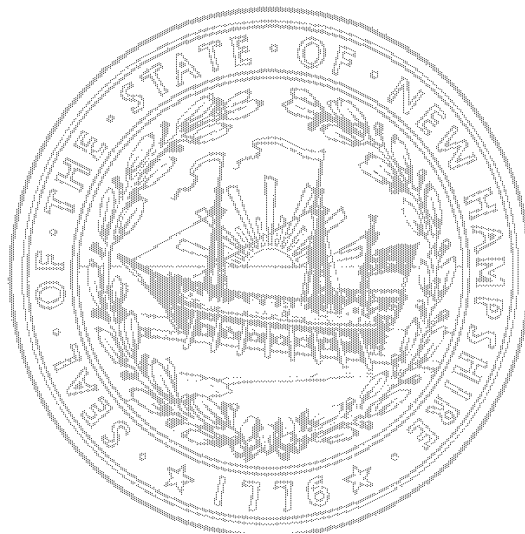


May 8, 2008
No. 19A

STATE OF NEW HAMPSHIRE

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Legislative

SENATE CALENDAR ADDENDUM REPORTS AND AMENDMENTS

THURSDAY, MAY 15, 2008

ADDENDUM CALENDAR # 19A

REPORTS

EDUCATION

HB 1161, (New Title) establishing a committee to study the truancy laws.

Ought to Pass with Amendment, Vote 3-0.

Senator Bragdon for the committee.

HB 1261, establishing a commission to investigate a program in which senior year of high school may be spent at a community college.

Inexpedient to Legislate, Vote 3-0.

Senator Estabrook for the committee.

HB 1282, amending the pre-engineering technology curriculum.

Ought to Pass with Amendment, Vote 2-1.

Senator Kelly for the committee.

HB 1299, (New Title) establishing a committee to study the feasibility of creating a preschool incentive fund program.

Ought to Pass with Amendment, Vote 3-0.

Senator Estabrook for the committee.

HB 1330, relative to the process for nonrenewal of teacher contracts.

Ought to Pass with Amendment, Vote 3-0.

Senator Kelly for the committee.

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

HB 1429, relative to private landfills.

Ought to Pass with Amendment, Vote 4-0.

Senator Cilley for the committee.

FINANCE

HB 679-FN-L, relative to delivery of special education services.

Ought to Pass, Vote 7-0.

Senator Sgambati for the committee.

HB 766-FN, making changes to the laws relating to special education.

Ought to Pass with Amendment, Vote 7-0.

Senator Hassan for the committee.

HB 877-FN, relative to the state recycling program.

Ought to Pass with Amendment, Vote 6-0.

Senator Janeway for the committee.

HB 1426-FN-A, relative to motor fuel import fees.

Ought to Pass, Vote 7-0.

Senator Odell for the committee.

HB 1434, relative to the regional greenhouse gas initiative and authorizing cap-and-trade programs for controlling carbon dioxide emissions.

Ought to Pass with Amendment, Vote 6-1.

Senator Janeway for the committee.

HB 1551-FN, relative to lobbyist registration fees.

Ought to Pass with Amendment, Vote 6-1.

Senator Sgambati for the committee.

HB 1563-FN, authorizing public academies to receive public funds for renovation and expansion of regional vocational education programs.

Ought to Pass, Vote 6-1.

Senator D'Allesandro for the committee.

HB 1594-FN, relative to hazardous materials.

Ought to Pass with Amendment, Vote 7-0.

Senator Hassan for the committee.

HB 1618-FN-A, relative to motor vehicle fees and motor vehicle violation fines and relative to appropriations from the highway fund.

Ought to Pass with Amendment, Vote 7-0.

Senator D'Allesandro for the committee.

HB 1642-FN, (New Title) providing additional funding for charter schools for the 2009 fiscal year.

Ought to Pass with Amendment, Vote 4-2.

Senator Hassan for the committee.

HB 1644-FN-A, establishing a Coos county job creation tax credit.

Ought to Pass, Vote 7-0.

Senator Gallus for the committee.

HEALTH AND HUMAN SERVICES

HB 1201, (New Title) allowing communities to conduct point of dispensing exercises to test emergency management operations plans, allowing qualified health professionals to prescribe and administer flu vaccine during such exercises, and granting immunity to such qualified health professionals.

