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Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – MARCH 14, 2013 SESSION
COMMENCEMENT – MARCH 21, 2013 SESSION

SENATE JOURNAL 7 *(continued)*

March 14, 2013

HOUSE MESSAGE

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

SB 199, authorizing the attorney general to join the settlement of accrued claims relating to the non-participating tobacco manufacturers adjustment disputes for 2003 to 2011 and the 2012 non-participating tobacco manufacturers adjustment.

HOUSE MESSAGE

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

HB 202-FN, relative to beverage and liquor licenses for beds and breakfasts.

HB 224, relative to the authority of the superintendent of a county correctional facility.

HB 242, relative to child passenger restraint requirements.

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities.

HB 306, relative to New Hampshire's regional greenhouse gas initiative.

HB 339-FN, establishing a committee to study existing debt collection laws and practices.

HB 349, relative to OHRV operation of certain 4-wheel drive vehicles on trails within Jericho Mountain state park.

HB 357, prohibiting an employer from using credit history in employment decisions.

HB 416, shortening the appeals process for a permitting decision under RSA 482-A, relative to fill and dredge in wetlands.

HB 477-FN, relative to differential pay for certain state employees providing direct care to inmates and patients.

HB 481-FN, limiting the state's authority to seek reimbursement for public assistance.

HB 505, relative to the economic development advisory council.

HB 508, relative to idling by diesel locomotives.

HB 510, relative to backflow prevention valves.

HB 518, relative to establishing an individual's status as a veteran and specifying that training for active duty is service for purposes of the veterans' tax credit.

HB 542, relative to electric renewable portfolio standards.

HB 573-FN, relative to the use of cannabis for therapeutic purposes.

HB 574, increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties.

HB 588, extending the instream flow pilot program for 2 years.

HB 591, relative to an abusive work environment and the health and safety of public employees.

HB 594-FN, relative to the general consumer credit laws of the state.

HB 630-FN, relative to the use of proceeds from the regional greenhouse gas initiative program.

HB 633, relative to prescription refills.

HB 635, establishing a committee to study state rest areas and relative to the solicitation of requests for proposals for the naming rights to rest areas.

HB 639, relative to beverage container and packaging approval.

HB 644-FN, relative to parole procedures and relative to sanctions for violations of probation.

HB 647-FN, relative to appeals from the compensation appeals board.

HB 648-FN, permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment.

HB 659-FN-A, increasing the tobacco tax.

HCR 2, requesting Congress to begin the process for a constitutional amendment establishing that human beings, not corporations, are entitled to constitutional rights.

HOUSE MESSAGE

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

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system.

HB 346, establishing a committee to study low-profit limited liability companies.

HB 364, relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

HB 390, allowing companion dogs in the outdoor areas of restaurants.

HB 443-FN, prohibiting prison privatization.

HB 575, relative to hours of sales of on-premises liquor licensees.

HB 595-FN, relative to photo identification of voters.

HB 621-FN, decriminalizing possession of one quarter of an ounce or less of marijuana.

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire.

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 118, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. (Judiciary)

HB 119, relative to voter registration. (Public and Municipal Affairs)

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts. (Public and Municipal Affairs)

HB 146, increasing the speed limit on a portion of I-93 to 70 miles per hour. (Transportation)

HB 153, prohibiting the designation of industrial hemp as a controlled substance. (Judiciary)

HB 161, relative to school district policies on health and sex education. (Health, Education and Human Services)

HB 183, relative to processing absentee ballots. (Public and Municipal Affairs)

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet. (Public and Municipal Affairs)

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training. (Executive Departments and Administration)

HB 247-FN, increasing compensation for wrongful incarceration. (Judiciary)

HB 265, relative to procedures by absentee voters. (Public and Municipal Affairs)

HB 314, raising limits on single wagers in games of chance and relative to gross revenues received by charitable organizations participating in games of chance. (Ways and Means)

HB 334-FN, requiring pharmacy interns to register with the pharmacy board. (Executive Departments and Administration)

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system. (Executive Departments and Administration)

HB 352, relative to sending checklists to the state archives. (Public and Municipal Affairs)

HB 353, relative to the regulation of private investigators and security guards. (Executive Departments and Administration)

HB 373, establishing a right of discovery to a carrier's investigation of claims in workers' compensation cases. (Commerce)

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise. (Transportation)

HB 400, relative to funding agreements issued by life insurance companies. (Commerce)

HB 401, relative to property and casualty insurers under the risk-based capital law. (Commerce)

HB 414, relative to privacy in the workplace. (Commerce)

HB 429, relative to service of writs against cities. (Public and Municipal Affairs)

HB 433, relative to procedures for juvenile delinquency petitions filed by a school district or school official. (Judiciary)

HB 442, prohibiting residency restrictions for registered sex offenders and offenders against children. (Judiciary)

HB 450-FN, relative to the annulment of criminal records. (Judiciary)

HB 472, relative to residential units in rooming houses. (Commerce)

HB 486-FN-A, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children. (Finance)

HB 501-FN, instituting a state minimum hourly rate. (Commerce)

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances. (Public and Municipal Affairs)

HB 511-FN, relative to insurance holding companies. (Commerce)

HB 513, relative to the shoreland protection act. (Energy and Natural Resources)

HB 516, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues. (Energy and Natural Resources)

HB 517, relative to the incidental combustion of untreated wood at certain municipal transfer stations. (Energy and Natural Resources)

HB 522, relative to duties of town treasurers. (Public and Municipal Affairs)

HB 526-FN, relative to termination of activities and dissolution of the association created under RSA 404-G. (Commerce)

HB 528, relative to support and care costs for children with disabilities. (Judiciary)

HB 546, relative to medical examinations under workers' compensation. (Commerce)

HB 554, allowing parents to agree on college contributions. (Judiciary)

HB 559, relative to the general banking laws of the state. (Commerce)

HB 560, repealing the board of trust company incorporation. (Commerce)

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding. (Ways and Means)

HB 583, relative to proceedings of medical injury claims screening panels. (Judiciary)

HB 598, relative to the reasonable compensation deduction under the business profits tax. (Ways and Means)

HB 599-FN, relative to establishing a single liquor commissioner. (Executive Departments and Administration)

HB 629-FN, relative to the criteria for approving and calculating school building aid grants. (Health, Education and Human Services)

HB 634, relative to water resource management and protection plans in municipal master plans. (Public and Municipal Affairs)

HB 636, relative to the waitlist for community mental health services. (Health, Education and Human Services)

HB 640, relative to the standard valuation law. (Commerce)

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property. (Public and Municipal Affairs)

HB 664-FN, relative to the New Hampshire vaccine association. (Commerce)

HB 668-FN, relative to group and individual health insurance market rules. (Commerce)

HB 676-FN-A-L, extending the Coos county job creation tax credit. (Ways and Means)

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 1, increasing the research and development tax credit against the business profits tax and relative to the report of the commissioner of resources and economic development on the research and development tax credit.

Sen. Odell moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 199, authorizing the attorney general to join the settlement of accrued claims relating to the non-participating tobacco manufacturers adjustment disputes for 2003 to 2011 and the 2012 non-participating tobacco manufacturers adjustment.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

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 8

March 21, 2013

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

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Well, this weekend, Christian churches all over the world will be celebrating Palm Sunday as we move into that progression through Holy Week up to Easter. And then, next Monday, the Jewish tradition begins its celebration of Passover at sunset, and that continues for eight days. And, it's not uncommon for our two religions to observe these foundational events in our tradition at the same time. And, we focus together on the events that meant so much to the evolving of our traditions. And, for both of our traditions, those events

couldn't have taken place if not for the willingness of faithful people to do their part. So, Moses, for example, didn't really feel up to the task of leading his fellow Israelites out of Egypt into freedom, but he obeyed God's call. And, Jesus' disciples, when they gathered for that Passover meal in Jerusalem centuries after Moses obeyed God's call, they had no idea what was going to be required of them over the next few days as their teacher and their friend made the ultimate sacrifice.

The interesting thing is that God definitely called on God's people to do significant things 2,000-plus years ago, and God is still calling on God's people to do significant things, and how we respond affects the unfolding of history, just as it did then. When it happens in this room is just one example of that process. So, I encourage you to think today about the courage of responding to God's call and recognizing the remarkable things that take place when we have that courage to say "yes". Let us pray.

O, Lord God, who called your servants to ventures of which we cannot see the ending, by paths as yet untrodden, through perils unknown. Give us faith to go out with a good courage, not knowing where are going, but only that your hand is leading us and your love supporting us to the glory of your name. Amen.

Sen. Odell led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Forrester introduced Laura Irwin and Jessica Bowman, students from Woodsville High School, serving as Senate Pages for the day.

Sen. Gilmour introduced a group of nurses from Nashua Community College, guests in the Senate gallery today.

Sen. Sanborn introduced Andy Crews, a constituent and guest in the Senate gallery today.

Sen. Prescott introduced Larry Foss, a constituent and guest in the Senate gallery today.

Sen. Hosmer introduced his wife, Donna Hosmer, a guest in the Senate gallery today.

Sen. Pierce introduced Bob Marazzo, a constituent and guest in the Senate gallery today.

Sen. Bradley introduced Marc Bourgeois, a constituent and guest in the Senate gallery today.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations. Removed by Sen. Bragdon.

HB 194, relative to collection of permit fees paid with insufficient fund checks. Removed by Sen. Bragdon.

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

COMMERCE

SB 95, relative to choice of pharmacy under workers' compensation. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

This bill, as amended by the committee, establishes the right of an injured employee to select his or her own pharmacy or pharmacist for dispensing and filling prescriptions for medicines under workers' compensation.

Commerce

March 12, 2013

2013-0867s

01/09

Amendment to SB 95

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Workers' Compensation; Pharmacy Choice. Amend RSA 281-A:23 by inserting after paragraph VI the following new paragraph:

VII. An injured employee shall have the right to select his or her own pharmacy or pharmacist for dispensing and filling prescriptions for medicines required under this chapter.

2013-0867s

AMENDED ANALYSIS

This bill establishes that an injured employee has the right to choose his or her own pharmacy or pharmacist for purposes of medicines required under workers' compensation.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 113-L, relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility. Inexpedient to Legislate, Vote 5-0. Senator Sanborn for the committee.

SB 113-L is no longer necessary because the language in the bill has been incorporated into HB 160 and are now identical pieces of legislation.

