

April 19, 2012
No. 16A

STATE OF NEW HAMPSHIRE

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**Second Year of the 162nd Session of the
New Hampshire General Court
Legislative**

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON
WEDNESDAY, APRIL 25, 2012, AT 10:00 A.M.**

CONSENT CALENDAR REPORTS

HEALTH AND HUMAN SERVICES

HB 1402, relative to the sale of homemade food and licensing of certain milk producer-distributors.
Ought to Pass, Vote 5-0.

Senator Lambert for the committee.

This bill exempts certain homestead food operations and products from licensure by the Department of Health and Human Services. It also allows for the direct sale of raw milk products without a milk producer-distributor license on sales up to \$10,000. This legislation is good for our local farmers and good for the economy.

REGULAR CALENDAR REPORTS

FINANCE

HB 350-FN, updating laws relative to the fiscal committee of the general court.

Ought to Pass with Amendment, Vote 5-0.

Senator Morse for the committee.

HB 1230-FN, requiring a listing of state real property.

Ought to Pass with Amendment, Vote 5-0.

Senator D'Allesandro for the committee.

HB 1274-FN, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations.

Ought to Pass with Amendment, Vote 5-0.

Senator Barnes for the committee.

HB 1686-FN, relative to state contracts and making an appropriation therefor.

Ought to Pass with Amendment, Vote 5-0.

Senator Morse for the committee.

HEALTH AND HUMAN SERVICES

HB 228-FN, prohibiting the use of public funds for abortion services.

Ought to Pass with Amendment, Vote 3-2.

Senator Lambert for the committee.

HB 234-FN-A, relative to food service licensure and establishing a committee to study the regulation of food service establishments.

Ought to Pass with Amendment, Vote 5-0.

Senator Lambert for the committee.

HB 1659-FN, relative to the women's right to know act regarding abortion information.

Inexpedient to Legislate, Vote 3-2.

Senator Kelly for the committee.

HB 1660-FN, relative to abortions after 20 weeks.

Interim Study, Vote 3-2.

Senator Kelly for the committee.

HB 1679-FN, relative to partial-birth abortion.

Ought to Pass with Amendment, Vote 4-1.

Senator Bradley for the committee.

HB 1680-FN, relative to the duties of the oversight committee on health and human services.

Ought to Pass, Vote 5-0.

Senator De Blois for the committee.

JUDICIARY

HB 127-FN, relative to the definition of oral communication.

Ought to Pass, Vote 4-0.

Senator Forsythe for the committee.

HB 151, repealing the laws relative to marital masters.

Ought to Pass, Vote 3-1.

Senator Groen for the committee.

HB 1168, requiring the removal of electronic records and information upon entry of an order of annulment.

Ought to Pass with Amendment, Vote 3-0.

Senator Luther for the committee.

HB 1259-FN, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials.

Interim Study, Vote 3-0.

Senator Houde for the committee.

HB 1273, relative to the termination of parental rights in cases where the child is born of rape.

Inexpedient to Legislate, Vote 3-0.

Senator Houde for the committee.

AMENDMENTS**Health and Human Services**

April 20, 2012

2012-1768s

01/04

Amendment to HB 228-FN

Amend RSA 126-V:1 as inserted by section 1 of the bill by replacing it with the following:

126-V:1 Legislative Findings and Purpose. The general court declares that it shall be the policy of this state that federal public funds shall not be provided for the direct or indirect costs, including, but not limited to, administrative costs or expenses, overhead, employee salaries, rent, and telephone and other utilities of non-federally qualified abortions. These activities shall not be subsidized, either directly or indirectly, by federal public funds.

Amend RSA 126-V:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The department shall not enter into a contract with, or make a grant to, any entity that performs non-federally qualified abortions or maintains or operates a facility where non-federally qualified abortions are performed; provided that this paragraph shall not apply to any hospital.

Amend RSA 126-V:4, II as inserted by section 1 of the bill by replacing it with the following:

II. Any entity eligible for the receipt of public funds shall possess standing to bring any action that the attorney general has authority to bring pursuant to the provisions of this section, provided, however, that an expenditure or grant of public funds made in violation of this chapter has resulted in the reduction of public funds available to it, and that any award of monetary relief shall be made to an appropriate public officer for deposit into one or more accounts maintained by the state for public funds enumerated in RSA 126-V:3.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 180 days after its passage.