Interim Study, Vote 2-1.

Senator Estabrook for the committee.

HB 1422, (New Title) establishing a committee to study the prevention of childhood obesity.

Ought to Pass with Amendment, Vote 3-0.

Senator Sgambati for the committee.

HB 1435, requiring certain food programs to comply with Centers for Disease Control/Institute of Medicine standards.

Inexpedient to Legislate, Vote 3-0.

Senator Gallus for the committee.

HB 1637, relative to reports to the cancer registry.

Ought to Pass, Vote 3-0.

Senator Estabrook for the committee.

JUDICIARY

HB 373, relative to unlawful possession of alcohol by a minor.

Ought to Pass with Amendment, Vote 3-1.

Senator Foster for the committee.

HB 1180, (New Title) relative to the definitions of "law enforcement officer" and "judicial officer" under the capital murder law and establishing a commission to study the death penalty in New Hampshire.

Inexpedient to Legislate, Vote 3-1.

Senator Letourneau for the committee.

HB 1319, relative to the reasonable cost of medical support for dependent children.

Ought to Pass with Amendment, Vote 4-0.

Senator Gottesman for the committee.

HB 1321, relative to the inspection of juvenile detention facilities.

Ought to Pass, Vote 3-1.

Senator Gottesman for the committee.

HB 1370, establishing a pilot program for an integrated juvenile justice information sharing system.

Ought to Pass, Vote 4-0.

Senator Reynolds for the committee.

HB 1386, relative to a grandparent's rights to access court and case records involving a grandchild.

Ought to Pass with Amendment, Vote 4-0.

Senator Letourneau for the committee.

HB 1477, relative to cellular phone and satellite television records for child support enforcement.

Ought to Pass, Vote 3-1.

Senator Reynolds for the committee.

HB 1536, relative to periodic payments of judgments.

Inexpedient to Legislate, Vote 3-1.

Senator Reynolds for the committee.

THURSDAY, MAY 15, 2008

AMENDMENTS

Senate Judiciary

May 13, 2008

2008-1867s

03/04

Amendment to HB 373

Amend RSA 179:10, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who has consumed any alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of \$300. Any second and subsequent offense shall be fined at least \$600. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of consumption. In lieu of any or all portions of such fines, the court may impose community service for such period as the court deems appropriate under the circumstances.

Senate Finance

May 12, 2008

2008-1831s

04/05

Amendment to HB 766-FN

Amend RSA 186-C:25, III(d) as inserted by section 26 of the bill by replacing it with the following:

(d) Be provided only after obtaining informed parental consent.

Senate Finance
May 12, 2008
2008-1815s
06/09

Amendment to HB 877-FN

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 through 9 to read as 2 through 10:

1 Plan for State Recycling Program. This act is a plan for the state recycling program and shall not mandate the expenditure of funds during the 2008-2009 biennium.
2008-1815s

AMENDED ANALYSIS

This bill establishes a plan for state agencies to recycle certain materials.

Senate Education
May 13, 2008
2008-1843s
04/09

Amendment to HB 1161

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

I. The committee shall be comprised of 6 members of the house of representatives, appointed by the speaker of the house of representatives, three of whom shall be from the house education committee and one from each of the following committees: criminal justice and public safety, judiciary, and children and family law.

Amend the bill by replacing section 4 with the following:

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

Senate Education
May 13, 2008
2008-1841s
04/05

Amendment to HB 1282

Amend RSA 188-E:14, I as inserted by section 1 of the bill by replacing it with the following:

I. The department of education shall ~~[develop and implement]~~ **facilitate the development and implementation of** a pre-engineering technology curriculum ~~[in the public high schools to provide statewide opportunities for high school]~~ **in the public schools for** students **in grades 6 through 12 who are** interested in careers in engineering, or allied engineering fields~~[, to enroll in a high quality engineering technology curriculum]~~.
2008-1841s

AMENDED ANALYSIS

This bill requires the department of education to facilitate the development and implementation of a pre-engineering technology curriculum for public school students in grades 6-12.

