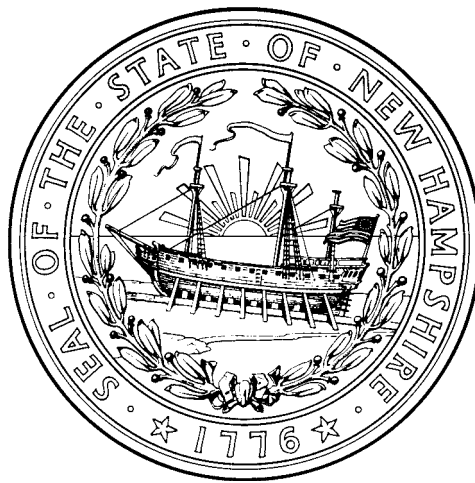


**March 23, 2011
Nos. 9-10**

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



**162nd Session of the New Hampshire General Court
Legislative Proceedings**

SENATE JOURNAL

**ADJOURNMENT – MARCH 16, 2011 SESSION
COMMENCEMENT – MARCH 23, 2011 SESSION**

SENATE JOURNAL 9 *(continued)*

March 16, 2011

HOUSE MESSAGE

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

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

HB 30, relative to reciprocity for licensure by the board of veterinary medicine.

HB 31, relative to insurance payments for ambulance services.

HB 33, relative to the care of memorials in Franconia Notch state park.

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 46, relative to the membership of the current use advisory board.

HB 52, relative to grounds for modification of parental rights and responsibilities.

HB 58, relative to inter-facility transfers of critical access hospital patients.

HB 71, authorizing establishment of pharmaceutical drug take-back programs.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 109, relative to residential fire sprinklers.

HB 114, reinstating and expanding the duties of the joint legislative historical committee.

HB 133, relative to the minimum wage.

HB 134, relative to eligibility for walking disability plates.

HB 141, relative to protected utility services.

HB 144, relative to energy efficiency and clean energy districts.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

HB 156-FN-A, reducing the rates of the tobacco tax.

HB 158, relative to the misuse of social security numbers.

HB 175, relative to technical changes in life, accident, and health insurance.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

HB 186-FN, relative to the definition of political communication.

HB 190, relative to legislative study committees.

HB 191, relative to the community mental health system.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program.

HB 205-FN, relative to notice to owners of upstream dams.

HB 206-FN, establishing an apprentice hunting license.

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act.

HB 218, repealing the New Hampshire rail transit authority.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 229-FN-A, repealing the tax on gambling winnings.

HB 231-FN, relative to payment of medical benefits for state retirees, their spouses, and dependents.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 248, establishing a commission to study business regulations in New Hampshire.

HB 251, relative to absentee ballots.

HB 254, relative to offers of judgments.

HB 257, relative to removal of political advertising.

HB 258, eliminating certain unenforced election laws.

HB 262-FN, relative to beverage manufacturers.

HB 274, relative to voting procedures.

HB 276-FN, relative to wine manufacturers.

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.

HB 284-FN, relative to contact lens prescriptions.

HB 290, relative to staffing exceptions for small schools.

HB 291, relative to permissible fireworks.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 305, relative to the homestead right.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

HB 322, relative to occupancy fees charged by manufactured housing park owners.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

HB 330-FN, relative to carrying firearms.

HB 331-FN, relative to posting agency expenditures on the state transparency website.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine.

HB 335-FN-A, establishing multi-use number plates.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator.

HB 341, relative to local spending caps.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

HB 358, relative to the maintenance, repair, and preservation of burial grounds.

HB 368-FN-L, relative to workforce housing and the definition of community.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

HB 370, making changes to the pupil safety and violence prevention act.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force.

HB 381, authorizing net metering for micro-combined heat and power systems.

HB 382, relative to the maintenance of municipal public cemeteries.

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces.

HB 397, relative to image display devices in motor vehicles.

HB 398, relative to service animals.

HB 401, relative to postsecondary training for workers with disabilities.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks.

HB 405, relative to dissolving corporations.

HB 409, relative to planning board members.

HB 411, relative to distributing campaign materials at the polling place.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

HB 419-FN, relative to language in insurance certificates.

HB 424, relative to surplus lines tax collection.

HB 426, adding certain entities to the unused prescription drug program.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission.

HB 431, relative to psychiatric evaluations.

HB 439-FN-L, relative to claiming an invasive species as a habitat.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

HB 444-FN, relative to the commemoration of General John Stark Day.

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.

HB 451-FN, relative to prerecorded political messages.

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

HB 466-FN, eliminating the ballot law commission.

HB 478-FN-L, relative to testimony by video teleconference.

HB 483-FN-L, relative to mosquito control.

HB 487-FN, relative to election day registrants.

HB 489-FN, establishing a health information organization corporation.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan.

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

HB 505-FN, making charter schools eligible for grants for leased space.

HB 508-FN, establishing a performance measurement system for state agencies.

HB 520-FN, requiring certain bills to have performance standard notes.

HB 521, relative to meeting dates for county conventions.

HB 524-FN, relative to the release of prisoners on probation or parole.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program.

HB 532-L, relative to municipal liability for dog bites.