HB 160, relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

HB 160 makes a technical correction, to ensure that a school district is only responsible to transport students within the schools designated attendance area. This correction will help those school districts which incorporate a large geographic area. The amendment to the bill makes a grammatical change to align with the language that was in SB 113-L.

Health, Education and Human Services

March 12, 2013

2013-0858s

04/05

Amendment to HB 160

Amend the bill by replacing section 1 with the following:

1 School Attendance; Legal Residence Required. Amend RSA 193:12, II(a)(2)(B) to read as follows:

(B) Nothing in this subparagraph shall require a school district to provide transportation for a child to another school in the school district in which the child resides, ***or beyond the designated attendance area for the school to which the child is assigned***, or beyond the geographical limits of the school district in which the child resides.

PUBLIC AND MUNICIPAL AFFAIRS

SB 197, relative to the inclusion of a default budget in separate warrant articles submitted by sewer commissions. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill authorizes a sewer commission to propose its budget as part of the municipal budget or in separate warrant articles, and each article is to have its own default budget in the amount of the same appropriation as the previous year. The committee voted to amend the bill to include water as well as sewer funds. Typically, these budgets are funded by user fees rather than taxes. SB 197 will benefit SB 2 towns.

Public and Municipal Affairs

March 13, 2013

2013-0894s

06/09

Amendment to SB 197

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

1 Sewer Funds; Separate Warrant Article; Default Budget. Amend RSA 149-I:10, II to read as follows:

II. Except when a capital reserve fund is established pursuant to paragraph III, all sewer funds shall be held in the custody of the municipal treasurer. Estimates of anticipated sewer rental revenues and anticipated expenditures from the sewer fund shall be submitted to the governing body as set forth in RSA 32:6 if applicable, and shall be included ***either*** as part of the municipal ***operating*** budget ***or as a separate warrant article*** submitted to the local legislative body for approval. ***In a town or district that has adopted the official ballot referendum form of meeting, any such separate warrant article shall include a default amount as provided in RSA 40:13, XI-a.*** If the municipality has a properly-established board of sewer commissioners, then notwithstanding RSA 41:29 or RSA 48:16, the treasurer shall pay out amounts from the sewer fund only upon order of the board of sewer commissioners. Expenditures shall be within amounts appropriated by the local legislative body. The sewer commission shall also remit to the municipality those costs incurred by the municipality in support of sewer operations, including but not limited to financial audit, facility insurance, treasurer compensation, and office support.

2 New Paragraph; Use of Official Ballot; Default Amount for Water and Sewer Funds. Amend RSA 40:13 by inserting after paragraph XI the following new paragraph:

XI-a. If a political subdivision maintains a separate fund for the revenues and expenditures related to the operation, maintenance, and improvement of a water or sewer system, and if any appropriation for such fund is to be raised through user fees or charges and is included in a warrant article separate from the operating budget, the warrant article may include a default amount for such appropriation, which shall be deemed to have been approved if the proposed appropriation is not approved. The default amount shall be determined by the governing body, or by the budget committee if the political subdivision has adopted the provisions of RSA 40:14-b, and shall equal the amount of the same appropriation for the preceding fiscal year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the previous year's appropriation. The warrant article shall state the default amount for the appropriation and shall state that if the appropriation proposed in the article is not approved, the default amount shall be deemed to have been approved.

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

HB 208, relative to annual reports of county officers. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

Current law requires county officers to publish annual reports within three months following the close of the fiscal year. But the NH Association of Counties testified that it is difficult for counties to have audited financial statements completed and published within that three month period. HB 208 extends the reporting period to the sixth month following the close of the county fiscal year to allow for the needed extra time.

HB 235, allowing counties to contract for professional real estate services for the sale or lease of county property. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

This bill allows county commissioners to contract for licensed real estate professionals when selling or leasing county property. The original language was amended to select licensed professionals who have demonstrated competence and qualifications to market the sale or lease of real property.

Public and Municipal Affairs

March 13, 2013

2013-0895s

06/09

Amendment to HB 235

Amend RSA 28:6-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The commissioners shall publish a request for qualifications for professional real estate services to be procured. The commissioners shall select licensed real estate professionals who have demonstrated competence and qualifications to market the sale or lease of real property.

HB 309, relative to filing for office. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill clarifies requirements for a candidate who files for office on the last day of the filing period. If a person files with a town or city clerk on that last day he or she must do so in person. It also requires a primary election candidate declare that he or she is a registered New Hampshire voter.

TRANSPORTATION

HB 195, relative to commercial driver learner permits. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill was requested by the Department of Safety to require that a person hold a valid driver's license in order to obtain a commercial driver learner permit and allows the permit to be valid for 180 days. This change will move New Hampshire in line with federal regulations, and the Committee amended the effective date of the bill to 60 days after passage, in order to implement this change quickly.

Senate Transportation

March 12, 2013

2013-0863s

03/04

Amendment to HB 195

Amend the bill by replacing section 3 with the following:

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

HB 196, relative to weight of commercial vehicles with idle reduction devices. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill was requested by the Department of Safety and the Department of Environmental Services to increase the additional weight allowed for a commercial vehicle that utilizes an auxiliary power or idle reduction technology unit, in order to keep in line with federal regulations. This new technology may add to the weight of the vehicles, but it is exceedingly more environmentally and economically friendly, as it prevents a trucker from having to run the engine at all times in order to heat their cab or refrigerate their unit. The Committee amended the bill to change the effective date to upon passage to allow New Hampshire truckers to take advantage of this new technology as soon as possible.

Senate Transportation
March 12, 2013
2013-0865s
03/04

Amendment to HB 196

Amend the bill by replacing section 2 with the following:

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

The question is on the adoption of the Consent Calendar. Adopted.

SPECIAL ORDER

Without objection, SB 114 is Special-Ordered to the end of the day's Regular Calendar. Adopted by the necessary 2/3 vote.

Without objection, SB 103 and SB 196 are Special-Ordered to 3/28/13. Adopted by the necessary 2/3 vote.

REGULAR CALENDAR REPORTS

COMMERCE

SB 38, relative to pharmacy rights during an audit. Ought to Pass with Amendment, Vote 4-0. Senator Cataldo for the committee.

Commerce
March 12, 2013
2013-0871s
10/05

Amendment to SB 38

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

1 New Subdivision; Pharmacy Rights During Audit. Amend RSA 318 by inserting after section 60 the following new subdivision:

Pharmacy Rights During Audit

318:61 Definition. In this subdivision "responsible party" means the entity responsible for payment of claims for health care services other than the individual to whom the health care services were rendered or that individual's guardian or legal representative.

318:62 Pharmacy Rights During Audit. Notwithstanding any other provision of law, whenever a managed care company, insurance company, third-party payer, or any entity that represents a responsible party conducts an audit of the records of a pharmacy, the pharmacy has a right to all of the following:

I. To have at least 7 days advance notice of the initial on-site audit for each audit cycle. A pharmacy that requests an additional 7 days prior to the commencement of an audit shall be granted 7 additional days.

II. To have any audit that involves clinical judgment be done with a pharmacist who is licensed and is employed or working under contract with the auditing entity.

III. Not to have clerical or record-keeping errors, including typographical errors, scrivener's errors, and computer errors, on a required document or record, in the absence of any other evidence, deemed fraudulent. This subdivision does not prohibit recoupment of fraudulent payments.

IV. If required under the terms of the contract, to have the auditing entity provide a pharmacy, upon request, all records related to the audit in an electronic format or contained in digital media.

V. To have the properly documented records of a hospital or any person authorized to prescribe controlled substances for the purpose of providing medical or pharmaceutical care for their patients transmitted by any means of communication in order to validate a pharmacy record with respect to a prescription or refill for a controlled substance or narcotic drug, in compliance with state laws.

VI. If an on-site audit is conducted for a reason other than an identified problem, the audit shall be limited to no more than 250 selected prescriptions and the third party plan or audit company must provide a masked list of prescriptions to the pharmacy to assist in preparation. The list is considered masked if the last 2 numbers of the prescription are marked with an "X." This procedure allows the pharmacy to pull the book the audited prescription is in, however it does not allow the pharmacy to pull the specific prescription audited. Additionally, all of the invoices for actual dispensed prescriptions, with prices redacted, may be obtained from pharmacy's wholesaler or distributor upon approval from the pharmacy.

VII. To be subject to no more than 2 audits in one calendar year, unless fraud or misrepresentation is reasonably suspected.

VIII. Except for cases of Food and Drug Administration regulation or drug manufacturer safety programs, to be free of recoupments based on any of the following unless defined within the billing requirements set forth in the pharmacy provider manual:

(a) Documentation requirements in addition to or exceeding requirements for creating or maintaining documentation prescribed by the pharmacy board or by the provider manual or contract.

(b) A requirement that a pharmacy or pharmacist perform a professional duty in addition to or exceeding professional duties prescribed by the board.

IX. To be audited under the same standards and parameters as other similarly situated pharmacies audited by the same entity.

X. To have the period covered by an audit limited to 24 months from the date a claim was submitted to, or adjudicated by, a managed care company, an insurance company, a third-party payer, or any entity that represents responsible parties, unless a longer period is permitted by a federal plan under federal law.

XI. Not to be subject to the initiation or scheduling of audits during the first 5 calendar days of any month for any pharmacy who averages in excess of 600 prescriptions per week due to the high volume of prescriptions filled during that time and for patient care considerations, without the express consent of the pharmacy. The pharmacy shall cooperate with the auditor to establish an alternate date should the audit fall within the days excluded.

XII. Not to have the accounting practice of extrapolation used in calculating recoupments or penalties for audits, unless otherwise required by federal requirements or federal plans.

XIII. The auditor shall not include dispensing fees in the calculations of overpayments unless the prescription is considered a misfill. A misfill shall be defined as a prescription not dispensed, a medication error, a prescription whereby the prescriber denied authorization, or where an extra dispensing fee was charged.

XIV.(a) Auditors shall only have access to previous audit reports on a particular pharmacy if the previous audit was conducted by the same entity, except as required for compliance with state or federal law.

(b) Additionally, pharmacies subject to an audit may use the following records at the time of the audit to validate a claim for a prescription, refill, or change in a prescription:

(1) Electronic or physical copies of records of a health care facility, or a health care provider with prescribing authority.

(2) Any prescription that complies with state law.

318:63 Mandatory Appeals Process.

I. Each entity that conducts an audit of a pharmacy shall establish an appeals process under which a pharmacy may appeal an unfavorable audit report to the entity.