Health and Human Services

April 19, 2012

2012-1762s

01/05

Amendment to HB 234-FN-A

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

AN ACT relative to food service licensure.

Amend the bill by deleting section 6 and renumbering the original sections 7-8 to read as 6-7, respectively.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 2012.

2012-1762s

AMENDED ANALYSIS

This bill clarifies the food protection law.

Senate Finance

April 19, 2012

2012-1766s

09/01

Amendment to HB 350-FN

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

1 Revenue Stabilization Reserve Account; Statutory Reference Corrected. Amend RSA 9:13-e, II and the introductory paragraph of RSA 9:13-e, III to read as follows:

II. There is hereby established within the general fund general ledger a revenue stabilization reserve account. At the close of the fiscal biennium ending June 30, 2001, and at the close of each fiscal biennium thereafter, any surplus, as determined by the official audit performed pursuant to RSA 21-I:8, ~~[(h)]~~ **II(a)** shall be transferred by the comptroller to a special nonlapsing revenue stabilization reserve account; provided, however, that in any single fiscal year the total of such transfer shall not exceed 1/2 of the total potential maximum balance allowable under paragraph V. The comptroller is hereby directed to establish the revenue stabilization reserve account in which to deposit any money received from a general fund operating budget surplus. The state treasurer shall invest funds in this account as authorized by RSA 6:8. The interest so earned shall be deposited as unrestricted general fund revenue.

III. In the event of a general fund operating budget deficit at the close of any fiscal biennium as determined by the official audit performed pursuant to RSA 21-I:8, ~~[(h)]~~ **II(a)**, the comptroller shall notify the fiscal committee **of the general court** and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the revenue stabilization reserve account to eliminate such deficit. Such transfer may be made only when both of the following conditions have been met:

2 Transfers Authorized. Amend RSA 9:16-a to read as follows:

9:16-a Transfers Authorized. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all [PAUs] **accounting units** within said department, provided that any transfer of [~~\$2,500~~] **\$75,000** or more shall require prior approval of the fiscal committee **of the general court** and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, ~~[17-b]~~ **9:17-b**, or ~~[17-c]~~ **9:17-c** or in violation of any restrictions otherwise provided by law or to or from any account, except accounts in the department of health and human services, which is not composed of the same funding source mix.

3 Change from "PAU" to "Accounting Unit." Amend the following RSA provisions by replacing "PAU" with "accounting unit": RSA 9:4, II(a); 9:4-d, I; 21-I:56, III; and 84-C:11, I(a).

4 Change from "Program Appropriation" to "Accounting." Amend the following RSA provisions by replacing "program appropriation" with "accounting": RSA 9:8-a; 187-A:16, XV; 260:74; 284:21-f; and 383:11, I and II.

5 State Historic Sites Fund; Reporting Requirement Deleted. Amend RSA 12-A:10-f, IV to read as follows:

IV. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the operation of the bureau of historic sites. The commissioner shall report ~~[on a quarterly basis]~~ **annually 60 days after the close of each fiscal year** to the fiscal committee of the general court and the governor and council all transfers accomplished under the provisions of this section. RSA 9:17-a and RSA 9:17-c shall not apply to this section.

6 Package Plan Programs; Reporting Requirement to Fiscal Committee Deleted. Amend RSA 12-A:15, II to read as follows:

II. The department of resources and economic development may participate in package plan programs with voluntary corporations as defined in this section. Notwithstanding any other provision of law, this participation may include entering into such agreements with voluntary corporations as are in the best interests of the state, which agreements may relate to the development, promotion, administration, and sales of package plan programs. Such agreements shall permit the department of resources and economic development to provide to the voluntary corporation a mutually agreed upon number of tickets or vouchers for tickets at a mutually agreed upon discounted rate in order to participate in the package plan program for promotional purposes or in lieu of dues to the voluntary corporation. Any revenue derived by participation in package plan programs payable to the department of resources and economic development in accordance with such agreements shall be deposited with the state treasurer in the same manner as regular ticket sales. The commissioner of the department of resources and economic development shall make quarterly reports on revenue derived from participation in package plan programs to the ~~[fiscal committee, the]~~ senate president, the speaker of the house, and governor and council.