HB 540-FN, relative to motor vehicle inspections.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

HB 544, relative to state authority over firearms and ammunition.

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels.

HB 549, relative to driver's license reexaminations.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.

HB 565, establishing a dental hygienists committee within the board of dental examiners.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.

HB 579, exempting department of revenue administration guidelines from the right-to-know law.

HB 588, relative to polling hours and location of polling places.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 594, relative to the application of procedures for discharge or suspension from county employment.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 601-FN, relative to implementation of federal health care reform.

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

HB 617, repealing the prohibitions on Sunday business activities.

HB 621-FN-L, relative to the authority of the department of transportation.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

HB 627-FN, relative to “essential benefits” under federal health care reform.

HB 629-FN, relative to the uninsured health care database.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information.

HB 647, relative to withholding of wages.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as “Mount Washington,” no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

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

Adopted.

First and Second Reading and Referral

HB 32, relative to statutory references to the choice and duties of town auditors. (Public and Municipal Affairs Committee.)

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. (Energy and Natural Resources Committee.)

HB 42, relative to the appropriate officials with whom to file for a primary. (Public and Municipal Affairs Committee.)

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act. (Energy and Natural Resources Committee.)

HB 45, relative to the Connecticut Lakes headwater citizens committee. (Energy and Natural Resources Committee.)

HB 47, relative to inactive license status for real estate brokers and salespersons. (Executive Departments and Administration Committee.)

HB 51, relative to screening panel members for screening panels for medical injury claims. (Judiciary Committee.)

HB 55, adding a member to the exotic aquatic weeds and species committee. (Energy and Natural Resources Committee.)

HB 56, relative to proper observance of September 11, 2001. (Public and Municipal Affairs Committee.)

HB 63, extending the instream pilot program for one year. (Energy and Natural Resources Committee.)

HB 70, relative to changes to town charters. (Public and Municipal Affairs Committee.)

HB 72-FN-A, establishing a state aeronautical fund. (Transportation Committee.)

HB 74, relative to the ticketing and season passes at Cannon Mountain. (Energy and Natural Resources Committee.)

HB 79, relative to certification of dogs for law enforcement work. (Judiciary Committee.)

HB 80, relative to ranks in the division of state police. (Executive Departments and Administration Committee.)

HB 82, relative to the annulment of criminal records. (Judiciary Committee.)

HB 86, relative to filling a vacancy among county officers. (Public and Municipal Affairs Committee.)

HB 88, relative to liquor enforcement and liquor licensing. (Executive Departments and Administration Committee.)

HB 92, relative to expiration of licenses issued by the board of foresters. (Executive Departments and Administration Committee.)

HB 93, relative to medical documentation for a crossbow permit for a person with a disability. (Energy and Natural Resources Committee.)

HB 95, permitting an insurer to operate a health maintenance organization as a line of business. (Commerce Committee.)

HB 106, relative to filing for town offices. (Public and Municipal Affairs Committee.)

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility. (Public and Municipal Affairs Committee.)

HB 119, relative to agency membership on the information technology council. (Executive Departments and Administration Committee.)

HB 132, adopting and implementing the United States flag code. (Public and Municipal Affairs Committee.)

HB 136-FN, repealing the uniform athlete agents act. (Executive Departments and Administration Committee.)

HB 142-FN, relative to sales of artificial flowers and miniature flags. (Commerce Committee.)

HB 143, relative to the sale of stove polish. (Commerce Committee.)

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. (Executive Departments and Administration Committee.)

HB 155, relative to permits to conduct raffles. (Public and Municipal Affairs Committee.)

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie. (Energy and Natural Resources Committee.)

HB 173, relative to service of process on commercial tenants. (Commerce Committee.)

- HB 174**, relative to insurance coverage for court-ordered counseling in divorce proceedings. (Judiciary Committee.)
- HB 181**, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. (Public and Municipal Affairs Committee.)
- HB 185-FN**, relative to determining bargaining units for purposes of public employee collective bargaining. (Public and Municipal Affairs Committee.)
- HB 195**, relative to special permits for transportation of deer. (Energy and Natural Resources Committee.)
- HB 198**, relative to the investment options for county funds. (Public and Municipal Affairs Committee.)
- HB 230**, exempting the repair of certain structures from compensatory mitigation requirements. (Energy and Natural Resources Committee.)
- HB 259**, requiring the supreme court to adopt rules of evidence for the judicial branch family division. (Judiciary Committee.)
- HB 278**, setting the natural high water mark of Ossipee Lake. (Energy and Natural Resources Committee.)
- HB 288-FN-L**, relative to payment for election services to unincorporated places. (Public and Municipal Affairs Committee.)
- HB 299-FN**, relative to the method of financing for the judicial retirement plan. (Executive Departments and Administration Committee.)
- HB 307**, relative to the authority of the superintendent of a county correctional facility. (Judiciary Committee.)
- HB 313**, requiring parental consent for court referral of a minor to a juvenile diversion program. (Judiciary Committee.)
- HB 336**, designating segments of the Mascoma River as a protected river. (Energy and Natural Resources Committee.)
- HB 380**, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (Executive Departments and Administration Committee.)
- HB 392**, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. (Executive Departments and Administration Committee.)
- HB 410**, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee. (Public and Municipal Affairs Committee.)
- HB 413**, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. (Executive Departments and Administration Committee.)
- HB 510**, requiring marital masters to be New Hampshire residents. (Judiciary Committee.)
- HB 511**, relative to retired judges over 70 years of age. (Judiciary Committee.)
- HB 535**, relative to the committee to study parole boards and parole board procedures. (Judiciary Committee.)
- HB 555**, relative to the designation of the Lower Exeter/Squamscott River as a protected river. (Energy and Natural Resources Committee.)
- HB 570**, relative to licensure of guides by the fish and game department. (Energy and Natural Resources Committee.)
- HB 572-FN**, relative to official oppression. (Judiciary Committee.)
- HB 614**, requiring a performance audit of the guardian ad litem board and guardian ad litem services. (Judiciary Committee.)
- HB 622**, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.
- HB 634-FN**, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. (Judiciary Committee.)
- HJR 3**, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. (Health and Human Services Committee.)

