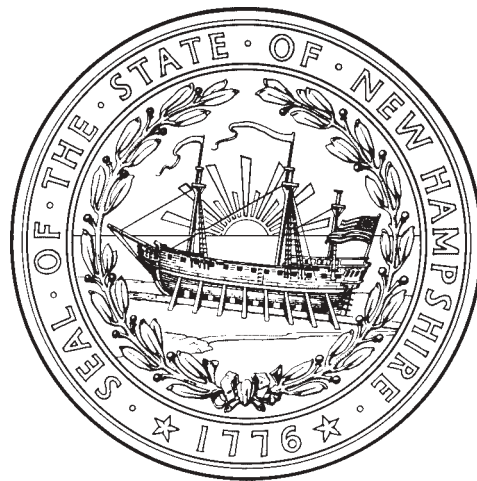


May 26, 2005
Nos. 18 - 19

STATE OF NEW HAMPSHIRE

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Legislative

SENATE JOURNAL

ADJOURNMENT - MAY 19, 2005 SESSION
COMMENCEMENT - MAY 26, 2005 SESSION

SENATE JOURNAL 18 *(Cont.)*

May 19, 2005

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(s):

HB 348, relative to real and personal property conveyances made under powers of attorney.

HB 414, relative to regulation of municipal waste combustors.

HB 697, establishing a committee to study medicaid reimbursement rates for pharmacy providers.

SB 45, relative to the Hanover school district tax stabilization fund.

SB 65, ratifying changes to the state building code adopted by the state building code review board.

Senator D'Allesandro moved adoption.

Adopted.

Out of Recess.

LATE SESSION

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

Adopted.

Adjournment.

SENATE JOURNAL 19

May 26, 2005

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend David P. Jones, chaplain to the Senate, offered the prayer.

Lord of the mighty merry go round, as we move rapidly through the days of our terms, show each one of us whether today we ought to stand and simply enjoy the ride, going round and round, or instead to realize that we are called to step off the cyclical ride and move on to whatever it is that comes next. Amen

Senator D'Allesandro led the Pledge of Allegiance.

INTRODUCTION OF GUESTS COMMITTEE REPORTS

HB 222-FN, relative to payment of medical benefits costs for disabled group II members of the retirement system. Banks and Insurance Committee. Ought to Pass, Vote 4-2. Senator Gottesman for the committee.

Motion failed.

Senator Boyce moved inexpedient to legislate.

Adopted.

HB 222-FN is inexpedient to legislate.

HB 611-FN, relative to small group insurers. Banks and Insurance Committee. Inexpedient to Legislate, Vote 4-0. Senator Gottesman for the committee.

MOTION TO TABLE

Senator Hassan moved to have HB 611-FN laid on the table.

Adopted.

LAID ON THE TABLE

HB 611-FN, relative to small group insurers.

HB 619-FN, relative to skier safety and ski area responsibility. Banks and Insurance Committee. Ought to Pass, Vote 4-2. Senator Odell for the committee.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12

Sen. D'Allesandro, Dist 20

Sen. Foster, Dist. 13

May 24, 2005

2005-1584s

06/05

Floor Amendment to HB 619-FN

Amend RSA 225-A:23 as inserted by section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. The operator shall provide a sign in a prominent location at or near the freestyle and tubing terrain areas, which shall warn the skier that the use of the freestyle or tubing terrain is entirely at the skier's own risk. The ski area operator shall be responsible for the design, construction, and structural maintenance of all man-made terrain area features.

Amend RSA 225-A:25, VI as inserted by section 8 of the bill by replacing it with the following:

VI. A ski area operator shall not be liable for personal injury to anyone who trespasses on the ski area property in the absence of willful, wanton, or reckless conduct by such operator.

Floor amendment failed.

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13

May 24, 2005

2005-1581s

06/05

Floor Amendment to HB 619-FN

Amend RSA 225-A:2, IX as inserted by section 2 of the bill by replacing it with the following:

IX. "Skier" means a person utilizing the ski area under the control of a ski area operator for ski and snowboard recreation and competition but shall not include snow tube operation.

Amend RSA 225-A:24 as inserted by section 4 of the bill by replacing it with the following:

225-A:24 Responsibilities of Skiers and Passengers. It is hereby recognized that, regardless of all safety measures which may be taken by the ski area operator, skiing, **snowboarding and snowshoeing** as [a sport] **sports**, and the use of passenger tramways associated therewith may be hazardous to the skiers or passengers. Therefore:

I. Each person who participates in the sport of skiing, **snowboarding and snowshoeing** accepts as a matter of law, the dangers inherent in the sport, and to that extent may not maintain an action against the operator for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the skier or passenger assumes as a matter of law include but are not limited to the following: variations in terrain, surface or subsurface snow or ice conditions; bare spots; rocks, trees, stumps and other forms of forest growth or debris; **terrain**, lift towers, and components thereof (all of the foregoing whether above or below snow surface); pole lines and plainly marked or visible snow making equipment; collisions with other skiers or other persons or with any of the categories included in this paragraph.

II. Each skier and passenger shall have the sole responsibility for knowing the range of his *or her* own ability to negotiate any slope, trail, *terrain*, or passenger tramway. Any passenger who boards such tramway shall be presumed to have sufficient *knowledge*, abilities, *and physical dexterity* to negotiate the lift, and no liability shall attach to any operator or attendant for failure to instruct persons on the use thereof.

III. Each skier or passenger shall conduct himself *or herself*, within the limits of his *or her* own ability, maintain control of his *or her* speed and course at all times *both on the ground and in the air*; while skiing, *snowboarding, and snowshoeing* heed all posted warnings, and refrain from acting in a manner which may cause or contribute to the injury of himself, *herself*, or others.

2005-1581s

AMENDED ANALYSIS

This bill:

I. Adds "snowboarding," "snow tubing," and "snowshoeing" to "skiing" in the declaration of policy.

II. Adds definitions to the definitions section and alphabetizes the section.

III. Makes certain changes to the color code signs for marking the ski trail level of difficulty and their placement.

IV. Adds "snowboarding" and "snowshoeing" to skiing as inherently dangerous activities and changes the list of hazards for which skiers and others assume the risks.

V. Prohibits skiers from accessing certain parts of a ski area without written permission.

VI. Establishes a committee to study additional winter sports that may need to be included in the ski area exemption from liability and skier safety.

Floor amendment failed.

The question is on the motion of ought to pass.

Adopted.

Ordered to third reading.

HB 647-FN, relative to restructuring the department of revenue administration. Banks and Insurance Committee. Ought to Pass, Vote 6-0. Senator Flanders for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

HB 665-FN-L, relative to the applicable minimum wage for hourly employees. Banks and Insurance Committee. Inexpedient to Legislate, Vote 4-2. Senator Barnes for the committee.

The question is on the motion of inexpedient to legislate.

A roll call was requested by Senator Estabrook.

Seconded by Senator Hassan.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

The following Senators voted No: Burling, Green, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 15 - Nays: 9

Committee report of inexpedient to legislate is adopted.

HB 129-FN-L, establishing a high performance school incentive. Education Committee. Ought to pass with amendment, Vote 6-0. Senator Estabrook for the committee.

Senate Education
May 17, 2005
2005-1456s
04/10

Amendment to HB 129-FN-LOCAL

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

AN ACT establishing a high performance school incentive and relative to the use of system benefits charge funds for school building projects that promote indoor air quality or energy efficiency.

Amend RSA 198:15-b, I-a(a) as inserted by section 1 of the bill by replacing it with the following:

I-a.(a) A school district, or other entity listed in paragraph I of this section, which is in compliance with the requirements of this section, shall be entitled to receive an additional grant equal to 3 percent of the total construction costs. To be eligible for additional grant moneys, construction projects, as built, shall meet the criteria for designation as a high performance school under the most recent edition of the New England version of standards from the Collaborative for High Performance Schools. Application for the grant of additional moneys shall be submitted on forms developed by the department of education.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 School Building Aid; Approval of Plans, Specifications, and Costs of Construction or Purchase. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education on such forms as the department prescribes. ***A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools.*** Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive an annual grant as provided herein.

3 New Paragraph; Electric Utility Restructuring; Implementation. Amend RSA 374-F:4 by inserting after paragraph VIII the following new paragraph:

VIII-a. Any utility that collects funds for energy efficiency programs shall, subject to the approval of the commission, set aside 1/3 of such funds collected in each year for eligible public school construction or renovation projects that are designed to improve indoor air quality or energy efficiency. Any funds not awarded to public school applicants may be used for other eligible applicants.

2005-1456s

AMENDED ANALYSIS

This bill establishes criteria for designation as a high performance school by which a school district may be eligible for additional school building aid. This bill also requires that any utility that collects funds for energy efficiency programs shall set aside 1/3 of such funds collected in each year for eligible public school construction or renovation projects that are designed to improve indoor air quality or energy efficiency.

Amendment adopted.

Senator Estabrook offered a floor amendment.**Sen. Estabrook, Dist. 21****May 25, 2005****2005-1624s****03/10****Floor Amendment to HB 129-FN-LOCAL**

Amend RSA 374-F:4, VIII-a as inserted by section 3 of the bill by replacing it with the following:

VIII-a. Any electric utility that collects funds for energy efficiency programs that are subject to the commission's approval, shall include in its plans to be submitted to the commission program design, and/or enhancements, and estimated participation that maximize energy efficiency benefits to public schools, including measures that help enhance the energy efficiency of public school construction or renovation projects that are designed to improve indoor air quality. The report required under RSA 374-F:4, VIII(f) shall include the results and effectiveness of the energy efficiency programs for schools and, in addition to other requirements, be submitted to the commissioner of the department of education.

Floor amendment adopted.**The question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

HB 248, authorizing semi-annual payments of school building aid. Education Committee. Ought to pass with amendment, Vote 6-0. Senator Johnson for the committee.

Senate Education**May 17, 2005****2005-1457s****04/10****Amendment to HB 248**

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

AN ACT authorizing semi-annual payments of school building aid, relative to the purchase or lease-purchase of equipment designed to improve energy efficiency or indoor air quality in school buildings, relative to the collection of certain fees by the postsecondary education commission, and relative to surety indemnification bonds.

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

1 School Building Aid; Annual Grant. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects. ***The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed.***

2 New Subparagraph; School Building Aid; Amount of Annual Grant. Amend RSA 198:15-b, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building by the vendor due to the school district's failure to comply with the terms of the lease-purchase agreement. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

3 Postsecondary Education Commission; Surety Indemnification. Amend RSA 188-D:20-a to read as follows:

188-D:20-a Surety ***Indemnification*** [~~Bond~~]. Before a license is issued or renewed, a school shall meet the requirements of this section or RSA 188-D:20-b, ***by providing acceptable surety indemnification*** as determined by the postsecondary education commission.

I. A surety bond shall be provided by the school in an amount prescribed by the postsecondary education commission. The obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the school and entity enrolling as students. The bond shall be issued by a company authorized to do business in the state of New Hampshire. The bond shall be issued in the name of the postsecondary education commission, and is to be used only for payment of a refund of tuition and instructional fees due to a student or potential student, and the expense of investigating and processing the claims.

II. The amount of such bond shall be based on income from tuition at 10 percent of gross tuition, with a \$10,000 minimum. If a school licensed under RSA 188-D:20 should fail to provide the services required in a contract with any entity, as determined by a court of competent jurisdiction, the bond shall be forfeited, and the proceeds distributed by the postsecondary education commission in such manner as justice and the circumstances require.

III. The bond company may not be relieved of liability on the bond unless it gives the school and the postsecondary education commission 90 days written notice of the company's intent to cancel the bond. If at any time the company that issued the bond cancels or discontinues the coverage, the school's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the postsecondary education commission.

IV. For the purposes of this section the forms of indemnification other than a surety bond which may be furnished to the postsecondary education commission for licensure are the following:

(a) An irrevocable letter of credit, maintained for the licensing period as a minimum, issued by a financial institution authorized to do business in New Hampshire in an amount to be determined by the postsecondary commission with the postsecondary education commission designated as the beneficiary; or

(b) A term deposit account held in a financial institution authorized to do business in New Hampshire, payable to the postsecondary education commission, held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the postsecondary education commission. All interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all moneys on deposit, including interest, shall be released to the appropriate school subject to the approval of the postsecondary education commission.

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

2005-1457s

AMENDED ANALYSIS

This bill:

I. Provides that the annual grant for school building aid shall be made in 2 equal payments.

II. Includes the purchase or lease-purchase of equipment designed to improve energy efficiency or indoor air quality in school buildings in the definition of "construction" for the purpose of calculating school building aid grants.

III. Specifies acceptable forms of surety indemnification that a school must provide to the postsecondary education commission.

Amendment adopted.

Senator Bragdon offered a floor amendment.**Sen. Bragdon, Dist. 11****May 26, 2005****2005-1641s****04/10****Floor Amendment to HB 248**

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

AN ACT authorizing semi-annual payments of school building aid and relative to the purchase or lease-purchase of equipment designed to improve energy efficiency or indoor air quality in school buildings.

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

1 School Building Aid; Annual Grant. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects. *The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed.*

2 New Subparagraph; School Building Aid; Amount of Annual Grant. Amend RSA 198:15-b, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building by the vendor due to the school district's failure to comply with the terms of the lease-purchase agreement. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

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

2005-1641s**AMENDED ANALYSIS**

This bill:

I. Provides that the annual grant for school building aid shall be made in 2 equal payments.

II. Includes the purchase or lease-purchase of equipment designed to improve energy efficiency or indoor air quality in school buildings in the definition of "construction" for the purpose of calculating school building aid grants.

Floor amendment adopted.**The question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

HB 448-FN, relative to the collection of certain fees by the postsecondary education commission. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Green for the committee.

Senate Education
May 17, 2005
2005-1450s
04/05

Amendment to HB 448-FN

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

3 New Paragraph; Postsecondary Education Commission; Rulemaking. Amend RSA 188-D:8-a by inserting after paragraph V the following new paragraph:

VI. The establishment and collection of fees for direct and indirect costs associated with in-state and out-of-state visits, reviews, and requests from institutions related to the degree-granting authority of the postsecondary education commission.