II. If, following the appeal, the entity finds that an unfavorable audit report or any portion of the unfavorable audit report is unsubstantiated, the entity shall dismiss the unsubstantiated portion of the audit report without any further proceedings unless outlined in the contract.

III. Each entity conducting an audit shall provide a copy, if required under contractual terms, of the audit findings to the plan sponsor after completion of any appeals process.

318:64 Pharmacy Audit Recoupments.

I. Recoupments of any disputed funds shall occur only after final internal disposition of an audit, including the appeals process, unless fraud or misrepresentation is reasonably suspected or the discrepant amount exceeds \$10,000.

II. Recoupment on an audit shall be refunded to the responsible party as contractually agreed upon by the parties.

III. The entity conducting the audit may charge or assess the responsible party, directly or indirectly, based on amounts recouped if both of the following conditions are met:

(a) The responsible party and the entity conducting the audit have entered into a contract that explicitly states the percentage charge or assessment to the responsible party.

(b) A commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.

318:65 Audit Information and Reports. An audit report shall be delivered to the pharmacy within 75 days, unless otherwise agreed to, after the conclusion of the audit. A pharmacy shall be allowed at least 30 days, unless otherwise agreed to, following receipt of the audit report to appeal any discrepancy found in the audit. A final audit report shall be delivered to the pharmacy within 90 days, unless otherwise agreed to, after receipt of the appeal. A charge-back, recoupment, or other penalty may not be assessed until the appeal process has been exhausted and the final report issued except as specified in RSA 318:64. Except as provided by state or federal law or contract, audit information may not be shared. Auditors may have access only to previous audit reports on a particular pharmacy conducted by that same entity.

318:66 Applicability. This subdivision shall not apply to any audit, review, or investigation that is based on suspected or alleged fraud, willful misrepresentation, or abuse. Nothing in this subdivision shall apply to claims that were paid for in part or in whole by Medicare or Medicaid program funds.

2 Effective Date. This act shall take effect January 1, 2014.

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 41, revising the New Hampshire business corporations act, RSA 293-A. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce
March 12, 2013
2013-0868s
03/09

Amendment to SB 41

Amend RSA 293-A:16.02(b) as inserted by section 1 of the bill by replacing it with the following:

(b) For any meeting of shareholders for which the record date for determining shareholders entitled to vote at the meeting is different than the record date for notice of the meeting, any person who becomes a shareholder subsequent to the record date for notice of the meeting and is entitled to vote at the meeting is entitled to obtain from the corporation upon request the notice and any other information provided by the corporation to shareholders in connection with the meeting, unless the corporation has made such information generally available to shareholders by posting it on its website or by other generally recognized means.

Amend the introductory paragraph of RSA 293-A:16.02(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of RSA 293-A:16.02(d) and gives the corporation a signed written notice of the shareholder's demand at least 5 business days before the date on which the shareholder wishes to inspect and copy:

Amend the introductory paragraph of RSA 293-A:16.02(d) as inserted by section 1 of the bill by replacing it with the following:

(d) A shareholder may inspect and copy the records described in RSA 293-A:16.02(c) only if:

Amend RSA 293-A:16.02 as inserted by section 1 of the bill by inserting after subsection (d) the following new subsection and renumbering subsections (e) through (g) to read as (f) through (h), respectively:

(e) For purposes of RSA 293-A:16.02(d), it is presumed that a shareholder's demand for an alphabetical list of the names of all its shareholders who are entitled to notice of a shareholders' meeting is a proper purpose if the shareholder wishes to communicate with other shareholders regarding matters relating to the business of the corporation prior to a scheduled meeting.

Amend RSA 293-A:16.04(a) and (b) as inserted by section 1 of the bill by replacing it with the following:

(a) If a corporation does not allow a shareholder who complies with RSA 293-A:16.02(a) to inspect and copy any records required by that subsection to be available for inspection, the superior court of the county where the corporation's principal office (or, if none in this state, its registered office) is located or the business and commercial dispute docket of the superior court (which court shall be deemed to have jurisdiction to hear such matter and to which the corporation shall be deemed to have consented) may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the shareholder.

(b) If a corporation does not within a reasonable time allow a shareholder to inspect and copy any other record, the shareholder who complies with RSA 293-A:16.02(c) and (d) may apply to the superior court in the county where the corporation's principal office (or, if none in this state, its registered office) is located or the business and commercial dispute docket of the superior court (which court shall be deemed to have jurisdiction to hear such matter and to which the corporation shall be deemed to have consented) for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

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.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

SB 91, relative to drug use not approved by the Food and Drug Administration. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

Sen. Bradley moved to Re-refer to committee.

A roll call was requested by Sen. Larsen.

Recess. Out of recess.

Sen. Larsen withdrew her request for a roll call.

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

Sen. Sanborn moved to remove SB 100 from the table. Adopted.

COMMERCE

SB 100, authorizing electronic payment of payroll.

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

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 20 - Nays: 4

Adopted, bill ordered to Third Reading.

SB 126-FN, relative to business practices between motor vehicle manufacturers, distributors, and dealers. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Commerce
March 12, 2013
2013-0874s
05/10

Amendment to SB 126-FN

Amend the bill by replacing sections 1-4 with the following:

1 Definition of Motor Vehicle. Amend RSA 357-C:1, I to read as follows:

I. "Motor vehicle" means every self-propelled vehicle manufactured and designed primarily for use and operation on the public highways and required to be registered and titled under the laws of New Hampshire[; ~~not including farm tractors and other machines and tools used in the production, harvesting, and care of farm products~~] **and shall include equipment.** Except for RSA 357-C:3, I-b, and where otherwise specifically exempted from the provisions of this chapter, "motor vehicle" shall include off highway recreational vehicles and snowmobiles. **Equipment means farm and utility tractors, forestry equipment, industrial construction equipment, farm implements, farm machinery, yard and garden equipment, attachments, accessories, and repair parts.**

2 Definition of Motor Vehicle Dealer. Amend RSA 357-C:1, VIII to read as follows:

VIII.(a) "Motor vehicle dealer" means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new or used motor vehicles or possessing motor vehicles for the purpose of resale either on his own account or on behalf of another, either as his primary business or incidental thereto. **Motor vehicle dealer also means a person granted the right to service motor vehicles or component parts manufactured or distributed by the manufacturer but does not include any person who has an agreement with a manufacturer or distributor to perform service only on fleet, government, or rental vehicles.** However, "motor vehicle dealer" shall not include:

(1) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment, decree or order of any court; or

(2) Public officers while performing their duties as such officers.

(b) "New motor vehicle dealer" means a motor vehicle dealer who holds a valid sales and service agreement, franchise or contract granted by the manufacturer or distributor for the sale, **service, or both**, of its new motor vehicles.

(c) The term "motor vehicle dealer" shall not include a single line equipment dealer. "Single line" dealer means a person, partnership, or corporation who is primarily engaged in the business of retail sales of farm and utility tractors, forestry equipment, industrial and construction equipment, farm implements, farm machinery, yard and garden equipment, attachments, accessories, and repair parts, and who:

(1) Has purchased 75 percent or more of the dealer's total new product inventory from a single supplier; and

(2) Has a total annual average sales volume for the previous 3 years in excess of \$100,000,000 for the relevant market area for which the dealer is responsible.

3 Definition of Franchise. Amend RSA 357-C:1, IX to read as follows:

IX. "Franchise" means one or more oral or written agreements under or by which:

(a) The franchisee is granted the right to sell new motor vehicles or component parts manufactured or distributed by the franchisor **or the right to service motor vehicles or component parts manufactured or distributed by the manufacturer but does not include any person who has an agreement with a manufacturer or distributor to perform service only on fleet, government, or rental vehicles;**

(b) The franchisee as an independent business is a component of the franchisor's distribution or service system;

(c) The franchisee is granted the right to be substantially associated with the franchisor's trademark, trade name or commercial symbol;

(d) The franchisee's business is substantially reliant for the conduct of its business on the franchisor for a continued supply **or service** of motor vehicles, parts, and accessories; or

(e) Any right, duty, or obligation granted or imposed under this chapter is affected.

4 Definition of Designated Family Member. Amend RSA 357-C:1, XVIII to read as follows:

XVIII. "Designated family member" means the spouse, child, grandchild, parent, brother [or], sister, **or lineal descendent, including all adopted or step descendants**, of the owner of a new motor vehicle dealership who has been designated in writing to the manufacturer, and, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or under the rights of inheritance by intestate succession, or who, in the case of an incapacitated owner of a new motor vehicle dealership, has been appointed by a court as the legal representative of the new motor vehicle dealer's property. **The manufacturer, distributor, factory branch or factory representative or importer may request, and the designated family member shall provide, upon request, personal and financial data that is reasonably necessary to determine whether the succession should be honored.**

Amend the bill by replacing section 7 with the following:

7 Prohibited Conduct. Amend RSA 357-C:3, III(o) to read as follows:

(o) Change the relevant market area set forth in the franchise agreement without good cause. For purposes of the subparagraph, good cause shall include, but not be limited to, changes in the dealer's registration pattern, demographics, customer convenience, and geographic barriers[;]. **At least 90 days prior to the effective date of the revised relevant market area, the manufacturer or distributor shall provide the dealer whose relevant market area is subject to the proposed change, a reasonable and commercially acceptable copy of all information, data, evaluations, methodology, or other items, in any form, that the manufacturer or distributor considered, reviewed, or relied on or based its decision on, to propose the change to the dealer's relevant market area;**

Amend the introductory paragraph of RSA 357-C:3, III(u)(1) as inserted by section 9 of the bill by replacing it with the following:

(u)(1) Allocate vehicles, to evaluate the performance of a motor vehicle franchise, or to offer to a dealer any discount, incentive, bonus, program, allowance or credit, based upon a measurement of how effective a franchisee is at selling vehicles when the measurement:

Amend RSA 357-C:3, III(v)(2) as inserted by section 9 of the bill by replacing it with the following:

(2) Prior to beginning any incentive or reimbursement program, the manufacturer shall provide in writing to each dealer of the same line-make that chooses to participate in the program the dealer's performance requirement or sales goal or objective, which shall include a detailed explanation of the methodology, criteria, and calculations used, based on the dealer's historic sales and available inventory. The manufacturer shall provide each dealer with the performance requirement or sales goal or objectives of all dealers participating in the program whose relevant market area includes territory within this state.

Amend RSA 357-C:3, III(w)(1) as inserted by section 9 of the bill by replacing it with the following:

(1) To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer; provided that the dealer's option to select a vendor shall not be available if the manufacturer provides direct reimbursement in full for the goods or services offered.