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

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

Adopted.

First and Second Reading and Referral

11-1087

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Kelly, Dist 10; Larsen, Dist 15; Merrill, Dist 21; Houde, Dist 5; D'Allesandro, Dist 20; Boutin, Dist 16: Commerce)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 10

March 23, 2011

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditation and prayer.

You and I have four more weeks together, and then I'm going away on sabbatical for almost four months. I'm going to go to Chiang Mai, Thailand, where I have two side-by-side apartments, one for me and one for my friends, who are going to join me in rotation over that entire time; eleven friends are joining me, one at a time. It'll be a time of rest and it'll be a time of deepening friendships.

Sabbath Rest is called for in every religious tradition, and even called for by the community of medical professionals, for those who embrace no religious tradition at all. When God, in the Genesis myths, created the world, he named Sabbath Rest as "Holy" or "Tszadech". It is the first time He used the word "Holy", and it's the only time in Scripture he used it for a time; every other time Holy is used, it's referring to a place.

As you do this hard work of making systems and laws under such financial and relational hardship, do take the time to give yourselves time for Sabbath. Rest and silence softens hard hearts. Rest and silence recalls that we're loved, and so need not speak or act out of our insecurities. Rest and silence gives integrity to our words. Let us pray.

God of all creation, You created a world which rests every 18 hours with the fall of night. So quiet our hunger for power and accomplishment that we can rest and keep silence, so that when we are rested and peaceful, our words and our actions are not so much to control and manipulate, but to enliven and encourage. Amen.

Sen. Luther led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Forrester introduced Mason Prata and David Peart, students from Woodsville High School in Woodsville, serving as Senate Pages today.

Sen. Sanborn introduced Ian Hill, a student from Tilton School in Tilton, serving as a Senate Page today.

Without objection, President Bragdon has given Sen. Luther leave to use an electronic device to experiment with an online version of the Senators' Session Day binders.

COMMITTEE REPORTS**ENERGY AND NATURAL RESOURCES**

SB 100, relative to the size limitations on OHRVs, and the operation of OHRVs on state-owned trails. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources**March 17, 2011****2011-0993s****10/04****Amendment to SB 100**

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

AN ACT relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle.

Amend the bill by replacing section 1 with the following:

1 ATV and Trail Bike Operation on State Lands; Jericho Mountain State Park. Amend RSA 215-A:43, VII(c) to read as follows:

(c) A person may operate an OHRV within Jericho Mountain state park which weighs up to [1,200] **1,600** pounds and is no wider than [60] **65** inches ***on specifically designated trails within Jericho Mountain state park.***

2011-0993s**AMENDED ANALYSIS**

This bill increases the size and weight limits for OHRVs allowed on designated trails in Jericho Mountain state park. The bill also adds a definition of utility terrain vehicle.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 107, relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy and Natural Resources**March 17, 2011****2011-0994s****10/04****Amendment to SB 107**

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

AN ACT establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

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

1 Committee Established. There is established a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall review the effectiveness of the existing evaluation process for new ATV or trail bike trail proposals on state-owned property, known as coarse and fine filter pursuant to RSA 215-A:42 and RSA 215-A:43, and, if appropriate, make recommendations for legislation to revise the process.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

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

2011-0994s

AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 118, modifying the definition of renewable generation facility. Inexpedient to Legislate, Vote 4-0. Senator Gallus for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

Sen. Carson moved to remove SB 53-FN from the table.

The question is on the motion to remove SB 53-FN from the table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. Ought to Pass with Amendment, Vote 4-0. Senator Larsen for the committee.

Senate Executive Departments and Administration

February 17, 2011

2011-0400s

04/03

Amendment to SB 53-FN

Amend RSA 326-B:26 as inserted by section 3 of the bill by replacing it with the following:

326-B:26 [Licensed] Nursing Assistant Registry.

I. The board shall maintain a registry of nursing assistants [licensed] who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered [or licensed] shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

II. The nursing assistant fund is established in the state treasury and continually appropriated to the board which shall administer the fund. The fund shall be used only for administration of the licensed nursing assistant registry and related expenses.