2005-1450s

AMENDED ANALYSIS

This bill authorizes the postsecondary education commission to collect fees to pay for expenses related to its degree-granting and research and studies functions and establishes a nonlapsing fund for the deposit of such fees. The bill also authorizes the postsecondary education commission to adopt rules to establish and collect fees for direct and indirect costs associated with its degree granting authority.

Amendment failed.

Senator Bragdon offered a floor amendment.

Sen. Bragdon, Dist. 11
May 26, 2005
2005-1645s
04/10

Floor Amendment to HB 448-FN

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

AN ACT relative to the collection of certain fees by the postsecondary education commission and relative to surety indemnification bonds.

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

3 Postsecondary Education Commission; Surety Indemnification. Amend RSA 188-D:20-a to read as follows:

188-D:20-a Surety ***Indemnification*** [Bond]. Before a license is issued or renewed, a school shall meet the requirements of this section or RSA 188-D:20-b, ***by providing acceptable surety indemnification*** as determined by the postsecondary education commission.

I. A surety bond shall be provided by the school in an amount prescribed by the postsecondary education commission. The obligation of the bond is that the school, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the school and entity enrolling as students. The bond shall be issued by a company authorized to do business in the state of New Hampshire. The bond shall be issued in the name of the postsecondary education commission, and is to be used only for payment of a refund of tuition and instructional fees due to a student or potential student, and the expense of investigating and processing the claims.

II. The amount of such bond shall be based on income from tuition at 10 percent of gross tuition, with a \$10,000 minimum. If a school licensed under RSA 188-D:20 should fail to provide the services required in a contract with any entity, as determined by a court of competent jurisdiction, the bond shall be forfeited, and the proceeds distributed by the postsecondary education commission in such manner as justice and the circumstances require.

III. The bond company may not be relieved of liability on the bond unless it gives the school and the postsecondary education commission 90 days written notice of the company's intent to cancel the bond. If at any time the company that issued the bond cancels or discontinues the coverage, the school's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the postsecondary education commission.

IV. For the purposes of this section the forms of indemnification other than a surety bond which may be furnished to the postsecondary education commission for licensure are the following:

(a) An irrevocable letter of credit, maintained for the licensing period as a minimum, issued by a financial institution authorized to do business in New Hampshire in an amount to be determined by the postsecondary commission with the postsecondary education commission designated as the beneficiary; or

(b) A term deposit account held in a financial institution authorized to do business in New Hampshire, payable to the postsecondary education commission, shall be held in trust for the benefit of students entitled thereto under this section. Said account shall be maintained for the licensing period as a minimum, in an amount determined by the postsecondary education commission. All interest shall be paid annually to the appropriate school, unless the term deposit account is activated due to a school closing. Should the licensee for any reason, while not in default, discontinue operation, all moneys on deposit, including interest, shall be released to the appropriate school subject to the approval of the postsecondary education commission.

4 New Paragraph; Postsecondary Education Commission; Rulemaking. Amend RSA 188-D:8-a by inserting after paragraph V the following new paragraph:

VI. The establishment and collection of fees for direct and indirect costs associated with in-state and out-of-state visits, reviews, and requests from institutions related to the degree-granting authority of the postsecondary education commission.

2005-1645s

AMENDED ANALYSIS

This bill:

I. Authorizes the postsecondary education commission to collect fees to pay for expenses related to its degree-granting and research and studies functions and establishes a nonlapsing fund for the deposit of such fees.

II. Specifies acceptable forms of surety indemnification before the postsecondary education commission issues or renews a license.

Floor amendment adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 721, prohibiting the department of education and the state board of education from adopting a definition of an adequate education. Education Committee. Inexpedient to Legislate, Vote 6-0. Senator Estabrook for the committee.

Committee report of inexpedient to legislate is adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Bragdon moved to take HB 132 off the table.

Adopted.

HB 132, relative to grounds for dismissal of a teacher.

The question is on the adoption of the committee amendment (1379).

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax. Energy and Economic Development Committee. Ought to pass with amendment, Vote 4-1. Senator Burling for the committee.

Energy and Economic Development
May 18, 2005
2005-1475s
09/04

Amendment to HB 602-FN-A

Amend RSA 82-A:2, V(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Charges for services which are not provided in connection with originating or receiving communications services and which are not necessary for or directly related to the provision of communications services, to the extent that the charges for such services are disaggregated and separately identified from other charges on the customer's bill. ***In instances where the retailer does not separately list charges for taxable and non-taxable communications services, such charges shall be subject to the taxes imposed by this chapter, unless the retailer can reasonably identify charges not subject to such tax from its books and records kept in the ordinary course of business and provide verifiable data as to the calculation of the tax to the department upon request. A retailer calculating the tax on the basis of its books and records shall provide the taxpayer with an explanation of the calculation of the tax upon request.***

2005-1475s

AMENDED ANALYSIS

This bill permits the exclusion of nontaxable components of bundled communications services packages from the communications services tax if the retailer can identify the charges not subject to the tax from its books and records kept in the ordinary course of business and provide verifiable data as to the calculation of the tax upon request.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 59-FN-L, relative to municipal responsibility for septage disposal. Environment and Wildlife Committee. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

Adopted.

Ordered to third reading.

HB 306, relative to mandatory education for crossbow hunters. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 4-0. Senator Johnson for the committee.

Committee report of inexpedient to legislate is adopted.

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses. Environment and Wildlife Committee. Ought to Pass, Vote 5-0. Senator Hassan for the committee.

SPECIAL ORDER

Senator Eaton moved that without objection, we Special Order the following Bill(s) to Thursday, June 2, 2005.

HB 491, relative to the inherent dangers of OHRV operation and limiting landowner liability for certain fish and game related land uses.

There being no objection, HB 491 is Special Ordered to Thursday, June 2, 2005.

HB 562, relative to eliminating certain mercury-added products. Environment and Wildlife Committee. Inexpedient to Legislate, Vote 4-1. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

HB 78-FN-L, relative to state funding of regional vocational education centers. Finance Committee. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

HB 145, relative to the healthy kids corporation. Finance Committee. Ought to pass with amendment, Vote 6-1. Senator Boyce for the committee.

Senate Finance
May 18, 2005
2005-1486s
05/10

Amendment to HB 145

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

2005-1486s

AMENDED ANALYSIS

This bill requires the healthy kids corporation to submit to competitive bidding the insurance products offered by the corporation.

The question is on the adoption of the committee amendment.

A roll call was requested by Senator Larsen.

Seconded by Senator Burling.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

The following Senators voted No: Burling, Green, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 15 - Nays: 9

Amendment adopted.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20
Sen. Larsen, Dist. 15
May 26, 2005
2005-1639s
05/04

Floor Amendment to HB 145

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

1 Healthy Kids Corporation Established; Administrator of Expanded Children's Health Insurance Program. Amend RSA 126-H:2 to read as follows:

126-H:2 Corporation Established. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the New Hampshire healthy kids corporation to carry out the provisions of this chapter. The corporation is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state. ***The corporation shall be the program administrator for the state's expanded children's health insurance program under Title XXI of the Social Security Act.*** The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter. Notwithstanding any other provision of law, any payments made by the corporation for insurance coverage for children under this chapter, either directly or indirectly, shall be exempt from the premium tax under RSA 400-A:32.

2 Healthy Kids Corporation; Powers and Duties; Competitive Bidding. Amend RSA 126-H:5, I(e) to read as follows:

(e) Contract with authorized insurers or any provider of health care services, in accordance with standards established by the corporation, to provide comprehensive insurance coverage and preventive

health care services to participants. *The corporation shall, at least every 3 years, submit to competitive bidding the dental and health insurance products offered through the corporation which receive state or federal funds.*

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

2005-1639s

AMENDED ANALYSIS

This bill provides that the healthy kids corporation shall be the program administrator for the expanded children's health insurance program under the Social Security Act. The bill also requires that contracts for the insurance products offered by the corporation be awarded through the competitive bid process.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Estabrook.

Seconded by Senator Burling.

The following Senators voted Yes: Burling, Green, Bragdon, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 10 - Nays: 14

Floor amendment failed.

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

Adopted.

Ordered to third reading.

HB 432-FN, relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions. Finance Committee. Ought to Pass, Vote 7-0. Senator Larsen for the committee.

Adopted.

Ordered to third reading.

HB 478-FN-A, making an appropriation for "Newslines for the Blind." Finance Committee. Ought to pass with amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance

May 17, 2005

2005-1452s

05/10

Amendment to HB 478-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$25,000 for each year of the biennium ending June 30, 2007, is hereby appropriated to the governor's commission on disability for the purpose of funding the National Federation of the Blind's "Newslines for the Blind," an information and news service that provides individuals who are otherwise unable to read newsprint with access to existing newspapers and other printed materials. Said funds shall be a charge against the telecommunications relay service trust fund established by the public utilities commission.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 547-FN, changing the funding limit for on-premise-use fuel oil storage facilities. Finance Committee. Ought to Pass, Vote 7-0. Senator Morse for the committee.

Adopted.

Ordered to third reading.

HB 625-FN-L, authorizing borrowing from the state revolving loan fund for the Winnepesaukee River Basin project. Finance Committee. Ought to Pass, Vote 7-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

HCR 2, declaring October 27 to be Boston Red Sox Day. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 18, 2005

2005-1489s

04/10

Amendment to HCR 2

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

A RESOLUTION declaring October 27, 2004 to be Boston Red Sox Day and declaring September 8, 2005 to be New England Patriots Day.

Amend the resolution by replacing all after the resolving clause with the following:

Whereas, after defeating the Anaheim Angels, the Boston Red Sox played the New York Yankees in the American League Championship series; and

Whereas, after trailing 3 games to none, the Boston Red Sox engineered the greatest comeback in the history of professional sports by defeating the New York Yankees 4 games to 3; and

Whereas, after dispatching their arch rival New York Yankees, the Boston Red Sox advanced to the 2004 World Series to play the St. Louis Cardinals; and

Whereas, the Boston Red Sox were defeated by the St. Louis Cardinals in the World Series in 1946 and 1967; and

Whereas, The Boston Red Sox exorcised their World Series ghosts by sweeping the St. Louis Cardinals 4 games to none to become the 2004 World Series champions; and

Whereas, through their World Series championship, the Boston Red Sox have ended 86 years of suffering in New England; and

Whereas, after avenging a regular season loss to the Pittsburgh Steelers, the New England Patriots defeated the Pittsburgh Steelers in the American Football Conference Championship Game; and

Whereas, the New England Patriots defeated the Philadelphia Eagles 24-21 in Super Bowl XXXIX to win their second championship in a row; and

Whereas, the New England Patriots, in the 2001, 2003, and 2004 seasons, have won 3 of the last 4 Super Bowls, and

Whereas, through their hard work, dedication, and team-first attitude, the New England Patriots have won 34 games in back-to-back championship seasons, including a record-tying 9 straight playoff games, and a record-setting 20 wins in a row at home, and

Whereas, the talents and tireless preparation of coach Bill Belichick, and the entire coaching and support staff, have resulted in excellence and superb play by the New England Patriots season after season; and

Whereas, for the outstanding example set by the New England Patriots players in demonstrating that selfless team play leads to success; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That October 27, 2004 be declared to be Boston Red Sox Day in New Hampshire and be commemorated with appropriate celebratory events; and

That September 8, 2005, be declared New England Patriots Day in New Hampshire and be commemorated with appropriate celebratory events; and

That copies of this resolution be sent by the house clerk to the Boston Red Sox organization with the request that it be prominently displayed in Fenway Park, and to the New England Patriots organization with the request that it be prominently displayed in Gillette Stadium.

2005-1489s

AMENDED ANALYSIS

This concurrent resolution declares October 27, 2004 to be Boston Red Sox Day and declares September 8, 2005 to be New England Patriots Day.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 450-FN-A, extending the commission to study child support and related child custody issues and relative to hiring economists to assist in revising the child support guidelines and making an appropriation therefor. Health and Human Services Committee. Ought to pass with amendment, Vote 5-1. Senator Fuller Clark for the committee.

Health and Human Services

May 18, 2005

2005-1483s

05/04

Amendment to HB 450-FN-A

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

1 Extension of Commission to Study Child Support and Related Child Custody Issues. The commission to study child support and related child custody issues, established in 2003, 277 (HB 310), shall be extended in order to continue studying the recommendations of its final report dated December 4, 2004, as well as any new economic data on the cost of raising children in New Hampshire, and to serve as a continuing resource to the general court and the department of health and human services in revising, if appropriate, the child support guidelines. The commission shall study the problem of how many financial "add-ons" parents can afford over and above their child support obligation and how that affects the ability to pay child support obligations. The incumbent house members of the commission shall call the meeting to reconvene the commission. Upon reconvening, the commission shall elect a chairperson and vice chairperson from among the members and shall meet with such frequency as the commission deems appropriate. A vacancy on the commission shall be filled by the original appointing authority. The commission shall submit a final report relative to implementation of its recommendations on or before December 1, 2006, as well as any new economic data on the cost of raising children, to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library.

2 Appropriation to Department of Health and Human Services; Economist. The sum of \$80,000 is hereby appropriated to the department of health and human services, for the fiscal year ending June 30, 2006, for the purpose of hiring economists to assist in revising the child support guidelines. The department also may accept any matching federal funds available for such purpose. The economists shall be qualified to assist the department and the commission to study child support and related child custody issues, established in 2003, 277 (HB 310), in developing, if appropriate, a basic cost model or similar method that will consider an equitable and affordable sharing of child support obligations and that will ensure that the best interests of the child have been taken into consideration in determining child support awards. The funds shall be in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2005-1483s

AMENDED ANALYSIS

This bill extends the commission to study child support and related child custody issues established in 2003, 277.

The bill also makes an appropriation to the department of health and human services for the purpose of hiring economists to assist in revising, if appropriate, the child support guidelines.

Amendment Adopted.

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

Adopted.

Referred to the Finance Committee (Rule #26).

HB 514, establishing the New Hampshire health care quality assurance commission. Health and Human Services Committee. Ought to Pass, Vote 6-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 681-FN, relative to training, quality assurance, and licensing of assisted living facilities. Health and Human Services Committee. Ought to pass with amendment, Vote 4-2. Senator Kenney for the committee.