Amend RSA 357-C:3, V(e) as inserted by section 10 of the bill by replacing it with the following:

(e) Notwithstanding the 15-year limitation on manufacturer-mandated changes in subparagraph (d), the limitation shall be 7 years from the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, if the manufacturer offers direct reimbursement, in full, for the requested changes, alterations, or remodeling of a dealer's sales or service facilities.

(f) This paragraph shall not apply to a program that is in effect with one or more motor vehicle dealers in this state on the effective date of this subparagraph, nor to any renewal or modification of such a program.

Amend the bill by replacing section 11 with the following:

11 New Section; Access to Dealer File. Amend RSA 357-C by inserting after section 3 the following new section:

357-C:3-a Access to Dealer File.

I. A dealer shall have the right to review and obtain copies of its complete dealer file once each calendar year. The manufacturer or distributor shall provide the dealer file or the requested portion of the file to the dealer within 30 days of the dealer's written request. The manufacturer shall certify that the dealer file it produces is the complete dealer file as of the date of the production. The manufacturer or distributor may charge the dealer a reasonable per page fee for copies, provided that such fee shall not exceed the usual and customary fee charged by copy centers in the immediate vicinity of the location of the file. No other fees or charges shall be permitted.

II. Any documents or portions of documents that are not produced by the manufacturer or distributor in response to a dealer's request pursuant to this section shall, at the option of the dealer, be excluded and not admissible as evidence or used in any manner at any proceeding at the motor vehicle industry board or any other state agency or any court proceeding.

III. A complete copy of any written report of any nature prepared by a representative of the manufacturer or distributor after any contact with a dealer or any employee or agent of the dealer shall be provided to the dealer within 30 days of the report's creation.

IV. For purposes of this section, "dealer file" means any and all reports, memoranda, letters, or other documents, in hard copy or electronic form, that a manufacturer has in its possession that are created after the effective date of this section, that contain information and/or data, that state, reflect, display, or represent a failure by the dealer to perform in compliance with the obligations of the franchise agreement or other standards established by the manufacturer or distributor, including but not limited to, sales performance, effectiveness and goals, CSI, facility issues and standards, fixed operations, employee matters including personal information concerning the dealer principal as well as the executive manager and any dealer successor, financial information and profitability, inventory, warranty issues and audits, marketing and advertising, sales and facility programs, contact reports and market studies.

Amend RSA 357-C:5, II(a) as inserted by section 12 of the bill by replacing it with the following:

(a) The franchisor shall specify in writing to each of its new motor vehicle dealers [licensed] in this state, dealers' obligations for warranty service on its products, shall compensate the new motor vehicle dealer for warranty service required of the dealer by the manufacturer, and shall provide the dealer the schedule of compensation to be paid such dealer for parts, work and service in connection with warranty services, and the time allowance for the performance of such work and service. ***Warranty service on trucks and equipment, except for those sold by a single line equipment dealer, shall include the cost, including labor, to transport a motor vehicle under warranty in order to perform the warranty work and to return the motor vehicle to the customer, or, if transporting the trucks and equipment to the dealership is not mechanically or financially feasible, to travel to and return from the locations of the motor vehicle if the warranty repairs are performed at the location of the motor vehicle; provided that reimbursement for travel time shall not exceed 4 hours.***

Amend RSA 357-C:5, II(b)(1)(B)(iii) as inserted by section 12 of the bill by replacing it with the following:

(iii) In calculating the retail rate customarily charged by the dealer for parts, the following work shall not be included in the calculation: routine maintenance not covered under any retail customer warranty, such as fluids, filters and belts not provided in the course of repairs; items that do not have an individual part number such as some nuts, bolts, fasteners and similar items; tires; vehicle reconditioning; parts covered by subparagraph (v); repairs for manufacturer special events and manufacturer discounted service campaigns; parts sold at wholesale or parts discounted by a dealer for repairs made in group fleet, insurance, or other third-party payer service work; or parts used in repairs of government agencies' repairs for which volume discounts have been negotiated on behalf of the manufacturer; promotional discounts on behalf of the manufacturer, internal billings, regardless of whether the billing is on an in-stock vehicle; and goodwill or policy adjustments.

Amend RSA 357-C:5, II(b)(1)(B)(v) as inserted by section 12 of the bill by replacing it with the following:

(v) If a motor vehicle franchisor or component manufacturer supplies a part or parts for use in a repair rendered under a warranty other than by sale of that part or parts to the motor vehicle franchisee, the motor vehicle franchisee shall be entitled to compensation equivalent to the motor vehicle franchisee's average percentage markup on the part or parts, as if the part or parts had been sold to the motor vehicle franchisee by the motor vehicle franchisor. The requirements of this subparagraph shall not apply to entire engine assemblies, entire transmission assemblies, generators, in-floor heating systems, rear-drive axles, water heaters, mattresses, furniture, side walls, roofs, refrigerators, furnaces, and dishwashers. In the case of those assemblies, the motor vehicle franchisor shall reimburse the motor vehicle franchisee in the amount of 30 percent of what the motor vehicle franchisee would have paid the motor vehicle franchisor for the assembly if the assembly had not been supplied by the franchisor other than by the sale of that assembly to the motor vehicle franchisee.

Amend the bill by replacing section 16 with the following:

16 Limitation on Cancellations, Terminations and Nonrenewals. Amend RSA 357-C:7, VI(a) and (b) to read as follows:

(a) The dealer cost plus any charges by the manufacturer, distributor, or branch or division thereof for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the manufacturer, distributor, or representative, for new, unsold, undamaged and complete motor vehicles in the dealer's inventory that have original invoices bearing original dates within 24 months prior to the effective date of termination with less than 750 miles on the odometer, and insurance costs, and floor plan costs from the effective date of the termination to the date that the vehicles are removed from dealership or the date the floor plan finance company is paid, whichever occurs last. Vehicles with a gross vehicle weight rating over 14,000 shall be exempt from the 750 mile limitation. Motorcycles shall be subject to a 350 mile limitation. All vehicles shall have been acquired from the manufacturer or another same line make vehicle dealer in the ordinary course of business. ***Equipment shall be subject to a 36-month limitation. Payment for farm and utility tractors, forestry equipment, industrial, construction equipment, farm implements, farm machinery, yard and garden equipment, attachments, accessories and repair parts shall include all items attached to the original equipment by the dealer or the manufacturer other than items that are not related to the performance of the function the equipment is designed to provide.***

(b) The dealer cost of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog, was purchased from the manufacturer or distributor or from a subsidiary or affiliated company or authorized vendor, and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used. ***For any part or accessory that is available to be purchased from the manufacturer on date the notice of termination issued shall be considered to be included in the current parts catalog.***

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

Sen. Hosmer asserts Rule 6-25 on SB 126-FN.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

March 20, 2013

2013-1066s

05/04

Floor Amendment to SB 126-FN

Amend the bill by replacing section 1 with the following:

1 Section Heading and Definition of Motor Vehicle. Amend the section heading and RSA 357-C:1, I to read as follows:

357-C:1 Definitions. ~~[As used in this chapter]~~ ***For the purpose of this chapter only:***

I. "Motor vehicle" means every self-propelled vehicle manufactured and designed primarily for use and operation on the public highways and required to be registered and titled under the laws of New Hampshire; ~~not including farm tractors and other machines and tools used in the production, harvesting, and care of~~

farm products] **and shall include equipment.** Except for RSA 357-C:3, I-b, and where otherwise specifically exempted from the provisions of this chapter, "motor vehicle" shall include off highway recreational vehicles and snowmobiles. **Equipment means farm and utility tractors, forestry equipment, industrial construction equipment, farm implements, farm machinery, yard and garden equipment, attachments, accessories, and repair parts.**

Amend RSA 357-C:7, VI(b) as inserted by section 16 of the bill by replacing it with the following:

(b) The dealer cost of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog, was purchased from the manufacturer or distributor or from a subsidiary or affiliated company or authorized vendor, and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used. **Any part or accessory that is available to be purchased from the manufacturer on the date the notice of termination issued shall be considered to be included in the current parts catalog.**

Amend the bill by replacing section 19 with the following:

19 Effective Date. This act shall take effect 90 days after its passage.

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

Sen. Hosmer asserts Rule 6-25 on SB 126-FN.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles,

The following Senators voted No: Reagan, Bragdon.

Yeas: 21 - Nays: 2

Sen. Hosmer asserts Rule 6-25 on SB 126-FN.

Adopted, bill ordered to Third Reading.

FINANCE

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians. 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. Adopted, bill ordered to Third Reading.

SB 135-FN, relative to the regulation of the practice of genetic counseling. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

SB 137-FN, relative to sibling visitation rights. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

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

SB 140-FN, requiring a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds. 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. Adopted, bill ordered to Third Reading.

SB 155-FN-A, requiring revenue from commemorative liquor bottles to be used for the preservation of state house Civil War battle flags. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

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

SB 160-FN-A, relative to turnpikes and electronic toll collection. 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. Adopted, bill ordered to Third Reading.

SB 172-FN-L, relative to public funds. Ought to Pass, Vote 6-0. Senator Forrester for the committee.

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

HEALTH, EDUCATION AND HUMAN SERVICES

SB 87, relative to the patients' bill of rights. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Health, Education and Human Services

March 12, 2013

2013-0850s

01/05

Amendment to SB 87

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

1 Patients' Bill of Rights; Definitions. Amend RSA 151:19, I-a and II to read as follows:

I-a. "Discharge" means movement of a patient from a facility to a non-institutional setting ***or the termination of services by a home health care provider*** when the discharging facility ***or home health care provider*** ceases to be legally responsible for the care of the patient.