III. All registry charges relating to nursing assistants shall be credited to the fund.

The pending question is on the adoption of the Committee Amendment. Adopted.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

February 22, 2011

2011-0450s

10/05

Floor Amendment to SB 53-FN

Amend section 3 of the bill by replacing it with the following:

3 Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

326-B:26 [Licensed] Nursing Assistant Registry.

I. The board shall maintain a registry of nursing assistants [licensed] who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered [or licensed] shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

II. The nursing assistant fund is established in the state treasury and continually appropriated to the board which shall administer the fund. The fund shall be used only for administration of the nursing assistant registry and related expenses.

III. All registry charges relating to nursing assistants shall be credited to the fund.

2011-0450s

AMENDED ANALYSIS

This bill adds a definition for nurse and clarifies the establishment and funding of the board of nursing's nursing assistant registry fund.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 190, relative to the duties and membership of the executive branch ethics committee. Ought to Pass with Amendment, Vote 2-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 17, 2011

2011-0990s

05/10

Amendment to SB 190

Amend the bill by replacing section 3 with the following:

3 Executive Branch Ethics Committee; Complaints. Amend the introductory paragraph of RSA 21-G:31, I and RSA 21-G:31, I(a) to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. ***After first examination by the committee, and unless the complaint is discharged under subparagraph (a),*** before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint [~~and a copy shall be sent to each member of the committee for review~~]. ***All information identifying the complainant shall be removed before it is first furnished to the executive branch official complained against. Information identifying the complainant shall be furnished to the executive branch official complained against only if the committee does not dismiss the complaint in accordance with subparagraph (a) or (b).*** The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote ***of all members present for the meeting***, it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

FINANCE

SB 56-FN, (New Title) authorizing the department of revenue administration to accept credit card and debit card payments of taxes. Ought to Pass, Vote 7-0. Senator Odell for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 72-FN, establishing a comprehensive cancer plan fund. Re-refer to committee, Vote 6-0. Senator Odell for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Failed.

Sen. Odell moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 78-FN-A-L, relative to motor vehicle registration fees. Ought to Pass, Vote 6-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Barnes, seconded by Sen. Rausch.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation. Ought to Pass, Vote 7-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass.

Sen. Morse offered a floor amendment.

Sen. Morse, Dist. 22

March 23, 2011

2011-1158s

08/03

Floor Amendment to SB 125-FN-A

Amend the bill by replacing sections 3-4 with the following:

3 Applicability. This act shall apply with respect to taxable periods ending after January 1, 2013.

4 Effective Date. This act shall take effect April 15, 2013.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment. Adopted.

Sens. Bradley, Forsythe, and Sanborn are in opposition to the Floor Amendment on SB 125-FN-A.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

SB 126-FN, relative to net operating loss carryovers under the business profits tax. Ought to Pass, Vote 6-0. Senator Morse for the committee.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Sen. Morse moved to Table SB 126-FN.

The question is on the motion to Table.

A roll call was requested by Sen. Larsen, seconded by Sen. Houde.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Odell, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Sanborn, White, Kelly, Larsen, De Blois, D'Allesandro, Merrill.

Yeas: 16 - Nays: 8

Adopted.

SB 136-FN, relative to games of chance. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

Senate Finance

March 17, 2011

2011-0999s

09/04

Amendment to SB 136-FN

Amend the bill by inserting after section 20 the following and renumbering the original sections 21-22 to read as 25-26, respectively:

21 Games of Chance. Amend RSA 287-D:2-b, II-a to read as follows:

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, ~~[operators of games of chance]~~ **game operators** may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

22 Games of Chance. Amend RSA 287-D:2-b, VII-a to read as follows:

VII-a. Notwithstanding any other provision of law, a member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the racing and charitable gaming commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator ~~[or the employer of the game operator]~~.

23 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a)-(c) to read as follows:

(a) The name and social security number of the **primary or secondary** game operator, or for [an organization] **a game operator employer** the name and federal tax identification number. The racing and charitable gaming commission shall not disclose any social security number submitted;

(b) The name, ~~[of the game operator's employer and the employer's]~~ address, and telephone number **of the game operator employer**;

(c) A list of the **known** games of chance in which the game operator will participate including the date of the game, the location of the game, and the charitable organization holding the game;

24 Licensing of Game Operators. Amend RSA 287-D:2-c, VI to read as follows:

VI. To be eligible for licensure under this chapter, a licensed **primary or secondary** game operator shall maintain an account at a financial institution with at least one branch in New Hampshire solely in the name of the licensed **primary or secondary** game operator in which the money only from games of chance shall be deposited and withdrawn. All payments to charities, all prizes over \$500, and all other expenses associated with games of chance shall be paid by check from said account.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8
March 22, 2011
2011-1147s
08/04

Floor Amendment to SB 136-FN

Amend the bill by deleting section 20 and renumbering the original sections 21-26 to read as 20-25, respectively.