Health and Human Services

May 19, 2005

2005-1506s

01/09

Amendment to HB 681-FN

Amend RSA 151:5-a, III as inserted by section 2 of the bill by replacing it with the following:

III. The department of health and human services may train, and shall approve, provider members of the New Hampshire Association of Residential Care Homes, the New Hampshire Health Care Association, or the Northern New England Association of Homes and Services for the Aging as trainers in a resident assessment course for those owning or working in licensed residential care facilities, so that such trained individuals can satisfactorily meet the provisions of this section.

Amend RSA 151:6-a as inserted by section 3 of the bill by replacing it with the following:

3 Annual Inspections; Waiver. Amend RSA 151:6-a to read as follows:

151:6-a Annual Inspection. The department of health and human services shall make at least one annual unannounced inspection of every facility licensed under this chapter, ***unless exempted by rules as authorized by RSA 151:9, I(b)***. For residential care facilities, defined in RSA 151:2, I(e), the inspection shall include a review of the programs and services offered in the facility to assure that the facility is in compliance with its current level of licensure, and a survey of the most recent individual resident needs determinations where such surveys are not done under the survey and certification process for Titles XVIII and XIX of the Social Security Act, as amended, to assure that the facility and its programs and services are appropriate to the needs of the residents. Inspection results shall be provided as a written report which distinguishes between those findings that do, and those which do not, indicate a pattern of care, or which demonstrate over the period of at least 2 inspections, a trend in the care of residents or management of the facility which has the potential for adversely affecting the health of the residents. The results of this inspection and any later inspection shall be posted in a conspicuous place in the facility in the manner determined by the commissioner of the department of health and human services. The results so posted shall indicate the facilities and services inspected and the results for each such facility or service. This section shall not apply to acute care general hospitals ***and critical access hospitals*** when the department and the [~~joint committee for accreditation of hospitals~~] ***Joint Commission on Accreditation of Healthcare Organizations*** have agreed on joint inspection standards. ***If a residential care facility, as defined in RSA 151:9, VII(a)(1) or (2), has been inspected and is found to be deficiency-free for 2 consecutive years it shall be granted a one-year waiver from the provisions of this section; provided, that the facility is not the subject of a founded complaint investigation under RSA 151:6, the facility remains under the same administrator who is responsible for the day-to-day operation of the facility, and the facility remains under the same director of nursing if there is a director of nursing.***

2005-1506s**AMENDED ANALYSIS**

This bill allows residential care facilities to establish proceedings for a quality assurance program. The bill authorizes the department of health and human services to provide training for persons who own or work in a residential care facility. This bill also exempts certain health care facilities from an annual unannounced inspection by the department of health and human services.

Amendment Adopted.

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

Adopted.**Referred to the Finance Committee (Rule #26).**

HB 691-FN-L, relative to the medicaid program. Health and Human Services Committee. Ought to Pass, Vote 4-2. Senator Martel for the committee.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

Sen. Fuller Clark, Dist. 24

May 26, 2005

2005-1638s

03/06

Floor Amendment to HB 691-FN-LOCAL

Amend the bill by inserting after section 24 the following and renumbering the original section 25 to read as 27:

25 New Section; Public Assistance; Undue Hardship; Penalty Period; Estate Recovery. Amend RSA 167 by inserting after section 16-a the following new section:

167:16-b Undue Hardship; Penalty Period; Estate Recovery.

I. The commissioner of health and human services shall waive any penalty period of medicaid ineligibility due to a transfer of assets for less than fair market value if the penalty period will result in undue hardship. A penalty period results in undue hardship when:

(a) Application of the penalty would deprive the individual of medical care such that his or her health or his or her life would be endangered;

(b) Application of the penalty would deprive the individual of food, clothing, shelter, or other necessities of life; or

(c) The asset was transferred by an agent or authorized representative and it can be demonstrated and documented, by a licensed physician or an order of findings from a probate court, that the individual lacked the mental capacity to comprehend the disqualifying nature of the transfer.

II. The commissioner of health and human services shall waive recovery of assistance against an estate when recovery will result in undue hardship. Recovery of assistance against an estate results in undue hardship when:

(a) The estate includes real property on which a business or farm is located and:

(1) The business or farm has been in operation at the primary residence of the heir for at least 12 months preceding the death of the medicaid recipient for whom recovery is made;

(2) The business or farm produces more than 50 percent of the heir's livelihood; and

(3) The recovery of the claim would directly result in the loss of the livelihood of the heir;

(b) The estate includes income-producing property and:

(1) The heir has used his or her own personal resources for the past 12 months to maintain the income-producing property;

(2) The property produces more than 50 percent of the heir's livelihood; and

(3) The recovery of the claim would directly result in the loss of the livelihood of the heir;

(c) The estate includes only personal property and recovery by the department would directly result in the heir becoming eligible for public assistance;

(d) The surviving joint owner, trustee, or remainderman lived with the deceased medicaid recipient for at least one year on the property subject to estate recovery, the home continues to be the individual's primary residence, and the individual establishes that estate recovery would force the individual to sell the home or deprive the individual of necessities; or

(e) The surviving joint owner, trustee, or remainderman establishes that the deceased medicaid recipient contributed only minimally or not at all to the purchase of the property subject to estate recovery.

III. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this section. Rules shall include:

(a) The process to notify recipients that an undue hardship exception exists;

(b) A timely process for determining whether an undue hardship waiver will be granted; and

(c) A process under which an adverse determination can be appealed.

IV. For purposes of this section, "penalty period" means a period of medicaid ineligibility for nursing facility services, a level of care in any institution equivalent to that of nursing facility services, or home or community-based services furnished under a waiver. The penalty period of ineligibility is determined in accordance with section 1917 of the Social Security Act or a federally authorized waiver of that section.

26 Public Assistance; Recovery for Assistance Furnished; Undue Hardship. Amend RSA 167:13, III(b) to read as follows:

(b) Recovery would result in an undue hardship as determined in accordance with rules adopted pursuant to RSA 541-A *or in accordance with RSA 167:16-b*.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Estabrook.

Seconded by Senator Larsen.

The following Senators voted Yes: Burling, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 8 - Nays: 16

Floor amendment failed.

Senator Estabrook offered a floor amendment.

Sen. Estabrook, Dist. 21

Sen. Fuller Clark, Dist. 24

May 25, 2005

2005-1596s

03/10

Floor Amendment to HB 691-FN-LOCAL

Amend RSA 167:4, IV(c)-(e) as inserted by section 5 of the bill by deleting RSA 167:4, IV(d) and renumbering the original RSA 167:4, IV(e) to read as RSA 167:4, IV(d).

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Burling.

Seconded by Senator Estabrook.

The following Senators voted Yes: Burling, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

Yeas: 8 - Nays: 16

Floor amendment failed.

MOTION TO TABLE

Senator Green moved to have HB 691-FN-L laid on the table.

The question is on the motion to table.

A division was requested.

Yeas: 10 - Nays: 13

Motion to lay on the table failed.

The question is on the motion of ought to pass.

A roll call was requested by Senator Estabrook.

Seconded by Senator Burling.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Clegg, Gatsas, Barnes, Martel, Letourneau, Morse.

The following Senators voted No: Burling, Gottesman, Foster, Larsen, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 16 - Nays: 8

Adopted.

Ordered to third reading.

HB 381-FN, relative to special elections, voter lists, and conduct of elections. Internal Affairs Committee. Ought to pass with amendment, Vote 6-0. Senator Bragdon for the committee.

Internal Affairs

May 19, 2005

2005-1511s

03/05

Amendment to HB 381-FN

Amend the bill by replacing section 5 with the following:

5 Electioneering by Public Employees. Amend RSA 659:44-a to read as follows:

659:44-a Electioneering by Public Employees. No public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering. ~~[For the purposes of this section, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office.]~~ Any person who violates this section shall be guilty of a misdemeanor.

Amendment adopted.

Senator Burling offered a floor amendment.

Sen. Flanders, Dist. 7

Sen. Burling, Dist. 5

May 26, 2005

2005-1651s

03/09

Floor Amendment to HB 381-FN

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

1 New Section; Elections; General Provisions; Terms and Definitions; Electioneer. Amend RSA 652 by inserting after section 16-a the following new section:

652:16-b Electioneer. For the purposes of the election laws, "electioneer" shall mean to act or communicate in any way that a reasonable person would conclude is an attempt to influence how another person may vote at any election on any question or office. "Electioneer" shall not include any printed or written matter attached to any privately-owned vehicle.

2 Centralized Voter Registration Database; Jury Lists. Amend RSA 654:45, VI to read as follows:

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. ***The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists.*** The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

3 Nominations for Special State Elections; Coincidence with Regular Election. Amend RSA 655:81, I to read as follows:

I. The special election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; ***provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 80 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day;*** and

4 Electioneering at the Polling Place. Amend RSA 659:44 to read as follows:

659:44 Electioneering at the Polling Place. No election officer shall electioneer while in the performance of his ***or her*** official duties. [~~For the purposes of this section, "electioneer" shall mean to act in any way specifically designed to influence the vote of a voter on any question or office.~~] Any person who violates this provision shall be guilty of a misdemeanor.

5 Electioneering by Public Employees. Amend RSA 659:44-a to read as follows:

659:44-a Electioneering by Public Employees. No public employee [~~as defined in RSA 273-A:1, IX,~~] shall electioneer while in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this section, [~~"electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office~~] ***"public employee" means any person acting as a volunteer for a public employer, as defined in RSA 273-A:1, X, any classified, unclassified, part-time, or seasonal employee of the state, except persons elected by popular vote, and any person employed by a political subdivision of the state, except persons elected by popular vote and persons appointed by the chief executive or legislative body of the political subdivision whose duties imply a confidential relationship to the political subdivision.*** Any person who violates this section shall be guilty of a misdemeanor.

6 Vacancies; State Representative. Amend RSA 661:8, I to read as follows:

II. If a vacancy occurs in the office of state representative from a single town or ward district, the vacancy may be filled following the provisions of RSA 655:81 and ***RSA 655:82*** in the same manner as a state general election is held. In a multi-town or multi-ward district, a vacancy in the office of state representative shall be filled following the provisions of RSA 655:81 and ***RSA 655:82*** by a special election if the selectmen of any town or ***the city for any*** ward in said district so request of the governor or council.

7 Political Expenditures and Contributions; Applicability of Chapter. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall ~~not~~ ***only*** apply to presidential preference primaries ***as provided in this section.*** The provisions relating to political advertising, ***push polling, and enforcement,*** RSA 664:14 through [~~17-a~~] ***RSA 664:22,*** shall additionally apply to ***presidential primary,*** city, town, school district, and village district elections. The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress.

8 Effective Date. This act shall take effect January 1, 2006.

MOTION TO TABLE

Senator Bragdon moved to have HB 381-FN laid on the table.

Adopted.

LAID ON THE TABLE

HB 381-FN, relative to special elections, voter lists, and conduct of elections.

HB 424-FN, prohibiting the receipt of cash gifts by elected officials. Internal Affairs Committee. Ought to Pass, Vote 6-0. Senator Flanders for the committee.

Adopted.

Ordered to third reading.

HB 617-FN, establishing a commission to study the future role of court reporters in New Hampshire's court system. Internal Affairs Committee. Inexpedient to Legislate, Vote 4-2. Senator Boyce for the committee.

The question is on the committee report of inexpedient to legislate.

A roll call was requested by Senator Burling.

Seconded by Senator Green.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Flanders, Odell, Roberge, Eaton, Bragdon, Foster, Clegg, Barnes, Letourneau, Morse.

The following Senators voted No: Burling, Green, Gottesman, Larsen, Gatsas, Martel, D'Allesandro, Estabrook, Hassan, Fuller Clark.

Yeas: 14 - Nays: 10

Committee report of inexpedient to legislate is adopted.

HB 618-FN-L, relative to persons acting as volunteers to a state agency. Internal Affairs Committee. Ought to Pass, Vote 6-0. Senator Hassan for the committee.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 25, 2005

2005-1605s

01/09

Floor Amendment to HB 618-FN-LOCAL

Amend the bill by replacing section 2 with the following:

2 New Subparagraph; Volunteers; Average Weekly Wages. Amend RSA 281-A:15, II by inserting after subparagraph (c) the following new subparagraph:

(d) Any person who is not employed and who is acting as an agent to the department of health and human services or the department of safety as described in RSA 281-A:2, VII(a)(6).

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 Computing Average Weekly Wages. Amend the introductory paragraph of RSA 281-A:15, I to read as follows:

I. Except as provided in paragraphs II and III of this section and of RSA 281-A:32 and subject to RSA 281-A:28, 281-A:28-a and RSA 281-A:31-a, **but including those persons under RSA 281-A:15, II-a**, an average weekly wage shall be computed by using the method in subparagraph (a) or (b), or (c) that yields the result more favorable to the injured employee:

4 New Paragraph; Average Weekly Wages; Certain Volunteers. Amend RSA 281-A:15 by inserting after paragraph II the following new paragraph:

II-a. Any person who is employed and who is on leave from such employment and who is acting as an agent to the department of health and human services or the department of safety as described in RSA 281-A:2, VII(a)(6) shall have his or her average weekly wage computed under paragraph I of this section.

2005-1605s

AMENDED ANALYSIS

This bill provides workers' compensation coverage to persons acting as volunteers for the department of health and human services and the department of safety in the event of a public health or a public safety incident. This bill also limits liability for such volunteers.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 158, relative to Auburn, Exeter, and Hampton District Courts. Judiciary Committee Ought to pass with amendment, Vote 6-0. Senator Clegg for the committee.

Senate Judiciary

May 19, 2005

2005-1516s

09/10

Amendment to HB 158

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

AN ACT relative to district courts.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

4 District Courts; Henniker District. Amend RSA 502-A:1, XV to read as follows:

XV. HENNIKER DISTRICT. The Henniker district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county. The district court for the district shall be located in Henniker, holding sessions regularly therein and elsewhere in the district as justice may require. ***Notwithstanding the foregoing, the district court for the district may be temporarily located in Hillsborough.*** The name of this court shall be the Henniker District Court.

5 District Courts; Hillsborough District. Amend RSA 502-A:1, XXIII to read as follows:

XXIII. HILLSBOROUGH DISTRICT. The Hillsborough district shall consist of the towns of Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county. The district court for the district shall be located in Hillsborough, holding sessions regularly therein and elsewhere in the district as justice may require. ***Notwithstanding the foregoing, the district court for the district may be temporarily located in Henniker.*** The name of this court shall be the Hillsborough District Court.