II. "Facility" means any hospital, ~~[or other facility,]~~ building, residence, or other place or part thereof, licensed under the provisions of RSA 151:2. ~~[For the purposes of RSA 151:21, this definition of facility shall not include private homes where home care services are provided.]~~ ***For the purposes of RSA 151:21, RSA 151:25, and RSA 151:26, "facility" shall not include home health care providers, or private homes where home care services are provided.***

2 Patients' Bill of Rights; Definitions. Amend RSA 151:19, VI and VII to read as follows:

VI. "Patients' rights"[,] or "rights" means those rights established under RSA 151:21 ***or RSA 151:21-b, as applicable.***

VII. "Transfer" means movement of a patient from one facility to another facility when the legal responsibility for the care of the patient changes from the transferring to the receiving facility. Transfer shall not include the temporary movement of a patient from a facility to a hospital or other location for emergency medical treatment, as long as the facility is in compliance with RSA 151:25. In the event a facility refuses to readmit a patient in accordance with RSA 151:25 following a therapeutic leave, a transfer shall be deemed to have occurred when the decision not to readmit is made. ***Transfer shall not include movement of a client from a home care to an institutional setting or the shifting of service provision from one home health care provider to another.***

3 Patients' Bill of Rights; Definitions. Amend the introductory paragraph of RSA 151:21 to read as follows:

The policy describing the rights and responsibilities of each patient admitted to ~~[the]~~ ***a facility, except those admitted by a home health care provider,*** shall include, as a minimum, the following:

4 Home Care Clients' Bill of Rights. Amend RSA 151:21-b, I to read as follows:

I. Home health care providers shall provide ~~[their clients]~~ ***each client or client's legal representative*** with a written copy of the rights and responsibilities listed in paragraphs II and III of this section in advance of or during the initial evaluation visit and before initiation of care. These rights apply only to the services delivered by or on behalf of the home health care provider. If a client cannot read the statement of rights it shall be read to the client in a language such client understands. For a minor or a client needing assistance in understanding these rights, both the client and the ~~[parent or legal guardian or other responsible person]~~ ***client's legal representative*** shall be fully informed of these rights.

5 Home Care Clients' Bill of Rights. Amend RSA 151:21-b, II(c) to read as follows:

(c) Participate in the development and periodic revision of the plan of care, and to be informed in advance of any changes to the plan ***or intent to discharge except as provided in RSA 151:26-a, III.***

6 Home Care Clients' Bill of Rights. Amend the introductory paragraph and subparagraphs (a) and (b) of RSA 151:21-b, III to read as follows:

III. The provider has the right to expect the client *or the client's legal representative* will:

(a) Give accurate and complete health information.

(b) ~~[Assist in creating and maintaining a safe home environment in which care will be delivered.]~~
Create and maintain an environment that is safe and free from sexual or other forms of harassment by the client or others in the home. For the purposes of this subparagraph, an environment is unsafe if there exists significant potential to cause injury or harm to the home care provider.

7 New Paragraph; Home Care Clients' Bill of Rights. Amend RSA 151:21-b by inserting after paragraph IV the following new paragraph:

V. Home health care providers shall not be subject to the provisions of RSA 151:21.

8 New Paragraph; Temporary Absence. Amend RSA 151:25 by inserting after paragraph II the following new paragraph:

III. This section shall not apply to home health care providers.

9 Transfer or Discharge of Patients. Amend RSA 151:26, I and the introductory paragraph of II (a) to read as follows:

I. A facility **subject to RSA 151:21** shall not transfer or discharge a patient except for those reasons listed under RSA 151:21, V.

II.(a) Transfer or discharge of a patient **from a facility subject to RSA 151:21** shall in all instances be preceded by written notice which shall contain the following:

10 New Section; Discharge of Home Care Clients. Amend RSA 151 by inserting after section 26 the following new section:

151:26-a Discharge of Home Care Clients.

I. Except as provided in paragraph III, a home health care provider shall provide a minimum of 7 days written notice of intent to discharge a client unless a shorter time is mandated in state or federal law or by a third party insurance policy.

II. Any written notice required in this section shall be provided to the client or the client's legal representative and a copy shall be placed in the client's clinical record. The content of the written notice shall include, at a minimum, the following:

(a) The reason for the discharge.

(b) The effective date of the discharge.

(c) The identity of and contact information for the service provider, if any, who has or will be taking on legal responsibility for the care of the client.

(d) The telephone number for the state's home health hotline per state and federal regulations.

III.(a) A home health care provider may discharge a client immediately if:

(1) The environment in which care is being delivered is unsafe and not free from sexual or other forms of harassment. For the purposes of this subparagraph, an environment is unsafe if there exists significant potential to cause injury or harm to the home care provider.

(2) The discharge is initiated at the request of the client or the client's legal representative.

(b) Written notice in accordance with paragraph II shall be provided as soon as practicable after a discharge under this paragraph.

11 Effective Date. This act shall take effect January 1, 2014.

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

Sen. Gilmour offered a floor amendment.

Sen. Gilmour, Dist. 12
March 15, 2013
2013-0930s
01/04

Floor Amendment to SB 87

Amend RSA 151:26-a, III(a)(1) as inserted by section 10 of the bill by replacing it with the following:

(1) The environment in which care is being delivered is unsafe or not free from sexual or other forms of harassment. For the purposes of this subparagraph, an environment is unsafe if there exists significant potential to cause injury or harm to the home care provider.

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 138-FN, relative to support for certain residents of nursing and assisted living facilities. Ought to Pass with Amendment, Vote 4-1. Senator Reagan for the committee.

Health, Education and Human Services
March 5, 2013
2013-0732s
01/05

Amendment to SB 138-FN

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

1 Findings. The general court recognizes that long-term care facilities are an integral partner in the health and care of some of the state's most vulnerable citizens, and that the financial viability of long-term care facilities is crucial to the ongoing ability of the state to care for the elderly and disabled. The general court also recognizes that long-term care facilities are often significantly harmed by prohibited asset transfers which result in a Medicaid penalty being applied against a resident of a facility, or by the failure of persons with a fiduciary relationship to residents who are potential Medicaid applicants to act in a timely manner concerning the making of an application for Medicaid assistance. These harms affect not just facilities, their Medicaid residents, and their employees, but they also impact private payers in the facilities as well as county property taxpayers, who subsidize the costs of those who are receiving free care due to such acts or omissions. Therefore, the general court hereby establishes the provisions contained in this act regarding liability for care.

2 New Section; Liability for Costs of Care. Amend RSA 151-E by inserting after section 18 the following new section:

151-E:19 Support for Certain Residents of Nursing Homes and Assisted Living Facilities.

I. In this section:

(a) "Costs of care" means all costs of health care and lodging and all related costs, including transportation, medical, and personal care and any other costs, charges, and expenses incurred by the facility in rendering care to the individual.

(b) "Long term care facility" means a facility licensed by the department pursuant to He-P 803, 804, or 805.

(c) "Person" includes persons both natural and otherwise.

II. Persons who receive or who have received assets from an individual who is residing in, or who has resided in, a long-term care facility shall be strictly liable to the long-term care facility for all costs of patient care up to the amount transferred to the person when that asset transfer has resulted in a determination of asset transfer disqualification by the department. The person shall be liable at the facility's Medicaid rate for services for the period of asset transfer disqualification.

III. Persons who have a fiduciary relationship with an individual who resides in a long-term care facility shall be strictly liable to the long-term care facility for all costs of patient care which are not covered by Medicaid due to any failure to promptly and fully complete and pursue an application for coverage for the individual under Medicaid. The person shall be liable at the facility's Medicaid rate for services for the period

of liability. Any person who is an agent under a power of attorney over the individual or the individual's assets, or is a guardian of the individual, or controls or has authority over the individual's accounts, shall conclusively be deemed to be a fiduciary of the individual for purposes of this section.

IV. Any person who possesses or controls the income or assets of an individual covered under Medicaid or Medicare who is residing in, or who has resided in, a long-term care facility shall be strictly liable to the long-term care facility to the extent that any such person fails to pay the patient liability amount due under Medicaid or the co-pay amount due under Medicare.

V. No judgment obtained in any proceeding under this chapter shall be acted upon through execution, levy, or otherwise during the pendency of any actually completed and filed application for Medicaid or other support program or insurance policy coverage. Attachments and trustee process to secure any judgment or potential judgment shall be permitted subject to the discretion of the court to protect facilities from non-payment or from the failure of the individual receiving care or assistance, or that individual's agents, to cooperate in obtaining Medicaid, other support program, or insurance coverage.

VI. Nothing contained in this section shall prohibit or otherwise diminish any other causes of action possessed by any such long-term care facility. The death of the individual receiving assistance shall not nullify or otherwise affect the joint and several liability of the person or persons charged with the cost of care rendered or the patient liability amount or co-pays as referenced in this section. A long-term care facility which prevails in an action brought pursuant to this section also shall be entitled to its reasonable costs and attorney's fees.

3 New Section; Liability for Care. Amend RSA 507 by inserting after section 8-h the following new section:

507:8-i Actions Under RSA 151-E:19. Under the circumstances set forth in RSA 151-E:19, a long-term care facility is entitled to recover for the costs of care of a current or former resident of the facility. The defendant in any such action shall be strictly liable to the long-term care facility in the event that the factual elements of RSA 151-E:19 are established. Nothing contained in RSA 151-E or this section shall prohibit or otherwise diminish any other causes of action possessed by any such long-term care facility. A long-term care facility which prevails in an action brought pursuant to this section shall be entitled to its reasonable costs and attorney's fees.

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

2013-0732s

AMENDED ANALYSIS

This bill allows an assisted living facility or nursing home facility in certain circumstances to pursue recovery of costs of care rendered to a client from entities or certain other persons when an application for Medicaid is not timely made or when the client is not able to receive Medicaid assistance due to the transfer of the client's assets within the 5-year Medicaid look-back period.

This bill is the result of 2012, 20 (SB 321-FN).

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

Sen. Gilmour offered a floor amendment.

Sen. Gilmour, Dist. 12

March 20, 2013

2013-1062s

01/09

Floor Amendment to SB 138-FN

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

1 New Section; Liability for Costs of Care. Amend RSA 151-E by inserting after section 18 the following new section:

151-E:19 Support for Certain Residents of Nursing Homes and Assisted Living Facilities.

I. In this section:

(a) "Costs of care" means all costs of health care and lodging and all related costs, including transportation, medical, and personal care and any other costs, charges, and expenses incurred by the facility in rendering care to the individual.

(b) "Long term care facility" means a facility licensed by the department pursuant to He-P 803, 804, or 805.

(c) "Person" includes persons both natural and otherwise.

II. Persons who receive or who have received assets from an individual who is residing in, or who has resided in, a long-term care facility shall be liable to the long-term care facility for all costs of patient care up to the amount transferred to the person when that asset transfer has resulted in a final determination of asset transfer disqualification. The person shall be liable at the facility's Medicaid rate for services for the period of asset transfer disqualification.