Amend RSA 287-D:2-c, II(c) as inserted by section 22 of the bill by replacing it with the following:

(c) A list of the *known* [~~games of chance~~] *game dates* in which the game operator will participate including the [date] *name* of the game, the location of the game, and the charitable organization holding the game;

Amend RSA 287-D:2-c, VI as inserted by section 23 of the bill by replacing it with the following:

VI. To be eligible for licensure under this chapter, a licensed *game operator employer or primary* game operator shall maintain an account at a financial institution with at least one branch

2011-1147s

AMENDED ANALYSIS

This bill:

I. Defines game operator employers.

II. Requires that game operators pay charities participating in charitable gaming no later than 15 business days following a game date.

III. Raises the amount of bond required for conducting games of chance.

IV. Requires charitable organizations to collect certain fees on lucky 7 deals and pay them to the racing and charitable gaming commission.

V. Allows private campgrounds and hotels to conduct certain bingo games without a license.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 147-FN, relative to Medicaid managed care. Ought to Pass, Vote 7-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3
March 18, 2011
2011-1019s
01/09

Floor Amendment to SB 147-FN

Amend RSA 126-A:5, XIX(a) as inserted by section 1 of the bill by replacing it with the following:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations throughout as much of New Hampshire as practicable consistent with the provisions of 42 U.S.C. 1396r-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary care case management model, or a combination thereof, offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other externally administered models. The department shall present the opportunities of the various models or combination of models to the oversight committee on health and human services with a recommendation for the best managed care model for New Hampshire, no later than June 15, 2011. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality manage-

ment, and customer services. The model shall not include mandatory dental services. After consultation with the oversight committee, the commissioner shall issue a 5-year request for proposals to enter into a contract with the vendor or vendors that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation and savings. The request for proposals shall be released no later than October 1, 2011. The vendor or vendors of the managed care model or combination of models demonstrating the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings shall be selected no later than December 1, 2011 with a final contract submitted to the governor and council as soon as practicable thereafter. After the bidding process, the commissioner shall establish a capitated rate based on the bids by the appropriate model for the contract that is full risk to the provider. The capitated rate shall be broken down into rate cells for each population including, but not limited to, the persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved by the fiscal committee of the general court. The managed care model or models' selected vendor or vendors providing the Medicaid services shall establish medical homes and all Medicaid recipients shall receive their care through a medical home. In contracting for a managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the current level of quality of care provided. The target date for implementation of the contract is July 1, 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek all necessary and appropriate waivers to implement the provisions of this paragraph.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 151-FN, relative to contracts of the department of health and human services. Ought to Pass, Vote 7-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. Ought to Pass, Vote 7-0. Senator Gallus for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. Ought to Pass, Vote 6-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 157-FN.

SB 159-FN-L, establishing a state infrastructure bank. Re-refer to committee, Vote 6-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. Ought to Pass with Amendment, Vote 6-0 Senator D'Allesandro for the committee.

Senate Finance
 March 17, 2011
 2011-1001s
 10/09

Amendment to SB 161-FN

Amend the bill by replacing sections 1-11 with the following and renumbering the original sections 12-20 to read as 9-17, respectively.

1 Notice of Rulemaking Proceedings; Concise Summary. Amend RSA 541-A:6, I(f) to read as follows:

(f) ***If existing rules are being amended, readopted, or readopted with amendment***, a concise summary ~~[explaining the effect]~~ of the ~~[rule]~~ ***existing rules and any proposed amendments, and if the proposed rules are being adopted, a concise summary of the proposed rules.***

2 Notice of Rulemaking Proceedings; Substantial Noncompliance. Amend RSA 541-A:6, II and III to read as follows:

II. The director of legislative services may refuse to publish a notice if the director determines that there is significant noncompliance with the requirements of paragraph I. ***In this paragraph, "significant noncompliance" means one or more errors of such magnitude that a reasonable person would not be able to discern what rules are the subject of the rulemaking proceeding and/or what the agency is proposing to do. The term includes the absence of elements required by paragraph I.***

III. The agency shall send notice to the director of legislative services, to all persons regulated by the proposed rules who hold occupational licenses issued by the agency, and to all persons who have made timely request for advance notice of rulemaking proceedings. Upon request the agency shall send notice to the president of the senate, to the speaker of the house of representatives, to the chairperson of the fiscal committee, and to the chairpersons of the legislative committees having jurisdiction over the subject matter. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11, I. Notice to occupational licensees shall be by U.S. Mail, electronically, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner ***that is reasonably calculated to inform such licensees of the proposed rulemaking. The committee may identify additional methods of notifying occupational licensees that are*** deemed sufficient ~~[by the committee]~~.

3 New Paragraphs; Rulemaking Register; Authority of Director; Date of Publication. Amend RSA 541-A:9 by inserting after paragraph I the following new paragraphs:

I-a. Prior to publication and with prior notice to the agency, the director of legislative services may correct typographical, spelling, and punctuation errors, as well as unintentional errors in references and citations in a submission, provided the corrections do not affect the substance of the notice.

I-b. The date of publication of the rulemaking register shall be the date on which the register is available to the public on the general court information services web site.

4 Rulemaking Register; Electronic Copies. Amend RSA 541-A:9, II and III to read as follows:

II. The rulemaking register shall be made available upon request to agencies and officials of this state free of charge. The director of legislative services shall send a ***paper or electronic*** copy of the rulemaking register upon request to the clerk of each municipality in the state and upon request to any member of the general court free of charge. ***Municipalities and members of the general court shall be deemed to have requested an electronic copy unless a paper copy is specifically requested. Paper*** copies of the register which are sent to municipalities and to members of the general court shall be sent by first-class mail.