Senate Education
May 13, 2008
2008-1842s
04/09

Amendment to HB 1299

Amend subparagraph I(b) as inserted by section 3 of the bill by replacing it with the following:

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

Amend paragraph II as inserted by section 3 of the bill by replacing it with the following:

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

Senate Judiciary
May 13, 2008
2008-1866s
03/10

Amendment to HB 1319

Amend the bill by replacing sections 1 and 2 with the following:

1 Definition of Reasonable Cost. Amend RSA 458-C:2, VI-a to read as follows:

VI-a. "Reasonable cost" means that the medical support obligation does not exceed ~~[5]~~ **4** percent of the **individual** parent's ~~[individual net]~~ **gross** income ~~[as calculated under the formula set forth in RSA 458-C:2, VI].~~

2 Medical Support Obligation. Amend RSA 458-C:3, V to read as follows:

V. If the minor child is not currently enrolled in private health insurance, the court shall calculate a reasonable medical support obligation for each parent. A medical support obligation shall be reasonable if it does not exceed ~~[5]~~ **4** percent of the **individual** parent's ~~[individual net]~~ **gross** income under RSA 458-C:2, VI-a. If the court determines that health insurance is available at a reasonable cost to either parent, or is available by combining the reasonable medical support obligation of both parents, the court shall order either or both parents to provide such support.

Senate Education
May 13, 2008
2008-1844s
04/01

Amendment to HB 1330

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

1 School Boards; Review by State Board. Amend RSA 189:14-b, I to read as follows:

I. A teacher aggrieved by such decision may ~~[request]~~ **either petition** the state board of education for review thereof **or request arbitration under the terms of a collective bargaining agreement, if applicable, but may not do both.** Such ~~[request]~~ **petition** must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such ~~[request]~~ **petition**, the state board shall notify the school board of the ~~[request]~~ **petition** for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[30]~~ **15** days after the ~~[request]~~ **petition** for review is filed, and the decision of the state board shall be final and binding upon both parties. ~~[A request for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.]~~

2 Public Employee Labor Relations; Grievance Procedures. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. ~~[No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement.]~~

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

Sen. Foster, Dist. 13
May 7, 2008
2008-1743s
09/01

Amendment to HB 1386

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

AN ACT relative to a grandparent's rights to access court and case records involving a grandchild in child abuse and neglect cases.

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

1 Child Abuse and Neglect. Amend RSA 169-C:25, I to read as follows:

I.(a) The court records of proceedings under this chapter shall be kept in books and files separate from all other court records. Such records shall be withheld from public inspection but shall be open to inspection by the parties, child, parent, **grandparent pursuant to subparagraph (b)**, guardian, custodian, attorney, or other authorized representative of the child.

(b) A grandparent seeking access to court records under subparagraph (a) shall file a request for access with the court clerk supported by an affidavit signed by the grandparent stating the reasons for requesting access and shall give notice of such request to all parties to the case and the minor's parents. Any party to the case or parent may object to the grandparent's request within 10 days of the filing of the request. If no objection is made, and for good cause shown, the grandparent's request may be granted by the court. If an objection is made, access may be granted only by court order.

2 Effective Date. This act shall take effect January 1, 2009.
2008-1743s

AMENDED ANALYSIS

This bill expands the rights of grandparents to have access to court and case records involving grandchildren in child abuse and neglect cases.

Health and Human Services
May 13, 2008
2008-1850s
01/09

Amendment to HB 1422

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

AN ACT establishing a commission on the prevention of childhood obesity.

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

1 Commission Established. There is established a commission to study the prevention of childhood obesity.

2 Membership and Compensation.

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

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The commissioner of the department of education, or designee.
- (e) A representative from the Citizen's Health Initiative, appointed by the board of such organization.
- (f) A representative from the New Hampshire Pediatric Society, appointed by such organization.
- (g) One representative from the New Hampshire Childhood Obesity Expert Panel, appointed by the Foundation for Healthy Communities.
- (h) A representative from the New Hampshire Chapter of the American Heart Association, appointed by such organization.
- (i) A school board member, appointed by the governor.
- (j) A teacher, appointed by New Hampshire Association for Health, Physical Education, Recreation and Dance.
- (k) A representative from the New Hampshire Recreation and Park Association, appointed by such association.
- (l) A representative from the New Hampshire Public Health Association, appointed by such association.
- (m) A nutritionist, appointed by the University of New Hampshire Cooperative Extension.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall identify and consider legislative and policy strategies that may be effective in the prevention of childhood obesity in New Hampshire. The commission shall seek input from individuals or entities that the commission deems relevant to its study. The commission's study shall include but not be limited to:

- (a) The efficacy of current laws, regulations, education and certification standards, and clinical protocols in promoting physical activity and healthy eating.
- (b) An examination of evidenced-based or promising practices from other states and jurisdictions relative to statewide policy, local ordinance, and educational programming strategies.
- (c) The health consequences and economic impact of childhood obesity in the state and the economic impact of any prevention policies or strategies.
- (d) Strategies to address the needs of particular regions of the state or certain populations within the state most impacted by childhood obesity.
- (e) Developing recommendations to assist schools in adopting and implementing school nutrition standards.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 15, 2009.

6 Effective Date. This act shall take effect upon its passage.
2008-1850s

AMENDED ANALYSIS

This bill establishes a commission on the prevention of childhood obesity.

Environment, Energy and Economic Development
May 13, 2008
2008-1863s
08/09

Amendment to HB 1429

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

1 New Paragraphs; Host Community Agreement; Definitions. Amend RSA 149-M:4 by inserting after paragraph X-a the following new paragraphs:

X-b. "Host community agreement" means an agreement between the owner of a privately-owned landfill and the municipality in which the landfill is located.

X-c. "Host community fee" means a fee payable in one or more installments to a municipality in which a privately-owned landfill is located, in order to compensate the municipality for the impacts occasioned by that landfill.

2 New Section; Host Community Agreement. Amend RSA 149-M by inserting after section 12 the following new section:

149-M:12-a Host Community Agreement; Department Issuance of Permit.

I. The purpose of this section is to ensure that host municipalities are compensated for the unique economic and environmental impacts associated with the location of solid waste landfills within their boundaries. The potential economic and environmental impacts such as impacts to groundwater, air quality, and other natural resources are unique to solid waste landfills as opposed to transfer, processing, and recycling facilities for solid waste which do not involve the permanent disposal of solid waste. The general court has recognized the impacts of landfills by ranking landfills in the hierarchy established in RSA 149-M:3 as the least desirable of solid waste disposal methods. Because privately-owned landfills are operated for profit and are not deemed to be public entities, the general court finds that it is in the public interest to compensate host municipalities for these immediate and long-term economic and environmental impacts through the payment of a host community fee. The general court acknowledges that the amount of any such host community fee will be dependent upon the size of the landfill, the nature and degree of the impacts associated with its operation, and whether the private landfill accepts solid waste from any source or is intended only to serve a single or limited number of entities generating solid waste. For the reasons stated herein, the general court also finds that enhanced opportunity for public participation in the permitting process for privately-owned landfills is in the public interest.

II. The department may not issue a permit for a privately-owned landfill or a modification of such a permit unless:

(a) A host community agreement is in place;

(b) A host community fee has been determined in a writing signed by duly authorized representatives of the owner or operator of the privately-owned landfill and the governing body of the host municipality;

(c) The dispute resolution process prescribed by paragraph VI of this section has been completed by the determination of a host community fee by the arbitrator; or

(d) The municipality has elected not to participate in the dispute resolution process.

III. No later than 10 days after a determination by the department that the application for a permit or a permit modification for a privately-owned landfill is complete, the applicant shall request a meeting with the municipality for the negotiation of a host community agreement or the

determination of a host community fee. If the municipality agrees to such a meeting, it shall take place within 30 days of the request. The parties may continue to meet thereafter as often as they deem necessary to reach agreement on a host community agreement or the amount of a host community fee, except as otherwise provided by this section.

IV. No later than September 1, 2008, the owner of every privately-owned landfill permitted under this chapter that is operating on that date shall request a meeting with the municipality in which the landfill is located for the negotiation of a host community agreement or the determination of a host community fee. If the municipality agrees to such a meeting, it shall take place within 30 days of the request. The parties may continue to meet thereafter as often as they deem necessary to reach agreement on a host community agreement or the amount of a host community fee, except as otherwise provided by this section.