7 Transfers Authorized; Ski Areas. Amend RSA 12-A:28 to read as follows:

12-A:28 Transfers Authorized; Ski Areas. The commissioner of the department of resources and economic development may transfer funds for any specific purposes to funds for other purposes within and among the appropriations for the operation of Cannon Mountain. The commissioner shall report ~~[on a quarterly basis]~~ **annually 60 days after the close of each fiscal year** to the ~~[legislative]~~ fiscal committee **of the general court** and the governor and council all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:17-a and RSA 9:17-c.

8 Job Training Program for Economic Growth; Report Requirement Eliminated. Amend RSA 12-A:58, I to read as follows:

I. No later than April 1, 2008, the commissioner, in consultation with the grant review committee, shall establish performance criteria. The committee shall submit annually ~~[at the end]~~ **60 days after the close** of each fiscal year, to the commissioner of the department of resources and economic development, the commissioner of the department of employment security, the governor, the senate president, the speaker of the house of representatives, and the fiscal committee of the general court, a report indicating the level of performance achieved through the program.

9 Pease Development Authority; Report Requirement. Amend the introductory paragraph of RSA 12-G:42, XI to read as follows:

XI. Adopt rules, after obtaining prior approval by the ~~[fiscal committee of the general court and the]~~ board, relative to the setting and collecting of fees authorized under RSA 12-G:38, relating to foreign trade zones; RSA 12-G:42, IV and V, relating to wharfage, dockage, and other marine terminal operations; RSA 12-G:42, VI, relating to moorings, state-owned slips, and wait lists; RSA 12-G:42, IX, relating to state-owned commercial piers and associated facilities; RSA 12-G:49-a, relating to pilotage; and any other matter necessary for the proper administration of the division with respect to the setting and collecting of fees. The rules adopted under this paragraph shall not be subject to the provisions of RSA 541-A, so as to provide the authority with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Fees established pursuant to this paragraph shall be consistent with the following criteria:

10 Fiscal Committee Approval; Acceptance of Non-State Funds. Amend RSA 14:30-a, VI to read as follows:

VI. Any non-state funds in excess of ~~[\$50,000]~~ **\$100,000**, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee **of the general court**.

11 Duties of Commissioner of Administrative Services; Fiscal Committee Approval Required for Assignment of Physical Facilities to State Agencies. Amend the introductory paragraph of RSA 21-I:13, VII to read as follows:

VII. Assign physical facilities, including rented office space, for the use of state agencies, after consultation with the governor and the ~~[joint]~~ **prior approval of the** fiscal committee **of the general court**, except:

12 Public Works Major Projects. Amend RSA 21-I:80, III to read as follows:

III. After written application to the ~~[fiscal]~~ **capital budget overview** committee, the requirements of paragraph II may be waived upon approval of the ~~[fiscal]~~ **capital budget overview** committee and the governor and council.

13 Duties of Attorney General; Reporting Requirement Changed. Amend RSA 21-M:5, VI to read as follows:

VI. Submit ~~[every 6 months]~~ ***annually 60 days after the close of each fiscal year*** to the ~~[joint legislative]~~ fiscal committee ***of the general court*** a report detailing each expenditure approved under RSA 7:12.

14 Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the division of homeland security and emergency management, and the position of fireworks inspector, under RSA 160-C:17. ~~[If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the fire standards and training and emergency medical services funds to the department of safety for such purposes.]~~

15 Judicial Retirement Plan; Supplemental Allowances. Amend RSA 100-C:17 to read as follows:

100-C:17 Supplemental Allowances. Each calendar year, the ~~[fiscal committee of the]~~ general court may approve supplemental benefits in an amount exceeding \$50,000 in the aggregate upon recommendation of the board. The board shall have the authority to provide supplemental benefits annually in such percentages or amounts as the board deems advisable, including the ability to segment or tier amounts based upon years without such a benefit. Supplemental benefits shall not be permanent. The board shall provide information required by the ~~[fiscal committee]~~ ***general court***, including, but not limited to, any change in the Consumer Price Index-Urban for the year prior to the year in which the nonrecurring benefit is to be granted. Supplemental benefits greater than \$50,000 per year in the aggregate shall only be paid if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year.