2005-1516s

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district. The bill requires the district court to be located in Auburn, Candia, or Raymond and to bear the name of the town in which it is located.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court. The bill permits the Henniker District Court to be temporarily located in Hillsborough and the Hillsborough District court to be temporarily located in Henniker.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 204-FN, relative to unauthorized video surveillance. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Foster for the committee.

Senate Judiciary
May 3, 2005
2005-1321s
04/10

Amendment to HB 204-FN

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

AN ACT prohibiting unlawful peering into the dwelling place of another.

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

1 Breaches of Peace; Violation of Privacy. Amend RSA 644:9, II to read as follows:

II. As used in this section, "private place" means a place where one may reasonably expect to be safe from surveillance including public restrooms, locker rooms, *the interior of one's dwelling place*, or any place where a person's private body parts including genitalia, buttocks, or female breasts may be exposed.

2 New Section; Breaches of the Peace; Peeping. Amend RSA 644 by inserting after section 9 the following new section:

644:9-a Unlawful Peering.

I. A person is guilty of a class B misdemeanor if such person unlawfully and without the consent of the persons entitled to privacy therein, peers through a window, door, or other similar opening into the interior of another person's dwelling place for the purpose of observing the private body parts of any person therein, including, but not limited to, the genitalia, buttocks, or female breasts of such person. Any person convicted of a second offense under this paragraph shall be guilty of a class A misdemeanor.

II. This section shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel, nor is anything in this section intended to limit employees of governmental agencies or other entities, public or private, who, in the course and scope of their employment and supported by articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of conduct to obtain evidence of suspected illegal activity, the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, or any other suspected fraudulent conduct or activity involving a violation of law, or pattern of business practices adversely affecting the public health or safety.

3 Effective Date. This act shall take effect January 1, 2006.

2005-1321s

AMENDED ANALYSIS

This bill amends the definition of "private place" for the purpose of violations of privacy and establishes the crime of unlawful peering.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Judiciary
May 19, 2005
2005-1521s
05/10

Amendment to HB 323-FN

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

478:4-b Records; Social Security Numbers and Financial Information.

I. The preparer of a document shall not include an individual's social security number, credit card number, or other financial account numbers in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens, certified cop-

ies of death certificates, and other documents required by law to contain such information that are filed or recorded in the office of the register of deeds. For the purpose of this section, "preparer" shall mean the person who drafts the documents that are recorded with the register of deeds. Preparer shall not include any person who hires, requires, refers, pays, or requests that the documents be drafted or recorded.

II. If a deed or instrument that includes an individual's social security number, credit card number, or other financial account numbers, was filed with the register of deeds and is available on the Internet, the individual may request that the register of deeds redact such information from the Internet record. The register of deeds shall establish a procedure by which individuals may request that such information be redacted from its files which are available on the Internet. Upon request, the information shall be redacted.

III. The register of deeds shall comply with an individual's request to redact his or her social security number, credit card number, or other financial account numbers within 5 business days of the receipt of the request, or sooner, if ordered to do so by a court, for good cause shown.

478:4-c Violation; Enforcement. An individual aggrieved by a violation of RSA 478:4-b, I may bring against the preparer:

I. An action to enjoin such violation.

II. An action to recover actual monetary loss from such a violation, or to receive up to \$1,000 in damages for each such violation, whichever is greater.

III. Both such actions.

3 Effective Date.

I. RSA 478:4-b, III as inserted by section 1 of this act of this act shall take effect March 1, 2006.

II. The remainder of this act shall take effect January 1, 2006.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 533-FN, relative to penalties for aggravated felonious sexual assault. Judiciary Committee. Re-refer to committee, Vote 5-0. Senator Green for the committee.

Adopted.

HB 533-FN is re-referred to the Committee on Judiciary.

HB 574-FN, requiring the reporting of burn injuries. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Green for the committee.

Senate Judiciary

May 18, 2005

2005-1472s

01/05

Amendment to HB 574-FN

Amend RSA 153:11-a, I as inserted by section 1 of the bill by replacing it with the following:

I. In any case where a health care professional is called upon to examine or treat a person for a burn injury and has reasonable cause to suspect that the burn injury was sustained in connection with the commission of a crime, or in the handling of explosives, or if a burn injury requires inpatient admission to a hospital, the health care professional shall report such burn injury to the state fire marshal immediately by telephone or electronic means and followed within 48 hours by a report in writing, if so requested by the state fire marshal.

Amendment adopted.

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

A division vote was requested.

Yeas: 12 - Nays: 12

Motion failed.

Senator Bragdon moved inexpedient to legislate.

A division vote was requested.

Yeas: 12 - Nays: 12

Motion failed.

MOTION TO TABLE

Senator Barnes moved to have HB 574-FN laid on the table.

Adopted.

L Aid ON THE TABLE

HB 574-FN, requiring the reporting of burn injuries.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Roberge for the committee.

Senate Judiciary

May 18, 2005

2005-1471s

04/05

Amendment to HB 628-FN

Amend RSA 644:2, IV(a) as inserted by section 2 of the bill by replacing it with the following:

IV.(a) Whenever a peace officer has probable cause to believe that a serious threat to the public health or safety is created by a flood, storm, fire, earthquake, explosion, riot, ongoing criminal activity that poses a risk of bodily injury, or other disaster; the officer may close the area where the threat exists and the adjacent area necessary to control the threat or to prevent its spread, for the duration of the threat, until related law enforcement, fire, and emergency medical service operations are complete, by means of ropes, markers, uniformed emergency service personnel, or any other reasonable means, to any persons not authorized by a peace officer or emergency services personnel to enter or remain within the closed area.

Amend RSA 644:2, V (a)(3) as inserted by section 2 of the bill by replacing it with the following:

(3) A command not to enter or a command to leave an area closed pursuant to paragraph IV, provided that a person may not lawfully be ordered to leave his or her own home or business.

Amendment adopted.

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13

May 25, 2005

2005-1635s

08/10

Floor Amendment to HB 628-FN

Amend the bill by replacing section 3 with the following:

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

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 640-FN, relative to parental rights and responsibilities. Judiciary Committee. Ought to pass with amendment, Vote 6-0. Senator Clegg for the committee.

Senate Judiciary
May 18, 2005
2005-1494s
05/04

Amendment to HB 640-FN

Amend RSA 461-A:6 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. At the request of an aggrieved party, the court shall set forth the reasons for its decision in a written order.

Amend RSA 461-A:7, IV(d) as inserted by section 1 of the bill by replacing it with the following:

(d) A finding of alcoholism or drug abuse, unless all parties agree to mediation.

Amend RSA 461-A:7 as inserted by section 1 of the bill by inserting after paragraph IV the following and renumbering the original paragraphs V-VIII to read as VI-IX, respectively:

V. The court shall not order mediation if there is a finding of domestic violence as defined in RSA 173-B:1, unless all parties agree to mediation.

Amendment adopted.

Senator Foster offered a floor amendment.

Sen. Foster, Dist. 13
May 25, 2005
2005-1612s
05/01

Floor Amendment to HB 640-FN

Amend the bill by replacing section 22 with the following:

22 Effective Date. This act shall take effect October 1, 2005.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 643-FN, establishing an integrated criminal justice information system. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Foster for the committee.

Senate Judiciary
May 19, 2005
2005-1512s
09/01

Amendment to HB 643-FN

Amend RSA 106-J:5, I as inserted by section 2 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) The president of the New Hampshire Association of Counties, Corrections Affiliate, or designee.

Amend RSA 106-J:7, II-III as inserted by section 2 of the bill by replacing them with the following:

II. It shall be a class B misdemeanor for any authorized user of J-One to access J-One for a purpose unrelated to that person's official duties in connection with the administration of justice; provided, however, that if the authorized user accepts money or other consideration from another in exchange for the unauthorized access, it shall be a class A misdemeanor for a first offense or a class B felony for a second or subsequent offense.

III. Any person who pays, or provides any other consideration to, an authorized user of J-One in exchange for that user gaining access to J-One for an unauthorized purpose shall be guilty of a class A misdemeanor for a first offense or a class B felony for a second or subsequent offense.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 692-FN-L, relative to the county department of corrections. Judiciary Committee. Ought to pass with amendment, Vote 4-2. Senator Green for the committee.

Senate Judiciary

May 19, 2005

2005-1517s

09/04

Amendment to HB 692-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 Place of Commitment; Expenses of Protective Custody. Amend RSA 30-B:15 to read as follows:

30-B:15 Place of Commitment; Expense of Protective Custody.

I. Any person committed to a county correctional facility for any offense shall be committed to a county correctional facility in the county in which the offense is committed. ***For any person sentenced to a term of imprisonment of up to 12 months, the expense of lodging such person in a county correctional facility shall be a charge upon the county. For persons sentenced to terms of imprisonment in a county correctional facility that exceed 12 months, the first 12 months of the sentence shall be a charge upon the county. Any sentence exceeding 12 months of imprisonment shall be a charge upon the state.***

II. The expense of lodging persons in a county correctional facility under the protective custody of a peace officer under RSA 172:15 or RSA 172-B:3 shall be a charge upon the county. ***The expense of lodging such persons in a county correctional facility for any period exceeding 12 months shall be a charge upon the state.***

III. Whenever the expense of lodging a person in a county correctional facility is to be a charge against the state under this section, the state shall have the authority to take physical custody of such person.

2005-1517s

AMENDED ANALYSIS

This bill requires the state to pay expenses of lodging persons in county department of corrections facilities for any time period greater than 12 months.

Amendment adopted.

Senator Gottesman offered a floor amendment.

Sen. Gottesman, Dist. 12

Sen. Burling, Dist. 5

May 25, 2005

2005-1622s

09/01

Floor Amendment to HB 692-FN-LOCAL

Amend RSA 30-B:15 as inserted by section 1 of the bill by deleting paragraph III.

A division vote was requested.

Yeas: 8 - Nays: 15

Floor amendment failed.

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

Adopted.

Referred to the Finance Committee (Rule #26).

MOTION TO REMOVE FROM THE TABLE

Senator Hassan moved to take HB 611 off the table.

Adopted.

HB 611, relative to small group insurers.

The question is on the committee report of inexpedient to legislate.

Motion failed.

Senator Hassan moved ought to pass.

Senator Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 26, 2005

2005-1647s

01/09

Floor Amendment to HB 611-FN

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

AN ACT relative to the joint legislative oversight committee on small group health insurance reform and repealing health status and geographic location as small group rating factors, clarifying certain other issues relating to small group insurance, and establishing a reinsurance mechanism.

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

1 Duty Added. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. ~~[The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the effect of SB 110 of the 2003 legislative session.]~~ The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house, appointed by the speaker of the house and 2 senators, appointed by the president of the senate.

2 Small Group Health Insurance; Definitions Added. RSA 420-G:2, I is repealed and reenacted to read as follows:

I. "Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the commissioner that a small employer health carrier is in compliance with the provisions of and the rules adopted by the commissioner, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer health carrier in establishing premium rates for applicable health benefit plans.

I-a. "Case characteristics" means demographic or other relevant characteristics of a small employer group that may be considered by the health carrier in the determination of premium rates for that group.

3 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph II the following new paragraph:

II-a. "Composite billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's family composition.

4 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Family composition" means health plan membership type, including: enrollee only; enrollee and spouse; enrollee and children; enrollee, spouse, and children; and other similar membership types.

5 Definition Changed. Amend RSA 420-G:2, IX-a to read as follows:

IX-a. "Health coverage plan rate" means a rate that is uniquely determined for each of the coverages or health benefit plans a health carrier writes and that is derived from the [base] **market** rate through the application of **plan** factors that reflect actuarially demonstrated differences in expected utilization [~~or cost~~] **and health care costs** attributable to differences in the coverage design and/or the provider contracts that support the coverage **and by including provisions for administrative costs and loads. The health coverage plan rate is periodically adjusted to reflect expected changes in the market rate, utilization, health care costs, administrative costs, and loads.**

6 Definition Added. Amend RSA 420-G:2, XII-a to read as follows:

XII-a. "**List billing**" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's attained age and the enrolled employee's family composition.

XII-b. "Loss information" means the aggregate claims experience and shall include, but not be limited to, the number of covered lives, the amount of premium received, the amount of total claims paid, and the claims loss ratio. "Loss information" shall not include any information or data pertaining to the medical diagnosis, treatment, or health status that identifies an individual covered under the group contract or policy. Catastrophic claim information shall be provided as long as the provision of this information would not compromise any covered individual's privacy.

7 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XII-b the following new paragraph:

XII-c. "Market rate" means a single rate reflecting the carrier's average cost of actual or anticipated claims for all health coverages or health benefit plans the carrier writes and maintains in a market, including the nongroup individual health insurance market and, separately, the small employer group health insurance market, and which is periodically adjusted by the carrier to reflect changes in actual or anticipated claims.

8 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XIV-a the following new paragraph:

XIV-b. "Premium rate" means the rates used by a carrier to calculate the premium. For group coverage, premium rates shall be expressed as a rate per enrolled employee

9 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Rating period" means the time period for which the premium rate charged by a health carrier to an individual or a small employer for a health benefit plan is in effect.

10 Premium Rates. Amend RSA 420-G:4, I(a) to read as follows:

(a) All [~~premiums~~] **premium rates** charged shall be guaranteed for a rating period of at least 12 months, [~~unless otherwise allowed by the commissioner~~] **and shall not be changed for any reason, including but not limited to a change in the group's case characteristics.**

11 Small Group Insurance; Premium Rates. Amend RSA 420-G:4, I(e) and (f) to read as follows:

(e) In establishing the premium charged, health carriers [~~providing~~] **offering** coverage to small employers shall calculate [~~a rate~~] **premium rates** that [~~is~~] **are** derived from the health coverage plan rate [~~through the application of rating factors that the carrier chooses to utilize for age, group size, industry classification, geographic location, and health status~~] **by making adjustments to reflect one or more case characteristics.** Such [~~factors~~] **adjustments from the health coverage plan rate** may be [~~utilized~~] **made** only in accordance with the following limitations:

(1) [~~Carriers may use the attained age of covered persons as a rating factor. However, the maximum premium differential for age as determined by ratio shall be 4 to 1 beginning with age 19.~~] **In establishing the premium rates, health carriers offering coverage to small employers may use only age, group size, and industry classification as case characteristics. No consideration shall be given to health status, claim experience, duration of coverage, geographic location, or any other characteristic of the group.**

(2) Carriers [~~modifying such average premium~~] ***making adjustments from the health coverage plan rate*** for age may do so only by using the following age brackets:

0 - 18
 19 - 24
 25 - 29
 30 - 34
 35 - 39
 40 - 44
 45 - 49
 50 - 54
 55 - 59
 60 - 64
 65 +

(3) [~~Carriers may use group size as a rating factor. However, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent; provided that for groups of one, an additional 10 percent rating factor shall be allowed from the highest factor.~~]

(4) Carriers may use the small employer group's industry classification as a rating factor. However, the highest factor based on industry classification shall not exceed the lowest factor based on industry classification by more than 20 percent.