V. Based upon the nature, size, and projected economic and environmental impacts of the landfill, a host community fee shall reimburse the municipality for projected expenditures for:

- (a) Improvement, maintenance, and repair of:
 - (1) Local roads to the extent that they are directly affected by traffic to and from the landfill; and
 - (2) Other infrastructural elements to the extent they are directly affected by the landfill;
- (b) Development and maintenance of adequate local emergency response capacity reasonably necessary to accommodate the landfill;
- (c) Reasonable fees and expenses incurred by the municipality to monitor and interpret technical information about the landfill's operation; and
- (d) Other expenses and impacts determined on a case-specific basis by the applicant and municipality to be appropriate given the nature of the landfill.

VI.(a) If the municipality and facility owner have not agreed on the amount of the host community fee, either party may seek to resolve a dispute about the amount of the host community fee in accordance with this paragraph, unless the municipality elects not to participate. The provisions of this section shall be the exclusive means by which the amount of the host community fee shall be determined, except as provided in subparagraph VI(b)(9).

(b) In the event that a host community fee has not been determined within 90 days of the department's determination that the application for a permit or a permit modification is complete, one or both of the parties shall inform the commissioner and commence the dispute resolution process by submitting the dispute to arbitration to the office of mediation and arbitration established in RSA 490-E.

(1) The arbitration shall be conducted in accordance with the rules of the office of mediation and arbitration and superior court rule 170-A. The substantive law of the state of New Hampshire shall govern any such arbitration.

(2) Subject to RSA 542:8, both the facility owner and the municipality shall be bound by the decision of the arbitrator.

(3) The arbitration shall be concluded within 90 days of the appointment of the arbitrator.

(4) Costs and fees associated with the arbitration shall be shared equally between the parties. Each party shall bear the costs of its own attorneys and experts associated with the arbitration.

(5) The arbitrator shall submit the decision to the parties and to the commissioner.

(6) Irrespective of when it is rendered, the decision of the arbitrator shall be effective as of the date of the department's issuance of the permit or permit modification, and the landfill's owner shall perform in accordance with the arbitrator's decision until and unless the decision is reversed or modified on appeal.

(7) Either party may appeal any alleged errors of law or findings of fact without support in the arbitration record to the superior court. Upon correction, vacation, or modification of the arbitrator's decision by a final ruling of the superior court or the supreme court, the parties shall make such payments or provide such refunds as are necessary to give effect to the court's

decision as of the date of the department's issuance of the permit or permit modification or December 1, 2008, whichever is later.

(8) If the owner of the privately-owned landfill fails to make such payments or provide such funds as are necessary to give effect to the host community fee as determined by the parties, to the decision of the arbitrator, or to the court's final decision upon appeal and fails to comply with any such decision for more than 30 days, the commissioner shall revoke the permit or permit modification.

(9) Nothing in this section shall prevent the parties from voluntarily negotiating the amount of the host community fee during the pendency of an arbitration proceeding. Notwithstanding any other provision of law, any host community fee so negotiated before the issuance of an award by the arbitrator shall constitute the host community fee under this section and the arbitration shall be terminated as of the date of the duly executed written agreement providing for the host community fee. Notice and a copy of any agreement for a host community fee completed during the pendency of an arbitration shall be submitted to the arbitrator and to the commissioner in order to terminate the arbitration.

3 Rulemaking. Amend RSA 149-M:7, XV to read as follows:

XV. Such other rules as are deemed necessary to implement the provisions of this chapter ***except relative to the use of a host community fee paid to a municipality.***

4 New Section; Municipal Notification. Amend RSA 149-M by inserting after section 9 the following new section:

149-M:9-a Municipal Notification.

I. No later than 30 days prior to the submission of an application for a permit to construct and operate, or modify an existing permit for, a privately-owned landfill, the owner or operator shall hold a public information meeting in the municipality in which the landfill is, or is proposed to be, located, to present to the governing body of the municipality, its residents, and other interested persons the nature and purpose of the application and address any questions concerning the application. Notice of the public information meeting shall be made by the owner or operator and shall be published at least 7 days prior to the information meeting in one newspaper of general circulation throughout the state and one newspaper of general circulation in the municipality. The director of waste management or designee shall attend the information meeting and be available to address the procedural and substantive provisions of the permitting process.