16 Enhanced 911 System Fund. Amend RSA 106-H:9, I to read as follows:

I. The enhanced 911 system and the statewide emergency notification system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. Such fund shall not lapse. ~~[If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes.]~~ The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

17 Workforce Investment Act Funds. Amend RSA 124:13-c to read as follows:

124:13-c Workforce Investment Act Funds. The administrative entity for the federal Workforce Investment Act funds shall submit ~~[a quarterly]~~ ***annually 60 days after the close of each fiscal year*** a written report

to the [legislative] fiscal committee **of the general court**, senate president, and speaker of the house of representatives. The entity shall make an oral presentation to the [legislative] fiscal committee **of the general court** on a semi-annual basis.

18 Family Planning Waiver. Amend RSA 126-A:4-c to read as follows:

126-A:4-c Family Planning Waiver. The department shall develop a Medicaid waiver to support the extension of Medicaid-allowable family planning services, as defined in the state's Medicaid plan, to Medicaid-eligible clients. The department shall present the proposed waiver design, including proposed coverage groups and budget neutrality calculation, to the [legislative] fiscal committee **of the general court** prior to submission of a final concept paper to the Centers for Medicare and Medicaid Services (CMS) for federal approval. The department shall provide periodic reports to the [legislative] fiscal committee **of the general court and the standing committees of the house of representatives and state senate with authority over health and human services issues** throughout the waiver development, approval, and implementation processes. The department shall seek input from health care providers and the public in the course of developing the waiver. The department shall ensure that the state realizes the enhanced 90 percent federal Medicaid match available for these services and ensure that budget neutrality is maintained or exceeded through the 5-year life of the waiver. The department may contract with an independent third party on an annual basis for the life of the waiver to evaluate the clinical and financial outcomes of the waiver. A report shall be made to the [legislative] fiscal committee **of the general court and the standing committees** within 6 months of the end of the first full year of waiver implementation and subsequently on an annual basis.

19 Economic Revitalization Zone Tax Credits; Reports. Amend RSA 162-N:9 to read as follows:

162-N:9 Reports. The commissioner of resources and economic development shall file an annual report **60 days after the close of each fiscal year** with the governor, the senate president, the speaker of the house of representatives, and the fiscal committee **of the general court**. The report shall describe the results of the economic revitalization zone tax credit program and shall include any recommendations for further legislation regarding the economic revitalization zone tax credit program.

20 Aid to the Permanently and Totally Disabled; Report. Amend RSA 167:3-j, III to read as follows:

III. If the department of health and human services adopts a 12-month standard in accordance with this section, the department may apply any net savings realized from implementing this standard to meet required appropriation reductions for the department contained in the state's operating budget for the biennium ending June 30, 2011. The department shall estimate net savings based on expenditures for aid to the permanently and totally disabled grants as compared to amounts budgeted in fiscal year 2010 and 2011 for this purpose, net of any increases in Medicaid medical assistance and prescription costs resulting from this change. The department shall provide [~~quarterly~~] **semi-annual** reports to the fiscal committee of the general court relative to any net savings realized from the implementation of this section.

21 Liquor Commission; Funds; Report Requirement. Amend RSA 176:16, V to read as follows:

V. The commission may transfer funds totaling up to 5 percent of the operating budget in any fiscal year for any specific purposes to funds for other purposes within and among the appropriations for the operation of the commission. The commission shall report [~~on a semi-annual basis~~] **annually 60 days after the close of each fiscal year** to the fiscal committee of the general court all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

22 Closing of State Liquor Stores; Report Required. Amend RSA 177:2, I to read as follows:

I. The commission may close any state liquor store to improve profitability and efficiency. In determining net operating profit or loss, the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall include an allocation for indirect costs. All information regarding a decision to close any state liquor store shall be made available, by the commission, to the public upon request. The commission shall provide public notice 30 days prior to closing any state liquor store. The commission shall submit a [~~quarterly~~] **semi-annual** report of state liquor store closings to the fiscal committee of the general court.

