No disabled unit shall exceed the maximum legal or permitted length for each such unit under this subdivision.

2 New Section; Exception for Vehicle Being Towed. Amend RSA 266 by inserting after section 21 the following new section:

266:21-a Exception for Vehicles Being Towed. The provisions regarding maximum weight shall not apply to damaged, disabled, or abandoned vehicles being towed by a tow truck for a reasonable distance to the nearest safe haven off the highway, where the weight of each such individual unit does not exceed the maximum legal or permitted weight for the unit under this subdivision. The weight provisions of this subdivision may be further waived for vehicles being towed on a case by case basis by special overweight permit.

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

**The question is on the adoption of Committee Amendment 1754s.**

**Committee Amendment 1754s adopted.**

**The question is on the motion of Ought to Pass as Amended on HB 1195.**

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

**HB 1203**, relative to nonresident registration of motor vehicles. Transportation and Interstate Cooperation Committee. Interim Study, Vote 5-0. Senator Kelly for the committee.

**The question is on the adoption of committee recommendation of Refer to Interim Study on HB 1203.**

**Motion of Refer to Interim Study adopted.**

#### **INTRODUCTION OF SENATE RESOLUTION 1**

**Sen. Hassan moved to introduce SR 1, copies being provided to the body.**

**SR 1**, requesting guidance from the Environmental Protection Agency regarding widespread use of on-board refueling vapor recovery systems in automobiles and trucks.

**The question is on the motion of introduction of SR 1.**

**Introduction of SR 1 adopted.**

**Sen. Hassan moved Ought to Pass on SR 1.**

**The question is on the motion of Ought to Pass on SR 1.**

**Motion of Ought to Pass adopted.**

#### **HOUSE MESSAGE**

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:*

**SB 501-FN**, relative to worksharing benefits under the unemployment compensation law, and relative to training grants.

#### **SENATE CONCURS WITH HOUSE AMENDMENT**

**Sen. Hassan moved concurrence. Motion to concur adopted.**

**HOUSE MESSAGE**

*The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:*

**SB 507**, relative to the Masonic Home.

**SENATE CONCURS WITH HOUSE AMENDMENT**

**Sen. Cilley moved concurrence. Motion to concur adopted.**

**PROPOSED AMENDMENT TO SENATE RULE 48**

**Sen. Reynolds moved adoption of amendment to Senate Rule 48, copies being provided to the body.**

**Proposed Amendment to Senate Rule 48**

Amend Senate Rule 48 by replacing (h) with the following:

48. Deadlines:

(h) Thursday, May 13, 2010 - Last Day to ACT on all remaining House bills.

**The question is on the adoption of amendment to Rule 48 (h).**

**Motion adopted by necessary 2/3 majority vote.**

**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**

**HB 138**, revising certain provisions of the sexually violent predators statute.

**HB 191**, relative to liability of a landowner giving permission to ride bicycles on his or her property.

**HB 213-FN**, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

**HB 219**, relative to hearings for incapacitated persons admitted to state institutions by their guardians.

**HB 569-FN**, (New Title) clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

**HB 1143**, (New Title) relative to driver restrictions on persons 16 to 18 years of age.

**HB 1164**, relative to newborn screening tests.

**HB 1187**, relative to residential elevators and accessibility lifts.

**HB 1195**, relative to height, length, width, and weight limits for trucks.

**HB 1219**, repealing the wartime registration of aliens laws.

**HB 1235**, relative to regulation of dentistry by the board of dental examiners.

**HB 1252**, relative to the duration of medical payments coverage under motor vehicle liability policies.

**HB 1254**, relative to insurance coverage in tort cases.

**HB 1286**, requiring public academies to obtain a criminal history records check on employees and volunteers and permitting nonpublic schools to obtain criminal history records checks on employees and volunteers.

**HB 1301**, relative to the regulation of fuel gas fitters.

**HB 1334**, relative to penalties for unpaid fines concerning hazardous materials accidents.

**HB 1358**, relative to the amendment of property tax inventories and tax lists by selectmen or assessors, and making a capital appropriation for the 12 Hills Avenue building in Concord.

**HB 1359**, relative to the enforcement of humane slaughter laws.

**HB 1363**, relative to continuing care communities.

**HB 1376**, relative to the regulation of pharmacies and pharmacists.

**HB 1380-FN**, relative to assessing fees by zoning boards of adjustment.

**HB 1415**, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire.

**HB 1493**, (New Title) establishing a committee to study comprehensive mental health and substance use disorders parity.

**HB 1520**, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

**HB 1528**, (2<sup>nd</sup> New title) relative to observing voter check-in, relative to challenged voter affidavits, and ratifying certain actions of the Salem school district.

**HB 1533**, (New Title) establishing a committee to study the statute governing annulment of criminal records.

**HB 1553**, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire.

**HB 1571**, relative to the penalty for failure to file an annual inventory of taxable property.

**HB 1609-FN**, relative to current use and the land use change tax.

**HB 1610-FN**, establishing a New Hampshire commission on Native American affairs.

**HB 1613-FN**, relative to the general banking laws of the state and relative to employment and retirement benefits of certain non-judicial court employees.

**HB 1623**, relative to the disposal of hypodermic syringes, lancets, needles, or any instrument adapted for the administration of drugs by injection with or without a written or oral prescription.

**HB 1689**, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, extending the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia, and extending the telecommunications planning and development advisory committee.

**HB 1690**, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

**HB 1692**, establishing a commission on primary care workforce issues.

**HCR 24**, supporting the Youth PROMISE Act.

**HCR 28**, (New Title) rescinding all requests by the New Hampshire legislature for a federal constitutional convention.

**HJR 20**, urging Congress to maintain the crime victims fund established in the Victims of Crimes Act and to continue to fully fund federal contributions to state and local victim services organizations.

#### ANNOUNCEMENTS

(Birthdays of Sen. Gilmour and Sen. Merrill were observed by the "Senate Choir" leading in the singing of "Happy Birthday," with cake being served in the anteroom.)

**Without objection President Larsen moved that all Rule 44's shall be entered into 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.**