(5) Carriers may use the small employer group's geographic location as a rating factor. However, the highest factor based on geographic location shall not exceed the lowest factor based on geographic location by more than 15 percent.

(6) Carriers may use the health status of the small employer group as a rating factor. However, the application of a health status factor shall be subject to the following limitations:

(A) The health status factor may reflect health status of covered persons, the small employer's claim experience, or the duration of coverage since health statements were last provided.

(B) Variations from the arithmetic average of the highest rate charged to the lowest rate charged shall not exceed 25 percent.

(C) Upon the renewal of a small employer policy, any increase in the premium rate that is solely attributable to changes in the health status factor from the prior year shall be no more than 15 percent.

(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.] ***The maximum premium rate differential after adjusting for all case characteristics as determined by ratio shall be 3.5 to 1. This limitation shall not apply for determining premium rates for covered persons whose attained age is less than 19.***

(4) In establishing the premium rates, health carriers offering coverage to small employers may make further adjustments based on family composition.

(5) The small employer health carrier shall set premium rates to small employers after consideration of case characteristics of the small employer group as well as family composition. No small employer health carrier shall inquire regarding health status or claims experience of the small employer or its employees or dependents until after the premium rates have been agreed upon by the carrier and the employer.

(6) Carriers may calculate premium rates using either list billing or composite billing. Carriers shall use the same billing method in all succeeding rating periods unless the small employer agrees to allow the carrier to change the methodology.

(7) The percentage increase in the premium rates used by a health carrier for a new rating period shall not exceed 20 percent of the premium rates used by that carrier in the preceding rating period. Such rate increase limitation shall not include any premium rate increase that is based on changes in the health coverage plan rate.

(f) Each rating factor that a carrier chooses to utilize *in the individual market* shall be reflective of claim cost variations that correlate with that factor independently of claim cost variations that correlate with any of the other allowable factors.

12 Medical Underwriting. Amend RSA 420-G:5, I to read as follows:

I. Health carriers providing health coverage for individuals [~~or small employer groups~~] may perform medical underwriting, including the use of health statements or screenings or the use of prior claims history, to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4. The commissioner may allow group carriers to use standardized health statements. ***Small group carriers may use the standard reinsurance underwriting form for their reinsurance ceding decisions to the New Hampshire small employer health reinsurance pool, established in RSA 420-K:2, after premium prices have been agreed upon by the carrier and the small employer.***

13 New Chapter; Small Employer Health Reinsurance Pool. Amend RSA by inserting after chapter 420-J the following new chapter:

CHAPTER 420-K
Small Employer Health Reinsurance Pool

420-K:1 Definitions. In this chapter:

- I. "Assessment" means the liability of the member insurer to the reinsurance pool.
- II. "Board" means the board of directors of the small employer health reinsurance pool.
- III. "Commissioner" means the insurance commissioner.
- IV. "Covered lives" means "covered lives" as defined in RSA 404-G:2, V.
- V. "Health carrier" means any entity licensed pursuant to RSA 402, RSA 420-A, or RSA 420-B that delivers, issues for delivery or maintains in force policies of health insurance in New Hampshire.
- VI. "Health insurance" means "health insurance" as defined in RSA 404-G:2, VII.
- VII. "Plan of operation" means the plan of operation of the small employer health reinsurance pool, including articles, bylaws and operating rules, procedures and policies approved by the commissioner and adopted by the pool.
- VIII. "Pool" means the small employer health reinsurance pool.
- IX. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.
- X. "Standard health benefit plan" means a health benefit plan developed pursuant to RSA 420-K:4, I.

420-K:2 Establishment of the Pool.

I. There is established a nonprofit entity to be known as the "New Hampshire small employer health reinsurance pool." All health carriers, writers of health insurance, and other insurers issuing or maintaining health insurance in this state shall be members of the pool.

II. On or before July 1, 2005, the commissioner shall give notice to all members of the pool of the time and place for the initial organizational meeting, which shall take place by July 15, 2005. The members shall select the initial board, subject to approval by the commissioner. The board shall consist of at least 5 and not more than 9 representatives of members. There shall be no more than one board member representing any one member company. In determining voting rights at the organizational meeting, each member shall be entitled to vote in person or by proxy. The vote shall be proportional to the member's covered lives. To the extent possible, at least 2/3 of the members of the board shall be small employer health carriers. At least one member shall be a small employer health carrier with less than \$100,000,000 in net small employer health insurance premium in this state. The commissioner, or designee, shall be an ex-officio member of the board. In approving selection of the board, the commissioner shall assure that all members are fairly represented. The membership of all boards subsequent to the initial board shall be approved by the commissioner and shall, to the extent possible, reflect the same distribution of representation as is described in this paragraph.

III. If the initial board is not elected at the organizational meeting, the commissioner shall appoint the initial board within 15 days of the organizational meeting.

IV. Within 60 days after the appointment of such initial board, the board shall submit to the commissioner a plan of operation and thereafter any amendments to the plan necessary or suitable to assure the fair, reasonable, and equitable administration of the pool. The commissioner shall, after notice and hearing, approve the plan of operation provided he or she determines it to be suitable to assure the fair, reasonable, and equitable administration of the pool, and provides for the sharing of pool gains or losses on an equitable proportionate basis in accordance with the provisions of paragraph VI of this section. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this section shall be made available. If the board fails to submit a suitable plan of operation within 60 days after its appointment, or at any time thereafter fails to submit suitable amendments to the plan of operation, the commissioner shall, after notice and hearing, adopt and promulgate a plan of operation or amendments no later than October 1, 2005. The commissioner shall amend any plan adopted by him or her, as necessary at the time a plan of operation is submitted by the board and approved by the commissioner.

V. The board shall select reinsurance pool administrators through a competitive bidding process to administer the pool. The board shall evaluate bids submitted based on criteria established by the board. Each month, total payments to administrators shall not exceed the larger of \$2,500 or an amount equal to \$10 per life for which the reinsurance pool has any potential claims liability.

VI. The plan of operation shall establish procedures for:

(a) Handling and accounting of assets and moneys of the pool, and for annual fiscal reporting to the commissioner.

(b) Filling vacancies on the board, subject to the approval of the commissioner.

(c) Selecting an administrator and setting forth the powers and duties of the administrator.

(d) Reinsuring risks in accordance with the provisions of this chapter.

(e) Collecting assessments from all members to provide for claims reinsured by the pool and for administrative expenses incurred or estimated to be incurred during the period for which the assessment is made.

(f) Any additional matters at the discretion of the board.

420-K:3 Powers of the Pool.

I. The pool shall have the general powers and authority granted under the laws of New Hampshire to insurance companies licensed to transact health insurance.

II. In addition, the pool shall have the specific authority to:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter, including the authority, with the approval of the commissioner, to enter into contracts with programs of other states for the joint performance of common functions, or with persons or other organizations for the performance of administrative functions.

(b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against members.

(c) Take such legal action as necessary to avoid the payment of improper claims against the pool.

(d) Define the array of health coverage products for which reinsurance will be provided, and to issue reinsurance policies, in accordance with the requirements of this chapter.

(e) Establish rules, conditions, and procedures pertaining to the reinsurance of members' risks by the pool.

(f) Establish appropriate rates, rate schedules, rate adjustments, rate classifications, and any other actuarial functions appropriate to the operation of the pool.

(g) Assess members in accordance with the provisions of this chapter, and to make advance interim assessments as may be reasonable and necessary for organizational and interim operating expenses. Any such interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year.

(h) Appoint from among the members appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool.

(i) Borrow money to effectuate the purposes of the pool. Any notes or other evidence of indebtedness of the pool not in default shall be legal investments for insurers and may be carried as admitted assets.

(j) Develop a standard health benefit plan.

420-K:4 Standard Health Benefit Plan.

I. The board shall:

(a) Develop a standard health benefit plan which shall contain benefit and cost sharing levels that reflect the health coverages most commonly sold by small employer carriers in the state.

(b) Develop base reinsurance premium rates for the standard health benefit plan. The base reinsurance premium rates shall be set at levels which reasonably approximate gross premiums charged to small employers by small employer carriers for health benefit plans with benefits similar to the standard health benefit plan. The base premium rates shall be subject to approval of the commissioner.

(c) Establish a methodology for determining premium rates to be charged by the pool to reinsure small employer groups and individuals. The methodology shall include a system for classification of small employers that reflects the types of case characteristics commonly used by small employer carriers in establishing premium rates.

II. The standard health benefit plan, base reinsurance premium rates and the rating methodology shall be submitted to the commissioner for approval within 45 days after the appointment of the board and shall subsequently be revised as necessary and appropriate.

420-K:5 Eligibility, Coverage, and Rates. Beginning January 1, 2006, members may reinsure with the pool health coverage provided to small employers as follows:

I. The pool shall reinsure the level of coverage provided up to, but not exceeding, the level of coverage provided in the standard health benefit plan or the actuarial equivalent thereof as defined and authorized by the board.

II. The pool shall not reimburse a ceding carrier with respect to claims of a reinsured employee or dependent until the carrier has incurred an initial level of claims for such employee or dependent of at least \$5,000 in a calendar year for benefits covered by the standard health benefit plan. The amount of the deductible shall be periodically reviewed by the board and may be adjusted upward as determined by the board.

III. A member may reinsure an entire small employer group within a period of 60 days following the small employer's health insurance policy issue or renewal date.

IV. A member may reinsure an eligible employee or dependent of a small employer group within a period of 60 days following the small employer's health insurance policy issue or renewal date.

V. A member may reinsure a newly eligible employee or dependent of a small employer group within a period of 60 days following the commencement of his or her coverage.

VI. Reinsurance coverage may be terminated for each reinsured employee or dependent on any plan anniversary.

VII. Reinsurance of newborn dependents shall be allowed only if the mother of any such dependent is reinsured as of the date of birth of such child, and all newborn dependents of reinsured persons shall be automatically reinsured as of their date of birth.

VIII. Notwithstanding the provisions of paragraphs III and IV:

(a) Coverage for eligible employees and their dependents provided under a group policy covering 2 or more small employers shall not be eligible for reinsurance when such coverage is discontinued and replaced by a group policy of another carrier covering 2 or more small employers, unless coverage for such eligible employees or dependents was reinsured by the prior carrier; and

(b) At the time coverage is assumed for such group by a succeeding carrier, such carrier shall notify the pool of its intention to provide coverage for such group and shall identify the employees and dependents whose coverage will continue to be reinsured. The time limitations for providing such notice shall be established by the pool.

IX. The board, as part of the plan of operation, shall establish a methodology for determining premium rates to be charged for reinsuring small employers and individuals. The methodology shall include a system for classification of small employers that reflects the way case characteristics are commonly used by small

employer carriers in the state. Pool reinsurance premiums shall be established at the following percentages of the base reinsurance premium rate established by the pool for that classification of small employers with similar case characteristics:

(a) An entire small employer group consisting of 2 or more employees may be reinsured for a rate that is 150 percent of the applicable base reinsurance premium rate for the group established pursuant to RSA 420-K:4, II; and

(b) An eligible employee or dependent may be reinsured for a rate that is 500 percent of the applicable base reinsurance premium rate for the individual established pursuant to RSA 420-K:4, II.

X. On or before December 1, 2005, the board shall establish, subject to the approval of the commissioner, a standard reinsurance underwriting form for use by small employer carriers in ceding risks to the pool. The form may be amended from time to time as the board deems necessary, subject to the approval of the commissioner.

420-K:6 Assessments.

I. Following the close of each fiscal year, the administrator shall determine the net premiums, the pool expenses of administration and the incurred losses for the year, taking into account investment income and other appropriate gains and losses.

(a) Each member's assessment for the reinsurance pool shall be based on its number of covered lives times a specified assessment rate. The board of directors shall specify the basis used to set the assessment rate. The board of directors shall establish a regular assessment rate, which shall be:

(1) Calculated on a calendar year basis based on the net losses from the audited financial statements of the prior fiscal year;

(2) Established no later than November 1 in the current fiscal year; and

(3) Anticipated to be sufficient to meet the pool's funding needs.

(b) In addition to the regular assessment rate, the board may establish a special assessment rate for organizational expenses. Notwithstanding RSA 420-G:4, a writer of health insurance may increase the premiums charged by the amount of the special assessment. Any assessment may appear as a separate line item on a policyholder's bill.

(1) The board shall only establish an interim assessment if the board determines that its funds are or will become insufficient to pay the reinsurance pool's expense in a timely manner.

(2) The regular assessment rate, and any special assessment rate, shall be subject to the approval of the commissioner. The commissioner shall approve the rate if he or she finds that the amount is required to fulfill the purpose of the reinsurance pool. For the purpose of making this determination, the commissioner may, at the expense of the pool, seek independent actuarial certification of the need for the proposed rate.

(c) The board shall impose and collect assessments on members of the pool.

(d) If the assessment exceeds the amount actually needed, the excess shall be held and invested and, with the earnings and interest thereon, be used to offset future net losses. Each covered life shall be included in the assessment on an aggregate basis and procedures shall be maintained to ensure that no covered life is counted more than once.

II. Provision shall be made in the plan of operation for the imposition of an interest penalty for late payment of assessments.

III. The board may defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in this chapter. The member insurer receiving such deferral shall remain liable to the pool for the amount deferred. The board may attach appropriate conditions to any such deferral.