III. ***Paper copies*** of the register shall also be made available upon request to other persons at prices fixed by the director of legislative services to cover mailing and publication costs.

5 Filing Proposed Rule Text; Establishing and Revising Text of Rules. Amend RSA 541-A:10 to read as follows:

541-A:10 Filing of Proposed Rule Text; ***Establishing and Revising Text.***

I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. The text ***of the proposed rules*** as filed ***pursuant to RSA 541-A:3, III*** shall not be changed ~~[or established as]~~ ***prior to the hearing held pursuant to RSA 541-A:11, I(a).***

II. The agency shall not establish the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA [541-A:11] **541-A:11, I(b). If the agency elects to solicit comment pursuant to RSA 541-A:11, I(c), the agency shall prepare a draft final proposal that is annotated to show how the rules as initially proposed are proposed to be changed. In response to comment received, the agency may revise the draft prior to filing the final proposal in accordance with RSA 541-A:12.**

6 Public Hearing; Public Comment Period. Amend RSA 541-A:11, I to read as follows:

I.(a) Each agency shall hold at least one public hearing on all proposed rules ***filed pursuant to RSA 541-A:3*** and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice ***filed pursuant to RSA 541-A:3, I*** and the provisions of this section. The office of legislative services shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV in a form and manner determined by the director of the office of legislative services. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the ***date of the*** hearing.

(b) For rules proposed by a board or commission, a period of at least [10] ***5 business*** days after the hearing shall be provided for the submission of materials in writing or in electronic format, unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of such materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least [10] ***5 business*** days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of materials in writing or in electronic format shall be extended ***unless the previously-established deadline meets the applicable requirement specified above.***

(c) ***An agency may hold a public hearing or otherwise solicit public comment on a draft final proposed rule prior to filing the final proposed rule pursuant to RSA 541-A:3, V. Notice of such hearing or comment period shall be provided by such means as are deemed appropriate to reach interested persons, which may include publishing a notice in the rulemaking register.***

7 Filing Final Proposal; Incorporation by Reference; Internet Content. Amend RSA 541-A:12, II-IV to read as follows:

II. The final proposal shall include:

(a) A cover sheet listing:

- (1) The number of the notice and the date the notice appeared in the rulemaking register;
- (2) The name and address of the agency;
- (3) The title and number of the rule; and
- (4) A citation to the statutory authority for the rule.

(b) [~~Two copies~~] ***One copy*** of the established text of the final proposed rule.

(c) [~~A copy of the full text of the statutory authority for the rule.~~]

(~~d~~) If required pursuant to RSA 541-A:5, VI, an amended fiscal impact statement from the legislative budget assistant stating that as a result of notice and hearing the rule did change and explaining how this change affects the original fiscal impact statement.

[~~e~~] (***d***) A copy of the fixed text of the final proposed rule annotated clearly to show how the final proposed rule differs from the rule as initially proposed, if the text has changed.

III. [~~With the final proposal, the agency shall also file the incorporation by reference statement described by paragraph IV of this section, if the~~] ***An agency [incorporates into] may establish requirements in its rules [any] by citing to a document or to Internet content prepared by [any entity outside the agency] an unrelated third party. If state-enforceable requirements are so established, the agency shall file an incorporation by reference statement as specified in paragraph IV with the final proposal. [However, the] No agency shall [not] incorporate by reference any document or Internet content prepared by or on behalf of the agency.***

IV. Any ~~[required]~~ incorporation by reference statement ***required by paragraph III*** shall include a ~~[separately signed]~~ statement ***signed*** by the adopting authority:

- (a) Certifying that the text of the ~~[matter]~~ incorporated ***document or Internet content*** has been reviewed by the agency, with the name of the reviewing official;
- (b) Explaining how the text of the ~~[matter]~~ incorporated ***document or Internet content*** can be obtained by the public, and at what cost;
- (c) Explaining any modifications to the ~~[matter]~~ incorporated ***document or Internet content***;
- (d) Discussing the comparative desirability of reproducing the incorporated ~~[matter]~~ ***document or Internet content*** in full in the text of the rule; and
- (e) Certifying that the agency has the capability and the intent to enforce the ~~[rule]~~ ***requirements being incorporated***.

V. If an agency establishes requirements by incorporating undated Internet content by reference, the agency shall make a read-only copy of the incorporated Internet content no later than the date of filing the incorporation by reference statement, and make the dated copy available to the public.

8 New Section; Extension of Currently Effective Rules Pending Readoption. Amend RSA 541-A by inserting after section 14 the following new section:

541-A:14-a Extension of Currently Effective Rules Pending Readoption.

I. If an agency files a notice pursuant to RSA 541-A:6 to readopt existing rules, with or without amendments, the currently effective rules in the filing which would otherwise expire prior to the completion of the readoption of the rules by the agency shall continue in effect until the proposed rules are adopted and effective.