II. Copies of any application for a permit to construct, operate, or modify a privately-owned landfill and any subsequent communication and information submitted to the department shall be forwarded by first class mail, return receipt requested, by the applicant to the governing body of the municipality in which the landfill is, or is proposed to be, located. The department shall provide the governing body of the municipality with copies of any mailed communication sent to the applicant. The department shall provide the applicant with copies of any mailed communication sent to or received from the governing body of a municipality.

III. Following the submission of the application and a determination that it is complete, and upon 30 days prior notice, the department shall hold a public hearing on the application in the municipality in which the landfill is, or is proposed to be, located. Notice of the hearing shall be made by the applicant and shall be published twice in 2 different weeks, the last publication to be at least 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality.

IV. The applicant and the governing body of each municipality and any other interested person may submit comments to the department relative to the application within 30 days after the public hearing in the municipality. If the comments relative to the application submitted by the municipality make recommendations to the department, the department shall consider such recommendations and shall issue written findings with respect to each issue raised that is contrary to the decision of the department.

V. The department shall issue a draft permit with respect to any application subject to the provisions of this section. Upon the request of the governing body of the municipality in which the

privately-owned landfill is located, the department shall hold a public hearing, after issuance of the draft permit, and prior to the issuance of a final decision on the permit. The department shall provide the municipality with the draft permit when it is issued. The governing body of the municipality shall have 15 days from the date the draft permit is issued to request a public hearing on the draft permit. Notice and response to hearing requests shall be the same as that required under paragraph III.

VI. The department shall maintain an administrative record for each public hearing held under this section, including copies of all information and documents submitted and a written transcript of all testimony given.

VII. For the purposes of this section, the term “modify” shall mean any application that would result in the following:

- (a) A material increase in the approved design capacity of the landfill;
- (b) A material reduction or increase in the operating life expectancy of a landfill;
- (c) A change in the height or the footprint of the landfill; or
- (d) Change of ownership or control of a landfill where:
 - (1) For a partnership, there is a change in the majority of general partners;
 - (2) For a corporation, there is a transfer of all corporate assets or a majority of voting shares to a new individual or entity unaffiliated with the transferring corporation; or
 - (3) For any other organization or individual, there is a transfer to an organization or individual unaffiliated with the transferring organization or individual.

VIII. The department shall allow any municipality in which a privately-owned landfill is located or is proposed to be located to intervene as a party in the whole or in any portion of a proceeding for a permit or permit modification, and shall allow the municipality to participate by presentation of argument orally or in writing or for any other purpose, as the department may order. Any other municipality showing that it may be substantially and specifically affected by the issuance of such permit, shall be allowed to intervene as a party in the proceeding. Any municipality that intervenes before the department shall retain its status through any administrative and judicial appeal of the department’s decision.

5 Development of Legislative Proposals.

I. The department of environmental services is hereby directed to prepare a plan and proposal for legislative action in the 2009 session addressing the following items related to solid waste management:

(a) Proposals to achieve compliance with the integrated goal hierarchy established in RSA 149-M:3: source reduction; recycling and reuse; composting; waste-to-energy technologies; incineration without resource recovery; and landfilling.

(b) Proposals to ensure measurable progress toward the state’s unmet waste diversion goal of 40 percent by the year 2000, established in RSA 149-M:2. The plan should include an alternative to the 2000 date and more aggressive work by the department to establish a new timetable along with a higher but achievable waste diversion goal.

(c) A plan that will ensure capacity for disposal of New Hampshire waste by reducing the amount of out-of-state waste transported to private landfills by reducing the amount of construction and demolition debris deposited in landfills and by requiring extraction of recyclable materials from such waste before it may be disposed of in New Hampshire landfills.

(d) Recommendations for strengthening and streamlining the procedures for the development and formation of regional solid waste districts and cooperative waste plans, to avoid duplication of effort, unnecessary expense, and the need to transport waste long distances.

(e) A proposal to incorporate into the solid waste management statutes the requirement to review a public benefit determination when there is a modification which materially increases or reduces the capacity of a privately-owned landfill and the standards under which the commissioner shall make a determination that such a proposed modification will not cause or contribute to a failure to attain or maintain any public benefits required by RSA 149-M:11.

(f) Other changes to RSA 149-M necessary to ensure safe, economical, and environmentally sound management of solid waste.