420-K:7 Immunity and Indemnification.

I. Neither the participation in the pool as members, the establishment of rates, forms, or procedures, nor any other joint or collective action required by this chapter shall be the basis of any legal action against the pool or any of its members.

II. Any person or member made a party to any action, suit, or proceeding because the person or member served on the board or on a committee or was an officer or employee of the pool shall be held harmless and be indemnified by the program against all liability and costs, including the amounts of judgments, settlements, fines or penalties, and expenses and reasonable attorney's fees incurred in connection with the action, suit, or proceeding. The indemnification shall not be provided on any matter in which the person or member is finally adjudged in the action, suit or proceeding to have committed a breach of duty involving gross negligence, dishonesty, willful misfeasance, or reckless disregard of the responsibilities of office. Costs and expenses of the indemnification shall be prorated and paid for by all members. The commissioner may retain actuarial consultants necessary to carry out his or her responsibilities pursuant to this chapter and such expenses shall be paid by the pool established in this chapter.

14 Repeal. RSA 420-G:4, I(e)(7), relative to increasing the premium rate for small employers at successive rating periods, is repealed.

15 New Hampshire Small Employer Health Reinsurance Pool; Ceding at Renewal Restricted. Amend RSA 420-K:5, III and IV to read as follows:

III. A member may reinsure an entire small employer group within a period of 60 days following the small employer's health insurance policy issue [~~or renewal~~] date.

IV. A member may reinsure an eligible employee or dependent of a small employer group:

(a) Within a period of 60 days following the small employer's health insurance policy issue [~~or renewal~~] date; *or*

(b) On the first plan anniversary after the coverage has been in effect for a period of 3 years, and every third plan anniversary thereafter; provided, that reinsurance pursuant to this subparagraph shall only be permitted with respect to eligible employees and their dependents of a small employer which has no more than 5 eligible employees as of the applicable anniversary.

16 Reference Change. Amend RSA 420-G:4, I(b) to read as follows:

(b) [~~Base rate~~] **Market rate** shall be established by each health carrier for all of its health coverages offered to individuals and, separately, for all of its health coverages offered to small employers.

17 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Section 13 of this act shall take effect July 1, 2005.

III. Sections 14 and 15 of this act shall take effect January 1, 2007.

IV. The remainder of this act shall take effect January 1, 2006.

2005-1647s

AMENDED ANALYSIS

This bill changes the duties of the joint legislative oversight committee on small group health insurance reform.

This bill also makes certain changes in the small employer health insurance law, including:

I. Repealing health status and geographic location as rating factors for small group health insurance.

II. Adding a definition of case characteristics and certain other definitions.

III. Clarifying overall premium rate variability in the small group health insurance market.

IV. Clarifying the small group health insurance law regarding premium rates for small employer groups with similar case characteristics.

V. Establishing the New Hampshire small employer health reinsurance pool to offer pool coverage to eligible employees of small employers.

Floor amendment adopted.

Senator Flanders offered a floor amendment.

Sen. Flanders, Dist. 7
May 25, 2005
2005-1627s
01/09

Floor Amendment to HB 611-FN

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

AN ACT repealing geographic location as a small group rating factor and limiting overall premium rate variability in the small group health insurance market.

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

1 Small Group Health Insurance; Definitions Added. RSA 420-G:2, I is repealed and reenacted to read as follows:

I. "Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the commissioner that a small employer health carrier is in compliance with the provisions of and the rules adopted by the commissioner, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer health carrier in establishing premium rates for applicable health benefit plans.

I-a. "Case characteristics" means demographic or other relevant characteristics of a small employer group that may be considered by the health carrier in the determination of premium rates for that group.

2 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph II the following new paragraph:

II-a. "Composite billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's family composition.

3 Definition Changed. Amend RSA 420-G:2, IX-a to read as follows:

IX-a. "Health coverage plan rate" means a rate that is uniquely determined for each of the coverages or health benefit plans a health carrier writes and that is derived from the [base] **market** rate through the application of **plan** factors that reflect actuarially demonstrated differences in expected utilization ~~or cost~~ **and health care costs** attributable to differences in the coverage design and/or the provider contracts that support the coverage **and by including provisions for administrative costs and loads. The health coverage plan rate is periodically adjusted to reflect expected changes in the market rate, utilization, health care costs, administrative costs, and loads.**

4 Definition Added. Amend RSA 420-G:2, XII-a to read as follows:

XII-a. **"List billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies only by the enrolled employee's attained age and the enrolled employee's family composition.**

XII-b. "Loss information" means the aggregate claims experience and shall include, but not be limited to, the number of covered lives, the amount of premium received, the amount of total claims paid, and the claims loss ratio. "Loss information" shall not include any information or data pertaining to the medical diagnosis, treatment, or health status that identifies an individual covered under the group contract or policy. Catastrophic claim information shall be provided as long as the provision of this information would not compromise any covered individual's privacy.

5 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XII-b the following new paragraph:

XII-c. "Market rate" means a single rate reflecting the carrier's average cost of actual or anticipated claims for all health coverages or health benefit plans the carrier writes and maintains in a market, including the nongroup individual health insurance market and, separately, the small employer group health insurance market, and which is periodically adjusted by the carrier to reflect changes in actual or anticipated claims.

6 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XIV-a the following new paragraph:

XIV-b. "Premium rate" means the rates used by a carrier to calculate the premium. For group coverage, premium rates shall be expressed as a rate per enrolled employee.

7 New Paragraph; Definition Added. Amend RSA 420-G:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Rating period" means the time period for which the premium rate charged by a health carrier to an individual or a small employer for a health benefit plan is in effect.

8 Premium Rates. Amend RSA 420-G:4, I(a) to read as follows:

(a) All [~~premiums~~] **premium rates** charged shall be guaranteed for a rating period of at least 12 months, [~~unless otherwise allowed by the commissioner~~] **and shall not be changed for any reason, including but not limited to a change in the group's case characteristics.**

9 Small Group Insurance; Premium Rates. Amend RSA 420-G:4, I(e) to read as follows:

(e) In establishing the premium charged, health carriers [~~providing~~] **offering** coverage to small employers shall calculate [~~a rate~~] **premium rates** that [~~is~~] **are** derived from the health coverage plan rate [~~through the application of rating factors that the carrier chooses to utilize for age, group size, industry classification, geographic location, and health status~~] **by making adjustments to reflect one or more case characteristics.** Such [~~factors~~] **adjustments from the health coverage plan rate** may be [~~utilized~~] **made** only in accordance with the following limitations:

(1) [~~Carriers may use the attained age of covered persons as a rating factor. However, the maximum premium differential for age as determined by ratio shall be 4 to 1 beginning with age 19.~~] **In establishing the premium rates, health carriers offering coverage to small employers may use only age, group size, industry classification, health status, claims experience, and duration of coverage as case characteristics. No consideration shall be given to geographic location or any other characteristic of the group.**

(2) Carriers [~~modifying such average premium~~] **making adjustments from the health coverage plan rate** for age may do so only by using the following age brackets:

0 - 18
 19 - 24
 25 - 29
 30 - 34
 35 - 39
 40 - 44
 45 - 49
 50 - 54
 55 - 59
 60 - 64
 65 +

(3) [~~Carriers may use group size as a rating factor. However, the highest factor based on group size shall not exceed the lowest factor based on group size by more than 20 percent; provided that for groups of one, an additional 10 percent rating factor shall be allowed from the highest factor.~~]

(4) Carriers may use the small employer group's industry classification as a rating factor. However, the highest factor based on industry classification shall not exceed the lowest factor based on industry classification by more than 20 percent.

(5) Carriers may use the small employer group's geographic location as a rating factor. However, the highest factor based on geographic location shall not exceed the lowest factor based on geographic location by more than 15 percent.

(6) Carriers may use the health status of the small employer group as a rating factor. However, the application of a health status factor shall be subject to the following limitations:

(A) The health status factor may reflect health status of covered persons, the small employer's claim experience, or the duration of coverage since health statements were last provided.

(B) Variations from the arithmetic average of the highest rate charged to the lowest rate charged shall not exceed 25 percent.

(C) Upon the renewal of a small employer policy, any increase in the premium rate that is solely attributable to changes in the health status factor from the prior year shall be no more than 15 percent.

(7) Upon the renewal of a small employer policy, a carrier is prohibited from increasing the premium rate by more than 25 percent of the rate that was charged in the preceding year. Such rate increase limitation shall not include any premium rate increase that is based on a carrier's annual cost and utilization trends or changes in the rating factor for attained age of covered persons.] ***The maximum premium rate differential after adjusting for all case characteristics as determined by ratio shall be 4 to 1 for a covered person whose attained age is greater than 18. For groups of one the maximum premium rate differential of 4 to 1 may be increased by an additional 10 percent.***

(4) In establishing the premium rates, health carriers offering coverage to small employers may make further adjustments based on health plan membership type.

(5) The small employer health carrier shall set premium rates to small employers after consideration of case characteristics of the small employer group as well as the health plan membership type.

(6) Carriers may calculate premium rates using either list billing or composite billing. Carriers shall use the same billing method in all succeeding rating periods unless the carrier has provided the small employer notice of the change in billing method and a renewal quote using the new rating methodology at least 60 days prior to the end of the rating period.

(7) The percentage increase in the premium rates for a new rating period shall not exceed 15 percent of the premium rates used by that carrier in the preceding rating period. Such rate increase limitation shall not include any premium rate increase that is based on changes in the health coverage plan rate.

10 Reference Change. Amend RSA 420-G:4, I(b) to read as follows:

(b) [Base rate] ***Market rate*** shall be established by each health carrier for all of its health coverages offered to individuals and, separately, for all of its health coverages offered to small employers.

11 Legislative Oversight Committee. Amend RSA 420-G:14-c, I to read as follows:

I. There is hereby established a joint legislative oversight committee on small group health insurance reform. The committee shall review the reports filed by the commissioner pursuant to RSA 420-G:14-a, monitor the small group health insurance market in the state, and monitor the [effect of SB 110 of the 2003 legislative session] ***effects of small group health insurance reform***. The committee shall make recommendations for any legislative changes the committee deems necessary. The committee shall include 3 members of the house, appointed by the speaker of the house and 2 senators, appointed by the president of the senate.

12 Effective Date. This act shall take effect January 1, 2006.

2005-1627s

AMENDED ANALYSIS

This bill makes certain changes in the small employer health insurance law, including:

- I. Repealing geographic location as a rating factor for small group health insurance.
- II. Adding a definition of case characteristics and certain other definitions.
- III. Limiting overall premium rate variability in the small group health insurance market.

The question is on the adoption of the floor amendment.

A roll call was requested by Senator Bragdon.

Seconded by Senator Gatsas.

The following Senators voted Yes: Johnson, Kenney, Boyce, Flanders, Odell, Eaton, Bragdon, Clegg, Martel, Letourneau.

The following Senators voted No: Gallus, Burling, Green, Roberge, Gottesman, Foster, Larsen, Gatsas, Barnes, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

Yeas: 10 - Nays: 14

Floor amendment failed.

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

A roll call was requested by Senator Gatsas.

Seconded by Senator Green.

The following Senators voted Yes: Gallus, Kenney, Burling, Green, Roberge, Gottesman, Foster, Larsen, Gatsas, Barnes, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: Johnson, Boyce, Flanders, Odell, Eaton, Bragdon, Clegg, Martel, Letourneau.

Yeas: 15 - Nays: 9

Adopted.

Referred to the Finance Committee (Rule #26).

HB 696-FN, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities. Judiciary Committee. Re-refer to committee, Vote 4-0. Senator Foster for the committee.

Adopted.

HB 696-FN is re-referred to the Committee on Judiciary.

HB 177, relative to home improvement contracts. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Burling for the committee.

Public and Municipal Affairs

May 18, 2005

2005-1485s

05/10

Amendment to HB 177

Amend RSA 359-G:3, XIII and XIV as inserted by section 1 of the bill by replacing them with the following:

XIII. A requirement that the contractor provide to the customer a current certificate of insurance indicating that, as of the date of commencement of work, the contractor has liability insurance, worker's compensation insurance, if applicable, and automobile insurance. If the contractor does not have such insurance, the contractor shall disclose that information to the customer in writing.

XIV. A warranty statement which reads: "In addition to any additional warranties agreed to by the parties, the home improvement contractor warrants that the work will be free from faulty workmanship, constructed in a skillful manner, carried out with the materials specified by the parties, constructed according to the standards of the building code applicable for this location, and fit for habitation or appropriate use."

MOTION TO TABLE

Senator Barnes moved to have HB 177 laid on the table.

Adopted.

LAID ON THE TABLE

HB 177, relative to home improvement contracts.

HB 239-FN, relative to registration of shampoo assistants by the board of barbering, cosmetology and esthetics. Public and Municipal Affairs Committee. Inexpedient to Legislate, Vote 3-0. Senator Barnes for the committee.

Committee report of inexpedient to legislate is adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Burling moved to take HB 177 off the table.

Adopted.

HB 177, relative to home improvement contracts.

The question is on the adoption of the committee amendment (1485).

Amendment failed.

The question is on the motion of ought to pass.

Motion failed.

Senator Burling moved re-refer.

Adopted.

HB 177 is re-referred to the Committee on Public and Municipal Affairs.

HB 246, establishing a committee to study the classification of employees as independent contractors. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

Senator Boyce is in opposition to the motion of ought to pass on HB 246.

HB 269, establishing a statutory committee for the protection of human research subjects. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Larsen for the committee.

Senator Roberge offered a floor amendment.

Sen. Roberge, Dist. 9

May 24, 2005

2005-1579s

01/04

Floor Amendment to HB 269

Amend RSA 171-A:19-a, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. The committee shall choose a chairperson and vice-chairperson from its membership. The commissioner may assign department staff to assist the committee as needed.

Amend RSA 171-A:19-b as inserted by section 1 of the bill by replacing it with the following:

171-A:19-b Rulemaking. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the operation of the committee for the protection of human subjects, established in RSA 171-A:19-a, and the procedures, conditions and criteria for the conduct and approval of research.

Floor amendment adopted.

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

Adopted.

Ordered to third reading.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Roberge for the committee.