III. Persons who have a fiduciary relationship with an individual who resides in a long-term care facility shall be liable to the long-term care facility for all costs of patient care which are not covered by Medicaid due to any unreasonable failure to promptly and fully complete and pursue an application for coverage for the individual under Medicaid. The person shall be liable at the facility's Medicaid rate for services for the period of liability. Any person who is an agent under a power of attorney over the individual or the individual's assets, or is a guardian of the individual, or controls or has authority over the individual's accounts, shall conclusively be deemed to be a fiduciary of the individual for purposes of this section. At least 30 days before filing an action pursuant to this paragraph, the facility shall send a written notice of its intent to file the action to any person whom it intends to name as a defendant in the action.

IV. Any person who possesses or controls the income or assets of an individual covered under Medicaid or Medicare who is residing in, or who has resided in, a long-term care facility shall be liable to the long-term care facility to the extent that any such person unreasonably fails to pay the patient liability amount due under Medicaid or the co-pay amount due under Medicare. At least 30 days before filing an action pursuant to this paragraph, the facility shall send a written notice of its intent to file the action to any person whom it intends to name as a defendant in the action.

V. No judgment obtained in any proceeding under this chapter shall be acted upon through execution, levy, or otherwise during the pendency of any actually completed and filed application for Medicaid or other support program or insurance policy coverage. Attachments and trustee process to secure any judgment or potential judgment shall be permitted subject to the discretion of the court to protect facilities from non-payment or from the failure of the individual receiving care or assistance, or that individual's agents, to cooperate in obtaining Medicaid, other support program, or insurance coverage.

VI. Nothing contained in this section shall prohibit or otherwise diminish any other causes of action possessed by any such long-term care facility. The death of the individual receiving assistance shall not nullify or otherwise affect the joint and several liability of the person or persons charged with the cost of care rendered or the patient liability amount or co-pays as referenced in this section. A long-term care facility which prevails in an action brought pursuant to this section also shall be entitled to its reasonable costs and attorney's fees.

2 New Section; Liability for Care. Amend RSA 507 by inserting after section 8-h the following new section:

507:8-i Actions Under RSA 151-E:19. Under the circumstances set forth in RSA 151-E:19, a long-term care facility is entitled to recover for the costs of care of a current or former resident of the facility. The defendant in any such action shall be liable to the long-term care facility in the event that the factual elements of RSA 151-E:19 are established. Nothing contained in RSA 151-E or this section shall prohibit or otherwise diminish any other causes of action possessed by any such long-term care facility. A long-term care facility which prevails in an action brought pursuant to this section shall be entitled to its reasonable costs and attorney's fees.

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

2013-1062s

AMENDED ANALYSIS

This bill allows an assisted living facility or nursing home facility in certain circumstances to pursue recovery of costs of care rendered to a client from entities or certain other persons when an application for Medicaid is not timely made or when the client is not able to receive Medicaid assistance due to the transfer of the client's assets within the 5-year Medicaid look-back period.

This bill is the result of 2012, 20 (SB 321-FN).

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 170, relative to advance directives pertaining to life-sustaining treatment. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Health, Education and Human Services

March 12, 2013

2013-0852s

01/05

Amendment to SB 170

Amend the introductory paragraph of RSA 137-J:20, A, 2 as inserted by section 2 of the bill by replacing it with the following:

2. Whether near death or not, if I become permanently unconscious and life-sustaining treatment has no reasonable hope of benefit, I authorize my agent to direct that:

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 173, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Senate Health, Education, and Human Services

March 12, 2013

2013-0851s

05/01

Amendment to SB 173

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

1 Residential Care and Child-Placing Agencies; State Registry and Criminal Records Check. Amend the section heading of RSA 170-E:29 and RSA 170-E:29, I to read as follows:

170-E:29 State Registry and Criminal Records Check ***for Foster Family Homes, Institutions, and Child-Placing Agencies.***

I. [~~Licensed child care agencies;~~] ***Foster family homes***, institutions, and child-placing agencies[,] shall, within 30 days of adding new staff members responsible for care of or in regular contact with children, submit the names, birth dates, and addresses of such staff members to the department.

2 New Section; State Registry and Criminal Records Check for Child Care Institutions and Child Care Agencies. Amend RSA 170-E by inserting after section 29 the following new section:

170-E:29-a State Registry and Criminal Records Check for Child Care Institutions and Child Care Agencies.

I. Child Care institutions and child care agencies, with the exception of foster family homes, that are required to be licensed according to the provisions of this chapter shall, prior to making a final offer of employment to a person who will be responsible for the care of, or who will have regular contact with children, and upon adding a new household member, a current household member who turns 17 years of age, or other persons who will have regular contact with children, submit to the department, the names, birth names, birth dates, and addresses of such persons and other information required by the department as prescribed by rules adopted by the commissioner under RSA 541-A. The persons described in this paragraph shall submit directly to the department of safety a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any, to the department. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. The department of safety shall complete the criminal history records check and forward such record, if any, to the department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

II.(a) The department shall, for every name submitted on an application and for each person for whom information is required to be submitted pursuant to paragraph I, review the names, birth names, birth dates, and current and previous addresses of such persons against the state registry of founded abuse and neglect reports.

(b) The department of safety shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(c) The costs of criminal history record checks shall be borne by the licensee; provided, that the licensee may require an applicant to pay the actual costs of the criminal history check of the employee.

III. Notwithstanding paragraph I, a licensee may make a final offer of employment and allow a person to begin working in the program while the results of the state and national criminal background check is pending provided that, prior to beginning employment, the applicant completes a sworn statement signed by a notary public or justice of the peace stating that he or she:

(a) Does not have any felony conviction in this or any other state.

(b) Has not been convicted of a sexual assault, assault including simple assault, any other violent crime, abuse, neglect, or any other crime that shows that they may pose a threat to well-being of children, such as a violent crime or a sexually-related crime against an adult.

(c) Has not had a finding by the department or any administrative agency in this or any other state for abuse, neglect or exploitation of children.

IV. The results of the federal criminal background check shall be valid for 3 years. Prior to the expiration of that 3-year period, a person required to undergo a criminal background check pursuant to this section shall submit a new set of fingerprints and undergo a subsequent federal criminal background check. If a person who is or has been employed or volunteered at a child care institution or child care agency is offered employment or volunteers at another child care institution or child care agency or a child day care agency, the person shall, before entering employment or volunteering with the new agency, undergo a New Hampshire state criminal records check through the department of safety and shall complete a sworn statement as set forth in paragraph III.

V. If any person whose name has been submitted for a check under this section has been convicted of a violent or sexually-related crime against a child, or of a crime which shows that the person might be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related crime against an adult, the department shall:

(a) If the person is the applicant or owner, revoke or deny the license.

(b) If the person is a board member, household member, or child care institution or child care agency personnel, or any other person having regular contact with the enrolled children:

(1) Inform the child care institution or child care agency that the person poses a threat to children and give the program an opportunity to take immediate corrective action to remove the person from the program, and, in conjunction with the department, to develop a corrective action plan, approved by the department, which shall ensure that the person will not be on the premises of the child care institution or child care agency and shall have no contact with children enrolled in the child care institution or child care agency; and/or

(2) Suspend, deny, or revoke the license or permit if the child care institution or child care agency refuses to take corrective action as indicated in subparagraph (b)(1), or subsequently fails to comply with the corrective action plan approved by the department.

VI. If any person whose name has been submitted for this check has been convicted of a felony offense or violent crime deemed directly or indirectly harmful to children in child residential care, crimes against minors or adults, except crimes as provided in paragraph V, or is the subject of a founded complaint of child abuse or neglect, the department may deny, revoke, or suspend a license, permit, or registration pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this subdivision to determine whether

the person poses a present threat to the safety of children. The investigation shall include an opportunity for the person to present evidence on his or her behalf to show that the person does not pose a threat to the safety of children.

VII. At the time the licensee is next due to renew the license, the licensee shall submit a notarized criminal conviction record release authorization form and a set of fingerprints to the department of safety for any existing employee or household member who is 17 years of age or older and who has not undergone a national criminal background check as of the effective date of this section. Upon receiving the results of the state and national criminal records check, if the licensee learns that a current employee has been convicted of any felony, a sexual assault, any other violent crime, assault including simple assault, abuse, neglect or any other crime that shows that they may pose a threat to well-being of children, such as a violent crime or a sexually-related crime against an adult, or has a founded allegation of abuse, neglect or exploitation against children, the licensee shall either terminate the employee or suspend the employee and promptly request a waiver from the department allowing the employee to resume working in the program. Upon receiving the results of the state and national criminal records check, if the licensee learns that a current household member has been convicted of any felony, a sexual assault, any other violent crime, assault including simple assault, abuse, neglect or any other crime that shows that the person may pose a threat to well-being of children, such as a violent crime or a sexually-related crime against an adult, or has a founded allegation of abuse, neglect or exploitation against children, the licensee shall take immediate corrective action to remove the person from the child care institution or child care agency, and, in conjunction with the department, develop a corrective action plan, approved by the department, which shall ensure that the person will not be on the premises of the child care institution or child care agency and shall have no contact with children residing in the child care institution or agency. If the licensee fails to take such corrective action, the department shall suspend the license until such time as the licensee does implement the corrective action, or it shall revoke the license.

VIII. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the confidentiality of information collected under this section and to the release, if any, of such information.

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

2013-0851s

AMENDED ANALYSIS

This bill requires child care institutions and child care agencies to conduct criminal background checks of prospective employees.

The bill is a request of the department of health and human services.

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.

PUBLIC AND MUNICIPAL AFFAIRS

SB 79, relative to an oath of city officers concerning appraisals of taxable property. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

Sen. Stiles moved to Lay on the Table SB 79. Adopted.

SB 111, permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Public and Municipal Affairs

March 13, 2013

2013-0893s

06/09

Amendment to SB 111

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

AN ACT permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds and relative to electronic billing by municipal utilities.

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

1 Municipal Budget Law; Definitions; Special Warrant Article. Amend RSA 32:3, VI(d) to read as follows:

(d) Is designated in the warrant, by the governing body, as a special warrant article, or as a nonlapsing or nontransferable appropriation[-]; **or**

(e) Calls for an appropriation of an amount for a capital project under RSA 32:7-a.

2 New Section; Appropriation for Capital Projects. Amend RSA 32 by inserting after section 7 the following new section:

32:7-a. Appropriations for Capital Projects. In addition to any other appropriation authority, and notwithstanding any other provisions of law, at any annual meeting the legislative body may, by the affirmative vote of 2/3 of those present and voting, or by the affirmative vote of 3/5 of those voting on the question in a town or district that has adopted the official ballot referendum form of meeting, appropriate funds for a term beyond one fiscal year, but not to exceed 5 fiscal years, as follows:

I. The appropriation shall be only for an identified project, as described in the article authorizing the appropriation, for which it would be lawful to issue a bond or note under RSA 33:3 or RSA 33:3-c.