II. The department shall report its findings and recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library in the form of a report on or before December 1, 2008.

6 Effective Date. This act shall take effect upon its passage.
2008-1863s

AMENDED ANALYSIS

This bill:

I. Defines “host community agreement” and “host community fee.”

II. Requires privately owned landfills to negotiate agreements with the municipality.

III. Requires certain disputes between municipalities and privately-owned landfills to be resolved through arbitration.

IV. Directs the department of environmental services to develop proposals for the 2009 legislative session.

V. Prohibits the adoption of administrative rules necessary to implement provisions relative to the use of host community fees.

VI. Requires the department of environmental services to issue draft permits and draft permit modifications for privately-owned landfills.

Senate Finance
May 13, 2008
2008-1839s
08/10

Amendment to HB 1434

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. RGGI is a modest first step in addressing greenhouse gas emissions consistent with the direction of the New England Governors/Eastern Canadian Premiers goals and provides leadership in promoting a federal or international plan. If a comparable federal CO₂ cap and trade program becomes law, the general court should consider the need to continue participation in RGGI in accordance with the provisions of the RGGI MOU.

Amend RSA 125-O:21, VI as inserted by section 2 of the bill by inserting after subparagraph (g) the following new paragraph:

(h) The status of any proposed or adopted federal CO₂ cap and trade program, the impact on New Hampshire’s RGGI program, and recommendations for any proposed legislation necessary to accommodate the federal program.

Amend RSA 125-O:23, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Notwithstanding paragraphs I, II, and III, all amounts in excess of the threshold prices listed below for any allowance sale made prior to January 1, 2016 that is deposited in the fund shall be rebated to all electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner, to be determined by the commission. For the following years listed, the threshold price shall be:

- (a) 2009, \$6/ton.
- (b) 2010, \$8/ton.
- (c) 2011 and 2012, \$9/ton.
- (d) 2013 and 2014, \$12/ton.
- (e) 2015, \$15/ton.
- (f) After 2015, no threshold price.

Senate Finance
May 12, 2008
2008-1826s
03/04

Amendment to HB 1551-FN

Amend the bill by replacing sections 1-2 with the following:

- 1 Reference Added. Amend RSA 6:12, I(b)(41) to read as follows:

(41) The fees collected by the secretary of state under RSA 660:1 and the designated portion of fees collected under RSA 5:10 **and RSA 15:4** which shall be credited to the recount administrative and fee account established under RSA 660:31.

- 2 Lobbyists; Registration Fee. Amend RSA 15:4 to read as follows:

15:4 Registration Fee.

I. The fee for registration as a lobbyist under RSA 15:1 for any one year shall be ~~[\$50 for each person lobbying]~~ ***\$200*** for each reported client or employer, ***except that a lobbyist registering solely as a lobbyist for nonprofit entities qualified for exemption from federal taxation under section 501(c)(3) of the Internal Revenue Code shall pay a \$100 fee for each such entity.*** A fee shall be paid for each individual who acts as a lobbyist for each client or employer regardless of his or her affiliation with any other registered lobbyist.

II. ***One-half of the fees collected under this section shall be deposited into the fund established by RSA 660:31 for the use of the secretary of state and the attorney general as provided by RSA 455:17. One-half of the fees collected under this section shall be deposited in the general fund.***

Amend the bill by replacing section 5 with the following:

- 5 Depositing Fees and Assessments; Lobbyist Registration Fees. Amend RSA 660:13 to read as follows:

660:31 Depositing Fees and Assessments. There is established in the state treasury a separate nonlapsing account to be known as the recount administrative and fee account. The account shall be used by the secretary of state for the administration of recounts under RSA 660 and to fulfill the duties established by RSA 455:17. Notwithstanding any other provision of law, all fees which are paid to the secretary of state under RSA 660:1 ***and ½ of the fees paid to the secretary of state under RSA 15:4*** and the portion of application fees for commissions as a notary public or justice of

the peace under RSA 5:10 shall be credited to this account. All fees which are credited to this account shall be continually appropriated to the secretary of state.
2008-1826s

AMENDED ANALYSIS

This bill modifies fees for lobbyist registration. This bill also requires that ½ of the lobbyist registration fees be deposited in the recount administrative and fee account, and authorizes funds in the account to be used for administration of the lobbyist laws.