Public and Municipal Affairs

May 18, 2005

2005-1492s

08/01

Amendment to HB 307

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

AN ACT establishing a committee to study the feasibility of licensing residential building and remodeling contractors, and relative to bonds and letters of credit for manufactured housing installation licenses.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 8:

6 Manufactured Housing Installation; Bond or Letter of Credit. Amend RSA 205-D:9 to read as follows:

205-D:9 Bond Required.

I. The board shall not issue a license to any person unless the person has posted a surety bond **or letter of credit to be held by the state treasurer** in [the] **an** amount [of at least \$100,000, as] **to be** determined by the board[, or the equivalent in cash, marketable securities, letters of credit, or escrow accounts

with the attorney general. The type of bond shall be designated by the attorney general]. No surety bond *or letter of credit* shall be accepted unless it is with a surety company authorized to do business in this state. The surety may cancel the bond *or letter of credit* at any time upon giving 30 days' written notice to the [attorney general] *board*.

II. Any person who is damaged by any violation of this chapter may bring an action against the bond or [its equivalent] *letter of credit* to recover damages suffered and any other amounts allowable by law. The attorney general, in any action brought under this chapter or any other applicable provisions of the law, may likewise proceed against the bond or [its equivalent] *letter of credit*.

7 New Paragraph; Rulemaking. Amend RSA 205-D:20 by inserting after paragraph XI the following new paragraph:

XII. The establishment of bond and letter of credit requirements under RSA 205-D:9.

2005-1492s

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of licensing residential building and remodeling contractors.

This bill also allows the manufactured housing installation board to issue licenses to applicants who provide a letter of credit to the state treasurer in lieu of a surety bond.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Boyce is in opposition to the motion of ought to pass as amended on HB 307.

HB 467, relative to naming private roads. Public and Municipal Affairs Committee. Ought to Pass, Vote 5-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

HB 505, relative to recording mailing addresses on property deeds. Public and Municipal Affairs Committee. Re-refer to committee, Vote 5-0. Senator Roberge for the committee.

Adopted.

HB 505 is re-referred to the Committee on Public and Municipal Affairs.

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Public and Municipal Affairs

April 19, 2005

2005-1184s

04/09

Amendment to HB 549

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

1 School Money; Miscellaneous Provisions. Amend RSA 198:20-b, III to read as follows:

III. (a) *For unanticipated funds in the amount of \$5,000 or more*, the school board shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the meeting is held.

(b) *A school board may establish the amount of unanticipated funds required for notice under this subparagraph, provided such amount is less than \$5,000. For unanticipated funds in*

an amount less than \$5,000, the school board shall post notice of the funds in the agenda and shall include notice in the minutes of the school board meeting in which such funds are discussed. The acceptance of unanticipated funds under this subparagraph shall be made in public session of any regular school board meeting.

2 Powers and Duties of Towns; Miscellaneous Provisions. Amend RSA 31:95-b, III to read as follows:

III. ***(a) For unanticipated moneys in the amount of \$5,000 or more***, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.

(b) The board of selectmen may establish the amount of unanticipated funds required for notice under this subparagraph, provided such amount is less than \$5,000. For unanticipated moneys in an amount less than \$5,000, the board of selectmen shall post notice of the funds in the agenda and shall include notice in the minutes of the board of selectmen meeting in which such moneys are discussed. The acceptance of unanticipated moneys under this subparagraph shall be made in public session of any regular board of selectmen meeting.

3 Public Libraries; Trustees' Authority to Accept and Expend Gifts. Amend RSA 202-A:4-c, III to read as follows:

III. ***(a) For unanticipated moneys in the amount of \$5,000 or more***, the public library trustees shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.

(b) The public library trustees may establish the amount of unanticipated funds required for notice under this subparagraph, provided such amount is less than \$5,000. For unanticipated moneys in an amount less than \$5,000, the public library trustees shall post notice of the moneys in the agenda, if any, and shall include notice in the minutes of the public library trustees meeting in which such moneys are discussed. The acceptance of unanticipated moneys under this subparagraph shall be made in public session of any regular public library trustees meeting.

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

2005-1184s

AMENDED ANALYSIS

This bill establishes provisions for the acceptance of unanticipated funds in a school district, city, town, or public library. The bill also allows a school district, city, town, or public library to elect the amount of unanticipated funds necessary to initiate the notice provisions, provided such amount is less than \$5,000.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 18, 2005

2005-1493s

05/04

Amendment to HCR 4

Amend the resolution by replacing all after the sixth paragraph with the following:

Whereas, the legislative boundary commission established by 2003, 103 (HB 343) found in its October 29, 2003 final report that the Piscataqua River in Portsmouth Harbor is not patrolled and laws are not enforced in a manner that ensures the people of New Hampshire the utmost security and protection; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court finds that the inland Piscataqua river boundary between New Hampshire and Maine runs along the same line at the river and that the continuing dispute on this point undermines New Hampshire's ability to ensure that the state's only port of entry is adequately protected; and

That the general court asks the New Hampshire congressional delegation to introduce legislation and take such additional steps as may be necessary and appropriate to establish the location of the boundary between New Hampshire and Maine in the inner Piscataqua River; and

That the general court requests that each member of the New Hampshire congressional delegation provide the speaker of the house of representatives and the senate president with a formal response indicating his intended course of action on the boundary issue; and

That copies of this resolution, signed by the speaker of the house of representatives and the senate president, be sent by the clerk of the house of representatives to each member of the New Hampshire congressional delegation.

Amendment adopted.

Senator Barnes offered a floor amendment.

Sen. Barnes, Dist. 17

Sen. Fuller Clark, Dist. 24

May 26, 2005

2005-1667s

10/04

Floor Amendment to HCR 4

Amend the resolution by replacing all after the sixth paragraph with the following:

Whereas, the legislative boundary commission established by 2003, 103 (HB 343) found in its October 29, 2003 final report that the Piscataqua River in Portsmouth Harbor is not patrolled and laws are not enforced in a manner that ensures the people of New Hampshire the utmost security and protection; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court finds that the inland Piscataqua river boundary between New Hampshire and Maine runs along the same line at the river and that the continuing dispute on this point undermines New Hampshire's ability to ensure that the state's only port of entry is adequately protected; and

That the general court asks the New Hampshire congressional delegation to introduce legislation and take such additional steps as may be necessary and appropriate to establish the location of the boundary between New Hampshire and Maine in the inner Piscataqua River; and

That copies of this resolution, signed by the speaker of the house of representatives and the senate president, be sent by the clerk of the house of representatives to each member of the New Hampshire congressional delegation.

Floor amendment adopted.

The question is on the motion of ought to pass as amended.

A roll call was requested by Senator Boyce.

Seconded by Senator Barnes.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Burling, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, D'Allesandro, Estabrook, Morse, Hassan, Fuller Clark.

The following Senators voted No: None.

Yeas: 24 - Nays: 0

Adopted.

Ordered to third reading.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day. Public and Municipal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Barnes for the committee.

Public and Municipal Affairs

May 18, 2005

2005-1487s

01/04

Amendment to HCR 10

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION recognizing February 8, 2006 as Scouting in New Hampshire Day.

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That February 8, 2006 shall be hereby proclaimed as Scouting in New Hampshire Day; and

2005-1487s

AMENDED ANALYSIS

This house concurrent resolution recognizes February 8, 2006 as Scouting in New Hampshire Day.

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 392-FN, increasing the mileage reimbursement rate for members of the legislature. Transportation and Interstate Cooperation. Ought to pass with amendment, Vote 4-2. Senator Burling for the committee.

Transportation and Interstate Cooperation

May 18, 2005

2005-1478s

03/01

Amendment to HB 392-FN

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

2 Application. The rates for travel allowances for members of the general court provided for in RSA 14:15-a, I(b) as amended by section 1 of this act shall be used for calculation of the reimbursement to members beginning with travel occurring on or after January 1, 2007.

3 Effective Date. This act shall take effect January 1, 2007.

Amendment failed.

The question is on the motion of ought to pass.

A roll call was requested by Senator Bragdon.

Seconded by Senator Barnes.

The following Senators voted Yes: Burling, Estabrook.

The following Senators voted No: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Eaton, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, Martel, Letourneau, D'Allesandro, Morse, Hassan, Fuller Clark.

Yeas: 2 - Nays: 22

Motion failed.

Senator Clegg moved inexpedient to legislate.

Adopted.

HB 92-FN is inexpedient to legislate.

HB 393, establishing a committee to study methods for requiring employers to permit voluntary and paid on-call emergency first responders to respond to calls. Transportation and Interstate Cooperation. Inexpedient to Legislate, Vote 5-0. Senator Martel for the committee.

Committee report of inexpedient to legislate is adopted.

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. Transportation and Interstate Cooperation. Re-refer to committee, Vote 6-0. Senator Flanders for the committee.

Adopted.

HB 599-FN is re-referred to the Committee on Transportation and Interstate Cooperation.

HB 604-FN, discontinuing the use of tokens. Transportation and Interstate Cooperation. Ought to Pass, Vote 4-2. Senator Morse for the committee.

Senator Morse offered a floor amendment.

Sen. Morse, Dist. 22

May 26, 2005

2005-1663s

06/04

Floor Amendment to HB 604-FN

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

AN ACT discontinuing the use of tokens and relative to certain tolls in the town of Merrimack.

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Tokens Discontinued; Discount for Merrimack Exits. Amend RSA 237:11 by inserting after paragraph V the following new paragraphs:

VI. Tokens shall not be used for the payment of tolls on the New Hampshire turnpike system.

VII. Notwithstanding paragraphs III and IV, the governor and council shall discount the toll at exits 10, 11, and 12 of the F.E. Everett turnpike in the town of Merrimack by 50 percent for users of the regional electronic toll collection system who have privately owned or leased passenger vehicles or motorcycles, registered as private passenger vehicles or motorcycles in the state of New Hampshire, and who are residents of the town of Merrimack with a mailing address that includes a zip code for the town of Merrimack.

2005-1663s

AMENDED ANALYSIS

This bill discontinues the use of tokens on the state turnpike system. This bill also reduces certain tolls on the F.E. Everett turnpike for private passenger vehicles and motorcycles registered by residents of Merrimack.

MOTION TO TABLE

Senator Barnes moved to have HB 604-FN laid on the table.

A division vote was requested.

Yeas: 16 - Nays: 7

Adopted.

LAIID ON THE TABLE

HB 604-FN, discontinuing the use of tokens.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees. Transportation and Interstate Cooperation. Ought to pass with amendment, Vote 6-0. Senator Letourneau for the committee.

Transportation and Interstate Cooperation**May 18, 2005****2005-1477s****03/01****Amendment to HB 683-FN**

Amend RSA 263:51, III as inserted by section 3 of the bill by replacing it with the following:

III. The licensee or certificate holder has been charged with an offense under RSA 265:79 through RSA 265:82-a or RSA 630, RSA 631, or RSA 632-A and it appears to the commissioner, after a hearing, that an immediate license suspension pending the outcome of the criminal proceeding is required in the interest of public safety;

Amendment adopted.

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

Adopted.

Ordered to third reading.

HB 720-FN, relative to special number plates. Transportation and Interstate Cooperation. Ought to pass with amendment, Vote 5-0. Senator Martel for the committee.

Transportation and Interstate Cooperation**May 18, 2005****2005-1481s****03/09****Amendment to HB 720-FN**

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

1 Official Cover Plates. Amend RSA 261:90 to read as follows:

261:90 [~~State Seal on Number~~] **Official Cover** Plates. [~~On the special number plates issued under the provisions of RSA 261:91 to members of the senate and members of the house of representatives there shall be a reproduction of the seal of the state. If requested;~~] **Upon payment of a fee, the director may issue and shall designate official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of** United States senators from this state, representatives to congress from this state, the governor, members of the governor's council, **the** president of the senate, **members of the senate, the** speaker of the house of representatives, **members of the house of representatives, the attorney general, the** secretary of state, and **the** state treasurer [~~may have special motor vehicle plates with the reproduction of the state seal thereon~~]. The fee for [~~such special number~~] **official cover** plates shall be \$1 in addition to any other number plate manufacturing fee otherwise required. The **official cover** plates [~~with the reproduction of the state seal~~], exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. **Official cover plates shall have the title of the person requesting the plates, except for members of the governor's council whose plates shall have their council district numbers embossed on them, and members of the general court, whose plates shall have their house seat numbers or their senate district numbers embossed on them unless the president of the senate, for members of the senate, or the speaker of the house of representatives, for members of the house of representatives, shall designate a title for their plates. The director shall not issue more than 2 sets of official cover plates to any person. Official cover plates may be attached only to vehicles registered in the name of the person issued the plates.** [~~Said special plates shall be effective for a period of 2 years.~~] Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor. **Official cover plates shall be manufactured at the state prison and the prison shall provide the plates to the department at the prison's cost.**

2 New Section; Official Cover Plate Advisory Committee. Amend RSA 261 by inserting after section 90 the following new section:

261:90-a Official Cover Plate Advisory Committee.

I. An official cover plate advisory committee is hereby established. The official cover plate advisory committee shall be composed of the following:

- (a) The speaker of the house of representatives, or designee.
- (b) The president of the senate, or designee.
- (c) One councilor, appointed by majority vote of the governor's council.

II. The committee shall choose a member to serve as chairman.

III. The committee shall recommend to the director by December 1 of every odd-numbered year any changes to the design of official cover plates issued pursuant to RSA 261:90.