II. If, after filing a notice pursuant to paragraph I, an agency fails to file a final proposal by the deadline specified in RSA 541-A:12, fails to file a response to objection as specified in RSA 541-A:13, or fails to adopt and file the proposed rule as specified in paragraph III, the existing rules which would otherwise expire prior to the completion of the readoption of the rules by the agency shall expire 30 days after such deadline unless the agency has obtained a waiver of the deadline pursuant to RSA 541-A:40, IV(a). If the agency has obtained a waiver to a deadline, such existing rules shall expire 30 days after the deadline established pursuant to RSA 541-A:40, IV(b) if the required action is not taken.

III. If rules are extended pursuant to this section, the agency shall:

(a) Adopt the proposed rules no later than 30 days after the date on which the agency is allowed to adopt the rules under RSA 541-A:14, I; and

(b) File the rules as required by RSA 541-A:14, III with an effective date that is not more than 60 days from the date of filing, except that an agency may specify an effective date that is more than 60 days from the date of filing if a waiver is obtained pursuant to RSA 541-A:40.

2011-1001s

AMENDED ANALYSIS

This bill:

- I. Shortens the public comment period after a public hearing.
- II. Gives the director of legislative services limited discretion in the publication of rulemaking notices.
- III. Provides for electronic copies of the rulemaking register.
- IV. Allows agencies to hold a second public hearing on proposed rules.
- V. Extends the expiration date of rules to 10 years and allows for extending rules by filing readoption of currently effective rules.
- VI. Allows for incorporation by reference of Internet content.
- VII. Modifies procedures for interim and emergency rulemaking.
- VIII. Requires the director of legislative services to develop a process for expedited readoption of rules.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. Ought to Pass, Vote 6-0. Senator Barnes for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

SB 51, relative to the establishment of a state leadership team to resolve issues concerning certain adults with developmental disabilities who may present a degree of risk to the community. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health and Human Services

March 10, 2011

2011-0793s

01/09

Amendment to SB 51

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

AN ACT relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Amend RSA 126-A:5, XIX as inserted by section 1 of the bill by replacing it with the following:

XIX.(a) The commissioner shall create and administer a state leadership team to address issues concerning the most challenging cases of individuals 18 years of age or older with developmental disabilities or acquired brain disorders who present a substantial risk to community safety as determined by a comprehensive risk assessment appropriate to the individual. The leadership team shall include representation from the following agencies: the bureau of developmental services, the bureau of behavioral health, and the division for children, youth and families, department of health and human services, the department of corrections, and the department of justice. The leadership team shall work across all services systems to determine and authorize system responsibility for providing and/or funding specific services and supports to effectively meet the needs of the individual and the public safety of the community in accordance with the rules of the respective departments.

(b) Nothing in this paragraph shall abrogate the rights of individuals or responsibilities of agencies under RSA 171-A, RSA 171-B, RSA 137-K, or any other applicable state or federal law.

(c) Any agency on the state leadership team may refer a case to the state leadership team for consideration. In addition, a county house of corrections may refer a case to the state leadership team for consideration for individuals determined eligible under RSA 171-A.

(d) The commissioner shall submit an annual report beginning on November 1, 2011 to the president of the senate, the speaker of the house of representatives, and the governor relative to the performance of the leadership team.

2011-0793s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 93, relative to pharmacist administration of vaccines. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

Health and Human Services
March 10, 2011
2011-0794s
10/05

Amendment to SB 93

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

1 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows:

318:16-b Pharmacist Administration of [~~Influenza~~] Vaccines. A pharmacist may administer influenza vaccines to the general public **and a pharmacist may administer pneumococcal and varicella zoster vaccines to individuals 18 years of age or older**, provided all of the criteria in this section have been met. The pharmacist shall:

I. [~~Have earned a Pharm. D. degree and be licensed by the board to practice as a pharmacist in New Hampshire, or~~] Hold [~~an unrestricted and~~] **a** current license to practice as a pharmacist in New Hampshire [~~and have held the license for at least 3 years~~].

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer influenza, **pneumococcal, and varicella zoster** vaccines [~~by injection~~], have completed training specific to the administering of [~~influenza~~] **the respective** vaccines [~~by injection~~] that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

V. Provide notice to the primary care provider, when designated by the patient, of the administration of the pneumococcal and varicella zoster vaccines.

VI. Maintain a record of administration of pneumococcal and varicella zoster vaccinations for each individual as required by state and federal law.

2 Pharmacist Administration of Influenza Vaccines; 2013 Version. RSA 318:16-b is repealed and reenacted to read as follows:

318:16-b Pharmacist Administration of Influenza Vaccines. A pharmacist may administer influenza vaccines to the general public provided all of the criteria in this section have been met. The pharmacist shall:

I. Have earned a Pharm. D. degree and be licensed by the board to practice as a pharmacist in New Hampshire, or hold an unrestricted and current license to practice as a pharmacist in New Hampshire and have held the license for at least 3 years.

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer influenza vaccines by injection, have completed training specific to the administering of influenza vaccines by injection that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

3 Effective Date.

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

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

2011-0794s

AMENDED ANALYSIS

This bill expands for a 2-year period the vaccines which may be administered by a pharmacist and changes the qualifications for pharmacists to administer vaccines.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Carson is in opposition to the Committee recommendation of Ought to Pass as Amended on SB 93.