Senate Finance
May 12, 2008
2008-1833s
08/05

Amendment to HB 1594-FN

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

AN ACT establishing a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

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

1 Commission Established. There is established a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

2 Membership and Compensation.

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

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

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

(c) The commissioner of the department of environmental services, or designee.

(d) The state fire marshal, or designee.

(e) Four members of the business community, appointed by the Business and Industry Association of New Hampshire.

(f) A member of the New Hampshire Motor Transport Association, appointed by that organization.

(g) A member of the Independent Oil Marketers Association of New England, appointed by that association.

(h) A member of a regional hazardous materials response team appointed by the New Hampshire Association of Fire Chiefs.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the sources of funding and expenditures related to programs for hazardous waste, as defined in RSA 147-B:2, VII, and hazardous materials, as defined by RSA 147-B:2, VIII, in New Hampshire. The commission's study shall include:

I. A compilation of the various different sources of income and the dedicated funds associated with hazardous waste and hazardous materials programs.

II. A compilation of the expenditures associated with hazardous waste and hazardous materials programs.

III. An examination of the relationship between the incomes and the expenditures of the funds used in hazardous waste and hazardous materials programs.

IV. An examination of the uniformity of the relationship between fund income and expenditures and recommendations on improving the uniformity of that relationship.

V. An examination of the possibility of improving program effectiveness through consolidation of the various funding sources or programs.

VI. An examination of hazardous material reporting and related fees for future funding of hazardous materials emergency response programs.

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

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2008.

6 Effective Date. This act shall take effect upon its passage.
2008-1833s

AMENDED ANALYSIS

This bill establishes a commission to study the current methods of funding the hazardous waste and hazardous materials programs in New Hampshire.

Sen. D'Allesandro, Dist. 20
May 12, 2008
2008-1834s
03/09

Amendment to HB 1618-FN-A

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Tentative Budget. Amend RSA 9:6 to read as follows:

9:6 Tentative Budget. Upon the receipt of the estimates of expenditure requirements called for by RSA 9:4 and the preparation of the estimates of income called for by RSA 9:5, and not later than November 1 next succeeding, the commissioner of administrative services shall cause to be prepared a tentative budget conforming as to scope, contents, and character to the requirements of RSA 9:3 and containing the estimates of expenditure and revenue as called for by RSA 9:4 and ~~[5]~~ ***RSA 9:5***, which tentative budget shall be transmitted to the director of the budget for submittal to the governor. ***The tentative budget shall comply with the requirements of RSA 9:9-b.*** The budget shall be made available in printed format and in at least one electronic computer file format in common use at the time. ***The sections of the budget that state: gross appropriations from the highway fund, the highway block grant aid appropriation, the highway fund appropriation to the department of safety, and highway fund appropriations that are transferred to other agencies that comply with part II, article 6-a of the New Hampshire***

constitution relative to the use of highway funds, shall be reported to the president of the senate, the speaker of the house of representatives, and the chairmen of the house and senate standing committees on finance.

Sen. Hassan, Dist. 23
May 13, 2008
2008-1852s
04/09

Amendment to HB 1642-FN

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

1 Charter School Funding; Fiscal Year Ending June 30, 2009.

I. In addition to any funds distributed to charter schools pursuant to RSA 198:42, IV and 2007; 263:92 for the fiscal year ending June 30, 2009, the Academy for Science and Design Charter School, Cocheco Arts and Technology Charter Academy, Franklin Career Charter Academy, New Hampshire Equestrian Academy Charter School, Seacoast Charter School, Strong Foundations Charter School and Surry Village Charter School shall each receive a grant of \$1 per pupil.

II. Prior to July 1, 2008, the commissioner of the department of education shall inform the state treasurer of the amount needed to comply with the provisions of paragraph I, and the state treasurer shall provide sufficient funds from the education trust fund established in RSA 198:39 to the commissioner who shall distribute such funds pursuant to RSA 194-B:11, I(c). The amount distributed shall be calculated on a per pupil basis based on charter school pupil enrollment.

2 Effective Date. This act shall take effect July 1, 2008.
2008-1852s

AMENDED ANALYSIS

This bill provides additional funding for certain charter schools for the fiscal year ending June 30, 2009.