II. The article authorizing the appropriation shall state the term of years of the appropriation, the total amount of the appropriation, and the amount to be appropriated in each year of the term.

III. For each year after the first year, the amount designated for that year as provided in paragraph II shall be deemed appropriated without further vote by the legislative body, unless the appropriation is rescinded as provided in paragraph VI. In a town or district that has adopted the official ballot referendum form of meeting, the amount designated for each year shall be included in the default budget for that year.

IV. If the amount appropriated for any year is not spent during the year, the unexpended amount shall not lapse, but shall be available for expenditure in a subsequent year during the term; provided that all unexpended amounts shall lapse at the end of the term.

V. The approval of an appropriation under this section shall not constitute the establishment of a capital reserve fund, and any amounts appropriated shall not be deposited into such a fund.

VI. Prior to the expiration of the term, the legislative body may, at any annual meeting, rescind the appropriation by an affirmative vote of a majority of those voting on the question. Upon rescission, any unexpended amount shall lapse immediately.

3 New Subparagraph; Municipal Electric, Gas, or Water Systems; Liens and Collection of Charges; Electronic Billing. Amend RSA 38:22, II by inserting after subparagraph (d) the following new subparagraph:

(e) The tax collector under subparagraph (a), or the person responsible for issuing bills under subparagraph (b), may issue bills or notices by electronic means only after the customer requests such delivery. There shall be no charge for delivery of bills or notices by electronic means and there shall be no penalty for not choosing to elect delivery by electronic means. Any request for electronic delivery of bills or notices shall contain the physical signature of the customer or an electronic signature conforming to the requirements of the federal Electronic Signatures Act of 2000, Public Law 106-229, or its successor. Any agreement executed by a customer to receive tax bills by electronic means shall contain a description of the delivery system proposed to be used and shall contain clear instructions on the method for terminating such delivery. In the event that the tax collector or other person responsible for sending bills or notices has any reason to believe that bills or notices sent by electronic means have failed to be delivered, such person shall promptly send a duplicate of the bills or notices to the customer by first class mail. A duplicate bill or notice mailed in compliance with this requirement shall be at no cost to the customer. Second and subsequent notices of payments due, or notices of delinquency, shall be sent by first class mail. Sending a bill as provided in this paragraph shall not change the last date that bills may be paid without penalty.

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

2013-0893s

AMENDED ANALYSIS

This bill:

I. Permits municipalities to appropriate funds for a term beyond one fiscal year.

II. Permits municipalities to adopt a capital reserve plan by a supermajority vote.

III. Permits municipal utilities to issue bills or notices electronically if requested by a customer.

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 182-FN, relative to implementation of voter identification requirements. Inexpedient to Legislate, Vote 3-2. Senator Pierce for the committee.

Sen. Pierce moved to Lay on the Table SB 182-FN. Adopted.

TRANSPORTATION

HB 193, relative to registration of vehicles by residents without a permanent street address. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Senate Transportation

March 12, 2013

2013-0862s

03/04

Amendment to HB 193

Amend the bill by replacing section 2 with the following:

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

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.

WAYS AND MEANS

SB 80, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures. Ought to Pass with Amendment, Vote 3-1.

Senator Hosmer for the committee.

Senate Ways and Means

March 12, 2013

2013-0855s

10/05

Amendment to SB 80

Amend RSA 79-E:2, IV as inserted by section 2 of the bill by replacing it with the following:

[H:] **IV.** "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. ***In addition, in the case of historic structures, substantial rehabilitation means devoting a portion of the total cost, in the amount of at least 10 percent of the pre-rehabilitation assessed valuation or at least \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.*** Cities or towns may further limit "substantial rehabilitation" according to the procedure in RSA 79-E:3 as meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation assessed valuation or an amount greater than \$75,000 based on local economic conditions, community character, and local planning and development goals.

Amend RSA 79-E:7, II-a as inserted by section 3 of the bill by replacing it with the following:

II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

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 179, clarifying the definition of "renewable generation facility" for purposes of payments in lieu of property tax payments. Ought to Pass, Vote 4-0. Senator D'Allesandro for the committee.

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

Without objection, the Senate took up the bills removed from the Consent Calendar. Adopted.

ENERGY AND NATURAL RESOURCES

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

This bill repeals a prospective ban on the incidental combustion of untreated wood at municipal transfer stations, the amendment allows municipal health officers to address air quality violations for outdoor fires, with exceptions for campgrounds and camping parks.

Energy and Natural Resources

March 13, 2013

2013-0889s

08/04

Amendment to SB 31

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

AN ACT relative to a ban on the incidental combustion of untreated wood at municipal transfer stations and relative to air quality violations for outdoor fires.

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

2 New Section; Open Burning Nuisance. Amend RSA 147 by inserting after section 10-c the following new section:

147:16-c Open Burning Nuisance. A health officer may, in writing, order the discontinuance of any open burning that, upon a determination by the health officer, is causing a nuisance or is injurious to public health. As used in this section, "open burning" means the burning of any type of combustible material outside in the ambient air where the products of combustion are discharged directly into the atmosphere rather than through a stack, chimney, or flue. Recreational campgrounds and camping parks subject to RSA 216-I and recreation camps subject to RSA 485-A:23 shall be exempt from this section.

2013-0889s

AMENDED ANALYSIS

This bill repeals a prospective ban on the incidental combustion of untreated wood at municipal transfer stations.

This bill also allows town health officers to order the discontinuance of outdoor open burning under certain circumstances.

The Chair ruled Committee Amendment 0889s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0889s to SB 31. Adopted by the necessary 2/3 vote.

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

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

TRANSPORTATION

HB 194, relative to collection of permit fees paid with insufficient fund checks. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill was at the request of the Department of Safety to allow suspension of the registration privilege of a resident for paying a motor vehicle permit fee with a bad check. This change will implement a more efficient process for the towns and the Department when dealing with a bad check submitted for the permit fee since it will prohibit the registration of all vehicles of the resident. The Committee amended the bill to change the effective date to upon passage.

(The Chair recognized Sen. Rausch.)

SENATOR RAUSCH: Thank you, Mister President. Due to a drafting error in the Consent Calendar, we requested removal of this. It was mistakenly indicated that the Committee amended the bill when in fact they did not. The blurb indicates that it was effective upon passage, but the actual effective date is January 1, 2014. So, with that, I would ask for your support for the motion of Ought to Pass.

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

Without objection, the Senate is in recess. Out of recess.

Pursuant to Senate Rule 1-1, Sen. Pierce moved to correct the Permanent Journal to accurately reflect committee action taken on HB 194 by removing the last sentence of the Consent Calendar blurb, as the committee did not amend the bill. Adopted.

Sen. Bradley moved to remove SB 190-FN from the Table.

A division vote was requested.

Yeas: 12 - Nays: 10

Adopted.

FINANCE

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites.

Senate Finance

March 6, 2013

2013-0759s

01/09

Amendment to SB 190-FN

Amend the bill by replacing sections 2-4 with the following:

2 Fees for Park System. Amend RSA 218:5-c to read as follows:

218:5-c ~~[Admission Without Charge]~~ **Granite Parks Pass**. Any person who is a resident of this state and who has attained the age of 65 ~~[shall]~~ **may**, upon proper identification, ~~[be admitted]~~ **purchase a Granite Parks Pass at one third of the cost of an individual season's pass for admission** to any state recreation area, including but not limited to parks, historical sites, beaches, and state-operated ski areas~~[, without charge]~~. Persons qualifying under this section shall be allowed to use **the pass for** any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays. Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas or state-owned ski areas operated by a lessee.

3 New Section; Admission to State Parks; General Court; General Court Staff; Governor and Council. Amend RSA 218 by inserting after section 5-c the following new section:

218:5-d Admission to State Parks for Members of the General Court, General Court Staff, and Governor and Council. Current members of the general court, general court staff, and members of governor and council shall not receive any discounts for admission to state recreation areas, including but not limited to, parks, historical sites, beaches, and state-operated ski areas.

4 Parking Privileges for Persons With Walking Disability. Amend RSA 265:74 to read as follows:

265:74 Parking Privileges for Persons With Walking Disability. Any motor vehicle carrying the special plates or hanging windshield placard issued to a person with a walking disability under RSA 261:88, or a similar license plate displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged, **except for state parks where parking shall be provided at one-half the daily parking rate where daily fees are charged**. Each city or town shall have the discretion to set the time periods using guidelines which shall be provided by the governor's commission on disability. The free parking shall only be allowed if the person who qualifies for the special plates or hanging placard is being transported in the vehicle to or from the parking place. Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place. Notwithstanding the provisions of any local ordinance which has been adopted to regulate parking in places designated for persons with walking disabilities, any person who is convicted under this section shall be guilty of a violation and fined not less than \$250.

2013-0759s

AMENDED ANALYSIS

This bill changes the fee for admission to state parks and historical sites for certain New Hampshire national guard members who are retired to one-half the admission charge. This bill also changes the fees for admission to state parks and historical sites for persons 65 years of age or older by allowing them to purchase a Granite Parks Pass at one third of the cost of an individual season's pass. Current law allows such persons to gain admission to such parks and historical sites for free. This bill eliminates the discount coupon fee books issued by the director of the division of parks and recreation. The bill also prohibits any discounts in such fees for members of the general court, general court staff, and governor and council.

The question is on the motion to divide the question: Sections 2 and 4; Section 3.

Sen. Bradley moved to Lay on the Table Committee Amendment 0759s.

A division vote was requested.

Yeas: 12 - Nays: 11

Adopted.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

March 19, 2013

2013-1034s

01/09

Floor Amendment to SB 190-FN

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

1 Fees for Park System. Amend RSA 218:5-c to read as follows:

218:5-c ~~[Admission Without Charge]~~ **Granite Parks Pass.** Any person who is a resident of this state and who has attained the age of 65 ~~[shall]~~ **may**, upon proper identification, ~~[be admitted]~~ **purchase a Granite Parks Pass at one third of the cost of an individual season's pass for admission** to any state recreation area, including but not limited to parks, historical sites, beaches, and state-operated ski areas~~[-without charge]~~. Persons qualifying under this section shall be allowed to use **the pass for** any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays. Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas or state-owned ski areas operated by a lessee.