SB 171, relative to prescription drug benefits for the treatment of pain. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Health and Human Services

March 10, 2011

2011-0795s

01/09

Amendment to SB 171

Amend RSA 420-J:7-b, II as inserted by section 1 of the bill by replacing it with the following:

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed 48 hours, by which covered persons may obtain coverage for a medically necessary nonformulary prescription drug. ***In the case of a medically necessary formulary or nonformulary drug prescribed for the treatment of pain, the exception process shall not exceed 24 hours.*** The exception process shall begin when the prescribing provider has provided the health benefit plan with the clinical rationale for the exception.

2011-0795s

AMENDED ANALYSIS

This bill requires health benefit plans providing prescription drug benefits to provide an exception process which shall not take more than 24 hours for coverage for a medically necessary drug prescribed for the treatment of pain.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

INTERNAL AFFAIRS

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. Ought to Pass, Vote 3-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.

Yeas: 19 - Nays: 5

Adopted by necessary 3/5 vote, ordered to Third Reading.

JUDICIARY

SB 17, relative to evidence of admissions in medical injury actions. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 41, relative to enforcement of the timber tax and excavation tax by the department of revenue administration. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. Ought to Pass with Amendment, Vote 4-0. Senator Luther for the committee.

Senate Judiciary
March 10, 2011
2011-0799s
04/05

Amendment to SB 63

Amend RSA 597:2, III(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) Execute an agreement to forfeit, upon failing to appear [as] *within 45 days of the date* required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court or justice may specify;

2011-0799s

AMENDED ANALYSIS

This bill prohibits anyone but the secretary of state from compiling, furnishing, or altering the secretary of state's approved list of bail bondsmen and prohibits law enforcement, corrections, and court personnel from indicating a preference for any particular bail bondsman. The bill also provides that a defendant released pending trial who fails to appear within 45 days of the date required shall forfeit all designated property held by the court to secure such defendant's appearance.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. Ought to Pass, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 176, relative to marriage licenses. Ought to Pass, Vote 4-0. Senator Luther for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. Ought to Pass, Vote 4-0. Senator Groen for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

TRANSPORTATION

SB 27, relative to speed limitations for boats. Ought to Pass with Amendment, Vote 3-2. Senator Rausch for the committee.

Senate Transportation
March 17, 2011
2011-0989s
04/03

Amendment to SB 27

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

1 New Subparagraph; Winnepesaukee Speed Limitations. Amend RSA 270-D:2, X by inserting after subparagraph (d) the following new subparagraph:

(e) The prima facie daytime speed limits in subparagraph (b)(2) shall not apply to the area described as follows, where the prima facie speed limit shall be 55 miles per hour: Starting at light buoy #76 southeast of Welch Island in the town of Gilford, running northeast to light buoy #9 at Sandy Island in the town of Tuftonboro, running southeast to light buoy #19 at Millstone Point in the town of Tuftonboro, continuing southeast to light buoy #66 at Little Barndoor Island in the town of Alton, then running southwest to light buoy #78 at Moose Island in the town of Alton, then returning to the outside of Rattlesnake Island in a north-west direction to light buoy #76.

2 Effective Date. This act shall take effect January 1, 2012.

2011-0989s**AMENDED ANALYSIS**

This bill establishes a prima facie daytime speed limit of 55 miles per hour on a portion of Lake Winnepesaukee described in the bill.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Bradley is in opposition to the Committee Amendment on SB 27.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forsythe, Groen, Sanborn, White, Carson, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Morse, Bragdon.

The following Senators voted No: Forrester, Bradley, Houde, Odell, Kelly, Luther, Lambert, Larsen, Merrill, Prescott, Stiles.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

MOTION TO RESCIND ORDER TO THIRD READING

President Bragdon rescinded ordering SB 136-FN to Third Reading.

Sen. Morse moved to Table SB 136-FN.

The question is on the motion to Table. Adopted.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 192, relative to commercial motor vehicle registration. Ought to Pass, Vote 5-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 363-L, relative to Depot Street in the town of Andover. Ought to Pass, Vote 5-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 399, relative to nonresident registration of motor vehicles. Ought to Pass, Vote 4-1. Senator Boutin for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

SB 27, relative to speed limitations for boats.

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies.

SB 72-FN, establishing a comprehensive cancer plan fund.

SB 78-FN-A-L, relative to motor vehicle registration fees.

SB 93, relative to pharmacist administration of vaccines.

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle.

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation.

SB 147-FN, relative to Medicaid managed care.

SB 151-FN, relative to contracts of the department of health and human services.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

SB 171, relative to prescription drug benefits for the treatment of pain.

SB 176, relative to marriage licenses.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole.

SB 190, relative to the duties and membership of the executive branch ethics committee.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 192, relative to commercial motor vehicle registration.

HB 363-L, relative to Depot Street in the town of Andover.

HB 399, relative to nonresident registration of motor vehicles.

LIST OF RULE 2-15'S FOR THE DAY

Sen. White: SB 157-FN.

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley 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 and when we recess, we recess to the Call of the Chair.

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