IV. The members shall serve without compensation.

3 Special Number Plates. Amend RSA 261:91 to read as follows:

261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the director may issue and shall designate a special plate, to be affixed to the vehicle of the [~~governor, the members of the governor's council, president of the senate, members of the senate, speaker of the house of representatives, members of the house of representatives, the attorney general and his deputy,~~] county sheriffs, deputy sheriffs, members of the national guard, justices of the supreme and superior courts, [~~secretary of state, the state treasurer,~~] and vehicles of state police and motor vehicle divisions. The special plates shall have the state motto, "Live Free or Die," written on them and shall be issued [~~at no cost~~] **with no number plate fee being charged** to the state other than **for** those plates furnished to the [~~governor, the members of the governor's council, the president of the senate, speaker of the house of representatives,~~] state police and motor vehicle divisions. [~~The director shall not issue to a member of the general court more than 2 sets of special plates. Such~~]-Special **number** plates [~~for members of the general court~~] **issued to members of the national guard and justices of the supreme and superior courts** may be attached only to vehicles registered in the name of [~~a member of the general court or a member's spouse or to any vehicle while being operated by such member~~] **the person issued the plates.**

4 Expiration of Legislative Official Cover Plates. Amend RSA 261:94 to read as follows:

261:94 Expiration of [~~Legislative Number~~] **Official Cover Plates and Special Number Plates.** Notwithstanding any other provisions of law any [~~motor vehicle number~~] **official cover plates and special number plates which are** issued to [~~a member of the general court~~] **elected or appointed officials who have a term of office** shall expire [~~on the second Wednesday of January after~~] **at the expiration of [his term] their terms of office [as such member] or upon their retirement, resignation, disqualification, expulsion, or death, whichever comes first.**

5 Registration Fees to be Collected; Reference Changed. Amend RSA 261:141, VII(c) to read as follows:

- (c) For [~~legislative~~] **official cover** plates—\$1.

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

2005-1481s

AMENDED ANALYSIS

This bill modifies the provisions for motor vehicle plates issued to certain state officers.

Amendment adopted.

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

Adopted.

Ordered to third reading.

Senator Green is in opposition to the passage of HB 720.

HB 597-FN-A, relative to the natural heritage inventory program. Ways and Means Committee. Ought to pass with amendment, Vote 3-0. Senator Odell for the committee.

Senate Ways and Means

May 19, 2005

2005-1515s

01/09

Amendment to HB 597-FN-A

Amend RSA 217-A:7-a, I as inserted by section 7 of the bill by replacing it with the following:

I. The commissioner shall charge a fee of \$25 for requests for environmental reviews and a fee not to exceed \$25 to offset the costs of providing publications and/or reports to the public. The fees charged under this paragraph shall be deposited in the fund established in paragraph II.

Amendment adopted.

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

Adopted.

Ordered to third reading.

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:

HJR 3, supporting the Portsmouth Naval Shipyard.

SUSPENSION OF THE RULES

Senator Fuller Clark moved that the rules of the New Hampshire Senate be so far suspended as to dispense with the referral to committee, a committee hearing, notice of hearing, a committee report, and notice of report in the calendar and that House Joint Resolution 3 be on second reading at the present time.

Adopted by the necessary 2/3 vote.

HJR 3, supporting the Portsmouth Naval Shipyard.

Senator Fuller Clark moved ought to pass.

Adopted.

Ordered to third reading.

HOUSE MESSAGE

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

SB 39, relative to disinterment of dead bodies.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 39, relative to disinterment of dead bodies.

Senator Johnson moved to concur.

Adopted.

HOUSE MESSAGE

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

SB 145-FN, establishing a medical/vision advisory board.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 145-FN, establishing a medical/vision advisory board.

Senator Letourneau moved to concur.

Adopted.

HOUSE MESSAGE

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

SB 222-FN, relative to cumulative trauma under workers' compensation.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 222-FN, relative to cumulative trauma under workers' compensation.

Senator Flanders moved to concur.

Adopted.

HOUSE MESSAGE

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

SB 56, relative to penalties for eluding pursuit by a law enforcement officer.

SB 69-L, relative to certain insurance liens.

SB 123, relative to the liability of pet shops for the sale of sick animals.

SB 143, relative to the adoption and use of impact fees for public open space.

SB 176, creating a public safety exception to a municipality's denial of an appropriation or budgetary item.

SB 180-FN-A-L, increasing certain motor vehicle registration fees and appropriating the funds for local government records management programs.

HOUSE MESSAGE

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

HB 112, relative to psychiatric evaluations in competency hearings.

HB 152-FN, establishing a committee to study the uses of biodiesel for home heating and vehicular transportation.

HB 157, establishing a committee to study procurement methods for public works projects by state and local government agencies.

HB 195, establishing a committee to study the department of insurance and awarding of the bids for health insurance for state employees.

HB 199, relative to fish and game department expenditures for marine fisheries, and relative to the membership and reporting date of the commission to study recommendations of the New Hampshire estuaries project management plan.

HB 236, relative to the time period for filing for rehearing or appeal of a zoning or planning decision.

HB 286, prohibiting the operation of pocket bikes upon ways.

HB 329, establishing the crime victim employment leave act.

HB 332, relative to harassment by telephone.

HB 353, relative to consent to haul lobster and crab gear of license holders.

HB 382, establishing a committee to develop a strategic capital plan for department of corrections' facilities.

HB 440, relative to hearing ear dogs, guide dogs, and service dogs.

HB 487-FN, establishing a volunteer lake assessment program in the department of environmental services.

HB 672-FN, relative to notaries public, justices of the peace, and adopting the Uniform Law on Notarial Acts.

HOUSE MESSAGE

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

SB 11-FN, extending the local property tax exemption for wooden poles and conduits.

SB 17, relative to the definition of educational institution for the purpose of higher education loans.

SB 30, establishing the Collaborative Practice for Emergency Contraception Act.

SB 85, relative to expenses of operating bingo games.

SB 93-FN, transferring the electricians' board to the department of safety.

SB 150-FN, relative to application fees for certain bank incorporations.

SB 192, relative to service in a war or conflict qualifying for the veterans' tax credit.

SCR 2, relative to reauthorization of the Transportation Equity for the 21st Century Act (TEA-21).

SJR 2, a resolution urging Congress to reject the Streamlined Sales Tax Project.

RESOLUTION

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

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 59-FN-L, relative to municipal responsibility for septage disposal.

HB 78-FN-L, relative to state funding of regional vocational education centers.

HB 129-FN-L, establishing a high performance school incentive.

HB 132, relative to grounds for dismissal of a teacher.

HB 145, relative to the healthy kids corporation.

HB 158, relative to Auburn, Exeter, and Hampton District Courts.

HB 204-FN, relative to unauthorized video surveillance.

HB 246, establishing a committee to study the classification of employees as independent contractors.

HB 248, authorizing semi-annual payments of school building aid.

HB 269, establishing a statutory committee for the protection of human research subjects.

HB 307, establishing a committee to study the feasibility of licensing residential building and remodeling contractors.

HB 323-FN, relative to excluding social security numbers and other information from documents filed with registries of deeds.

HB 424-FN, prohibiting the receipt of cash gifts by elected officials.

HB 432, relative to the septage handling and treatment facilities grant program and the septage and sludge land application restrictions.

HB 467, relative to naming private roads.

HB 478-FN-A, making an appropriation for "Newslines for the Blind."

HB 514, establishing the New Hampshire health care quality assurance commission.

HB 547-FN, changing the funding limit for on-premise-use fuel oil storage facilities.

HB 549, modifying notice requirements for the acceptance of unanticipated funds by a school district, city, town, or public library.

HB 597-FN-A, relative to the natural heritage inventory program.

HB 602-FN-A, relative to the unbundling of communications services for purposes of the application of the communications services tax.

HB 618-FN-L, relative to persons acting as volunteers to a state agency.

HB 619-FN, relative to skier safety and ski area responsibility.

HB 625-FN-L, authorizing borrowing from the state revolving loan fund for the Winnepesaukee River Basin project.

HB 628-FN, relative to the authority of law enforcement officers to close an area for the purpose of abating a threat to public health or safety.

HB 640-FN, relative to parental rights and responsibilities.

HB 643-FN, establishing an integrated criminal justice information system.

HB 683-FN, relative to reporting of motor vehicle offenses by driver education instructors and drivers' school licensees.

HB 691-FN-L, relative to the medicaid program.

HB 720-FN, relative to special number plates.

HCR 2, declaring October 27 to be Boston Red Sox Day.

HCR 4, urging Congress to find that the Piscataqua River and Portsmouth Harbor lie within the state of New Hampshire.

HCR 10, recognizing February 8, 2005 as Scouting in New Hampshire day.

HJR 3, supporting the Portsmouth Naval Shipyard.

Senator Gottesman moved that the committee on Rules and Enrolled Bills has reviewed the Enrolled Bill amendments received by the Clerk and approved the amendments to:

HOUSE BILLS 299, 303, 394, 411, 420, 449, 465 and 469.

The Committee recommends Senate approval of these amendments.

May 3, 2005
2005-1311-EBA
03/01

Enrolled Bill Amendment to HB 299

The Committee on Enrolled Bills to which was referred HB 299

AN ACT establishing a committee to study state laws governing liens for labor and materials.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 299

This enrolled bill amendment corrects certain references in the bill.

Enrolled Bill Amendment to HB 299

Amend section 3 of the bill by replacing lines 6-7 with the following:

Builders and Remodelers Association of New Hampshire, the Association of Builders and Contractors, the Associated General Contractors of New Hampshire, and the Bankers

Adopted.

May 11, 2005
2005-1406-EBA
06/10

Enrolled Bill Amendment to HB 303-FN

The Committee on Enrolled Bills to which was referred HB 303-FN

AN ACT relative to the fire standards and training commission.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 303-FN

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to HB 303-FN

Amend RSA 21-P:25, I as inserted by section 1 of the bill by replacing line 3 with the following: standards for employment as [a] full-time [~~firefighter~~] *fire service personnel*, establish minimum

Adopted.

April 27, 2005
2005-1272-EBA
08/09

Enrolled Bill Amendment to HB 394

The Committee on Enrolled Bills to which was referred HB 394

AN ACT relative to real estate tax lien procedures for tax collectors.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 394

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 394

Amend RSA 80:64 as inserted by section 1 of the bill by replacing line 4 with the following: subject to lien, certified by [him] *the tax collector* under oath to be true; the name of the *current owner, if known, or*

Adopted.

May 10, 2005
2005-1380-EBA
03/09

Enrolled Bill Amendment to HB 411

The Committee on Enrolled Bills to which was referred HB 411

AN ACT relative to North Conway water precinct.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 411

This enrolled bill amendment clarifies amending language in the bill.

Enrolled Bill Amendment to HB 411

Amend section 1 of the bill by replacing line 2 with the following:

170 as amended by 1987, 417 by inserting after section 2-b the following new section:

Adopted.

May 3, 2005
2005-1316-EBA
06/09

Enrolled Bill Amendment to HB 420

The Committee on Enrolled Bills to which was referred HB 420

AN ACT relative to receiving and addressing complaints against licensees by the board of mental health practice.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 420

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 420

Amend RSA 330-A:28, I-a as inserted by section 3 of the bill by replacing line 5 with the following: investigation or disciplinary action against such licensee. If the chairperson of the board is recused

Adopted.

May 3, 2005
2005-1327-EBA
04/01

Enrolled Bill Amendment to HB 449-FN

The Committee on Enrolled Bills to which was referred HB 449-FN

AN ACT relative to special wild turkey seasons and permits.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 449-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 449-FN

Amend section 2 of the bill by replacing line 3 with the following:

III. In addition to wild turkey licenses and permits issued under RSA 214:9, XI, the executive

Adopted.

May 12, 2005
2005-1407-EBA
06/10

Enrolled Bill Amendment to HB 465-FN

The Committee on Enrolled Bills to which was referred HB 465-FN

AN ACT authorizing the board of medicine to take non-disciplinary remedial action against physicians.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 465-FN

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to HB 465-FN

Amend RSA 329:18-a, IV-a as inserted by section 9 of the bill by replacing line 2 with the following: provisions of RSA 91-A, except that the board may disclose any final remedial action that affects the

Adopted.

May 12, 2005
2005-1412-EBA
06/01

Enrolled Bill Amendment to HB 469

The Committee on Enrolled Bills to which was referred HB 469

AN ACT regulating disputes between homeowners and contractors relative to residential construction defects.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 469

This enrolled bill amendment makes certain grammatical and technical corrections to the bill.

Enrolled Bill Amendment to HB 469

Amend RSA 359-G:1 as inserted by section 1 of the bill by replacing line 3 with the following:

framework for discussion about an alleged defect. As part of this process, RSA 359-G:4, IV allows a

Amend RSA 359-G:2, II as inserted by section 1 of the bill by replacing line 2 with the following:

which contracts with a contractor for the construction, sale, substantial remodel or repair, or

Amend RSA 359-G:2, III as inserted by section 1 of the bill by replacing lines 4-6 with the following:

concerning the design, construction, modification, or repair of a residence about which a person has a complaint against a contractor. The term may include any physical damage to the residence, any appurtenance, or the real property on which the residence or appurtenance is affixed, proximately

Amend RSA 359-G:2, IV as inserted by section 1 of the bill by replacing line 3 with the following:

modification or repair of a new or existing residence, or construction, alteration, addition, or repair of

Amend RSA 359-G:4, IV as inserted by section 1 of the bill by replacing lines 2-9 with the following:

within 15 days of receiving a contractor's proposal, provide the contractor and its subcontractors, agents, experts, and consultants prompt and complete access to the residence to inspect the residence, document any alleged construction defect, and, if authorized in writing by the homeowner, perform any destructive or non-destructive testing required to fully and completely evaluate the nature, extent, and cause of the claimed defect and the nature and extent of any repairs or replacements that may be necessary to remedy the alleged defect. If destructive testing is authorized in writing by the homeowner, the contractor shall give the homeowner advance notice of such tests and shall, after completion of the testing, return the residence to a condition as close as reasonably

Amend RSA 359-G:4, VI as inserted by section 1 of the bill by replacing line 1 with the following:

VI. If a homeowner accepts a contractor's offer made pursuant to subparagraph V(a), (b), or

Amend RSA 359-G:4, X as inserted by section 1 of the bill by replacing line 4 with the following:

If no response is served upon the contractor within the 30-day period, then the offer shall be deemed

Amend RSA359-G:4, XII as inserted by section 1 of the bill by replacing line 1 with the following:

XII. Service of a written notice of claim pursuant to this chapter shall automatically toll the

Amend RSA 359-G:4, XIV(e) as inserted by section 1 of the bill by replacing line 3 with the following:

of reasonable diligence prior to the homeowner's purchase of the residence, and that was not caused to

Amend RSA 359-G:6 as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

359-G:6 Release. If a homeowner accepts an offer made in compliance with this chapter and the contractor fulfills the offer in compliance with this chapter, the homeowner shall thereafter be barred

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

2 Applicability. This act shall apply to all contracts entered into after the effective date.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, sending and receiving messages, and processing enrolled bill reports.

Adopted.

In recess to the Call of the Chair.