2 New Section; Admission to State Parks; General Court; General Court Staff; Governor and Council; Governor's Staff. Amend RSA 218 by inserting after section 5-c the following new section:

218:5-d Admission to State Parks for Members of the General Court, General Court Staff, Governor and Council, and Governor's Staff. Current members of the general court, general court staff, the governor and council, and the governor's staff shall not receive any discounts for admission to state recreation areas, including but not limited to, parks, historical sites, beaches, and state-operated ski areas. This section shall not be construed to prohibit any person who is a veteran from receiving discounts for admission to such areas in accordance with RSA 216-A:3-g or any eligible person from receiving a discount under RSA 218:5-c.

3 Repeal. RSA 218:5-b, relative to discount coupons for state parks, is repealed.

4 Effective Date.

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

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

2013-1034s

AMENDED ANALYSIS

This bill changes the fees for admission to state parks and historical sites for persons 65 years of age or older by allowing them to purchase a Granite Parks Pass at one third of the cost of an individual season's

pass. Current law allows such persons to gain admission to such parks and historical sites for free. This bill eliminates the discount coupon fee books issued by the director of the division of parks and recreation. The bill also prohibits any discounts in such fees for members of the general court, general court staff, governor and council, and governor's staff.

Sen. Pierce moved to divide the question: Sections 1 and 3; Section 2.

The Chair ruled the question divisible.

Sen. Larsen moved to Lay on the Table SB 190-FN.

Without objection, the prior division vote on the motion to Lay on the Table Committee Amendment 0759s was corrected to reflect the accurate vote:

Yeas: 13 - Nays: 11.

The question is on the motion to Lay on the Table SB 190-FN.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Soucy, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 10 - Nays: 14

Failed.

The question is on the adoption of Sections 1 and 3 of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Pierce.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Carson, Larsen, Boutin, Reagan, Rausch, D'Allesandro, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Kelly, Gilmour, Lasky, Soucy, Fuller Clark.

Yeas: 17 - Nays: 7

Adopted.

The question is on the adoption of Section 2 of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Carson, Larsen, Boutin, Reagan, Rausch, D'Allesandro, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Kelly, Gilmour, Lasky, Soucy, Fuller Clark.

Yeas: 17 - Nays: 7

Adopted, bill ordered to Third Reading.

COMMERCE

SB 114, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce
March 12, 2013
2013-0869s
05/10

Amendment to SB 114

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

1 Requirements for Guaranteed Price Plans and Prepaid Contracts for Petroleum. RSA 339:79, IV is repealed and reenacted to read as follows:

IV. Any dealer who sells heating oil, kerosene, or liquefied petroleum gas in advance of the heating season or on a continuous basis shall secure customer prepaid deposits in one of the following ways:

(a) A firm commitment in the form of a futures contract or other commitment that guarantees that the dealer may purchase, at a fixed price, heating oil, kerosene, or liquefied petroleum gas in an amount not less than 75 percent of the maximum number of gallons that the dealer is committed to deliver pursuant to all prepaid contracts entered into by the dealer. The amount of such futures contract may be reduced to reflect any amount of home heating oil, kerosene, or liquefied petroleum gas already delivered to and paid for by the consumer;

(b) Maintain a letter of credit, naming the state of New Hampshire, office of the attorney general as beneficiary, from an FDIC-insured institution in an amount that represents 75 percent of the total amount of prepaid balances owed to customers pursuant to prepaid heating oil, kerosene, or liquefied petroleum gas contracts. The amount of the letter of credit may be adjusted monthly within 7 days of the close of the calendar month; or

(c) Maintain a surety bond, made payable to the attorney general, in an amount not less than 75 percent of the total amount of funds paid to the dealer by consumers pursuant to prepaid heating oil, kerosene, or liquefied petroleum gas contracts. The amount of the surety bond may be adjusted monthly within 7 days of the close of the calendar month.

2 New Paragraphs; Prepaid Contracts; Registration and Reporting Requirement. Amend RSA 339:79 by inserting after paragraph V the following new paragraphs:

V-a. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall register the dealer's intent to offer such contracts with the attorney general by June 30 of each year. Registration shall be on a form provided by the attorney general.

V-b. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall file an annual report with the attorney general by October 31 of each year demonstrating how the dealer has satisfied the requirements of this section, including how the prepaid contracts are secured. The report shall be made on a form provided by the attorney general. The form shall conspicuously bear the warning that any person making a false statement on the form shall be guilty of the crime of unsworn falsification under RSA 641:3 and a violation of the consumer protection act under RSA 358-A. The report shall be signed by the dealer. If the dealer is a corporation, the report shall be signed by either the president or an officer of the corporation and shall include a list of all of the members of the board of directors of the corporation.

V-c. The attorney general may investigate any dealer who has filed a registration form under paragraph V-a and has failed to file a report demonstrating how the contracts are secured pursuant to paragraph V-b. The attorney general may prosecute any person who makes a false statement on the report required under paragraph V-a for the crime of unsworn falsification under RSA 641:3 and a violation of the consumer protection act under RSA 358-A. Failure to file the report required under paragraph V-b shall constitute an unfair trade practice under RSA 358-A.

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

2013-0869s

AMENDED ANALYSIS

This bill requires home heating oil, kerosene, or liquefied petroleum gas dealers to secure customer prepaid deposits by maintaining an escrow account, letter of credit, or surety bond of a specified amount with the office of the attorney general as the beneficiary. The bill also establishes a registration and reporting requirement for such dealers.

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

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

March 21, 2013

2013-1072s

05/04

Floor Amendment to SB 114

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

1 Requirements for Guaranteed Price Plans and Prepaid Contracts for Petroleum. RSA 339:79, IV is repealed and reenacted to read as follows:

IV. Any dealer who sells heating oil, kerosene, or liquefied petroleum gas in advance of the heating season or on a continuous basis shall secure customer prepaid deposits in one of the following ways:

(a) A firm commitment in the form of a futures contract or other commitment that guarantees that the dealer may purchase, at a fixed price, heating oil, kerosene, or liquefied petroleum gas in an amount not less than 75 percent of the maximum number of gallons that the dealer is committed to deliver pursuant to all prepaid contracts entered into by the dealer. The amount of such futures contract may be reduced to reflect any amount of home heating oil, kerosene, or liquefied petroleum gas already delivered to and paid for by the consumer;

(b) Maintain a letter of credit, naming the state of New Hampshire, office of the attorney general as beneficiary, from an FDIC-insured institution in an amount that represents 75 percent of the total amount of prepaid balances owed to customers pursuant to prepaid heating oil, kerosene, or liquefied petroleum gas contracts. The amount of the letter of credit may be adjusted monthly within 7 days of the close of the calendar month; or

(c) Maintain a surety bond, made payable to the attorney general, in an amount not less than 75 percent of the total amount of funds paid to the dealer by consumers pursuant to prepaid heating oil, kerosene, or liquefied petroleum gas contracts. The amount of the surety bond may be adjusted monthly within 7 days of the close of the calendar month.

2 New Paragraphs; Prepaid Contracts; Registration and Reporting Requirement. Amend RSA 339:79 by inserting after paragraph V the following new paragraphs:

V-a. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall register the dealer's intent to offer such contracts with the attorney general by June 30 of each year. Registration shall be on a form provided by the attorney general.

V-b. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall file an annual report with the attorney general by October 31 of each year demonstrating how the dealer has satisfied the requirements of this section, including how the prepaid contracts are secured. The report shall be made on a form provided by the attorney general. The form shall conspicuously bear the warning that any person making a false statement on the form shall be guilty of the crime of unsworn falsification under RSA 641:3 and a violation of the consumer protection act under RSA 358-A. The report shall be signed by the dealer. If the dealer is a corporation, the report shall be signed by either the president or an officer of the corporation and shall include a list of all of the members of the board of directors of the corporation.

V-c. The attorney general may investigate any dealer who has filed a registration form under paragraph V-a and has failed to file a report demonstrating how the contracts are secured pursuant to paragraph V-b. The attorney general may prosecute any person who makes a false statement on the report required under paragraph V-a for the crime of unsworn falsification under RSA 641:3 and a violation of the consumer protection act under RSA 358-A. Failure to file the report required under paragraph V-b shall constitute an unfair trade practice under RSA 358-A.

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

2013-1072s

AMENDED ANALYSIS

This bill requires home heating oil, kerosene, or liquefied petroleum gas dealers to secure customer prepaid deposits by maintaining a futures contract, letter of credit, or surety bond of a specified amount with the office of the attorney general as the beneficiary. The bill also establishes a registration and reporting requirement for such dealers.

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.

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

HB 160, relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility.

HB 193, relative to registration of vehicles by residents without a permanent street address.

HB 194, relative to collection of permit fees paid with insufficient fund checks.

HB 195, relative to commercial driver learner permits.

HB 196, relative to weight of commercial vehicles with idle reduction devices.

HB 208, relative to annual reports of county officers.

HB 235, allowing counties to contract for professional real estate services for the sale or lease of county property.

HB 309, relative to filing for office.

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations.

SB 38, relative to pharmacy rights during an audit.

SB 41, revising the New Hampshire business corporations act, RSA 293-A.

SB 80, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.

SB 87, relative to the patients' bill of rights.

SB 95, relative to choice of pharmacy under workers' compensation.

SB 100, authorizing electronic payment of payroll.

SB 111, permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds and relative to electronic billing by municipal utilities.

SB 114, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas.

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians.

SB 126-FN, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

SB 135-FN, relative to the regulation of the practice of genetic counseling.

SB 137-FN, relative to sibling visitation rights.

SB 138-FN, relative to support for certain residents of nursing and assisted living facilities.

SB 140-FN, requiring a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds.

SB 155-FN-A, requiring revenue from commemorative liquor bottles to be used for the preservation of state house Civil War battle flags.

SB 160-FN-A, relative to turnpikes and electronic toll collection.

SB 170, relative to advance directives pertaining to life-sustaining treatment.

SB 172-FN-L, relative to public funds.

SB 173, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities.

SB 179, clarifying the definition of “renewable generation facility” for purposes of payments in lieu of property tax payments.

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites.

SB 197, relative to the inclusion of a default budget in separate warrant articles submitted by sewer commissions.

LIST OF RULE 6-25’S FOR THE DAY

Sen. Hosmer: SB 126-FN.

ANNOUNCEMENTS

Without objection all Rule 2-16’s shall be entered into the permanent *Journal of the Senate*. Adopted.

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.