23 State College and University System; Authority of Trustees; Report Requirement Deleted. Amend RSA 187-A:16, XV to read as follows:

XV. Transfer funds among the institutions of the university system, and their divisions and departments, when such action shall appear necessary and in the best interests of the state and the institutions of

the university system. ~~[The university system shall report the amount and purpose of all transfers of funds from one program appropriation unit of the budget to a different program appropriation unit to the legislative fiscal committee of the general court by November 1 of each year. Copies of such reports shall be sent to the house education committee and the senate education committee.]~~

24 Unique Pupil Identification. Amend RSA 193-E:5, III to read as follows:

III. Any contracts or agreements necessary to implement the provisions of this section shall be approved by the governor with the consent of the executive council~~[-and the fiscal committee established in RSA 14:30-a].~~

25 Resident Ski Rates; Reduced Rates; Requirement for Report to Fiscal Committee Deleted. Amend RSA 227:14 to read as follows:

227:14 Reduced Rates. All season passes, including those for different age groups or military service, established by the department for the specific use of the winter facilities at Cannon Mountain aerial tramway and ski area shall be made available to any resident of this state at a 25 percent discount. For the purposes of this section, "resident of this state" means a person whose domicile is in this state. To qualify for the discount, a resident shall provide proof of residency and purchase the pass prior to December 15 of the year in which the pass becomes effective. Proof of residency shall include a state issued driver's license; a state issued I.D. card with a photograph or information including name, sex, date of birth, height, weight and color of eyes; a United States passport; an affidavit certifying residency from the municipal clerk of the purchasers' town or city of residence; or, for a person less than 18 years of age, proof of a parent's or guardian's residency provided by the resident parent or guardian. The commissioner of the department of resources and economic development shall make quarterly reports on season passes issued under this section to the ~~[fiscal committee of the general court, the]~~ senate president, the speaker of the house of representatives, and the governor and council.

26 Waiver in Lieu of Court Appearance; Default; Requirement for Report Changed. Amend RSA 262:44, VIII to read as follows:

VIII. The commissioner of the department of safety shall make an annual report ***60 days after the close of each fiscal year*** to the ~~[legislative]~~ fiscal committee ***of the general court*** on fines and fines in default, paid and unpaid, for each year beginning with 1993.

27 Lottery; Disbursements; Requirement for Report Changed. Amend RSA 284:21-f to read as follows:

284:21-f Disbursements. The compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the commission, including suitable furniture, equipment, supplies and office expense shall be charged to and paid out of the funds received under the provisions of this subdivision, provided that no payment shall be made until sufficient money has been received under the provisions of this subdivision to cover said payments. The state lottery commission shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. The commission shall submit its budget in the same format and at the same time as other state agencies. However, the commission is authorized to transfer funds between line items within and among any budgetary unit. ~~[By October 31 of each fiscal year,]~~ The commission shall submit reports ***annually 60 days after the close of each fiscal year*** to the fiscal committee of the general court detailing all transfers made during the last fiscal year and the reasons for them.

28 Pari-Mutuel Pools; Tax; Requirement for Report From Licensees Changed. Amend RSA 284:23, VI to read as follows:

VI. During each calendar year, by March 31, each licensee shall make a report to the commission with regard to such licensee's efforts to enhance live racing at such licensee's race track. Such report shall include, but not be limited to, licensee's enhancement of purses, capital improvements, promotion, advertising, and other activities determined by the licensee to enhance live racing. The report shall be in writing and shall be in sufficient detail as determined by the commission. The report shall be distributed to the commission and ~~[each member of]~~ the fiscal committee ***of the general court***.

29 Drug Forfeiture Fund; Requirement for Report Changed. Amend RSA 318-B:17-c, II to read as follows:

II. Law enforcement agencies may apply to the department of justice for grants from the forfeiture fund. Such grants shall be utilized exclusively for meeting expenses associated with drug related investigations. The attorney general shall report ~~[on or before December 31 of each calendar]~~ ***60 days after the close of each fiscal year*** to the governor and council and to the fiscal committee ***of the general court*** a summary of the grants provided to law enforcement agencies under this paragraph for the preceding fiscal year.

30 Aquatic Resources Compensatory Mitigation Fund: Requirement for Report Changed. Amend RSA 482-A:33 to read as follows:

482-A:33 Report. The department shall submit an annual report ~~[by October 1 beginning with fiscal year 2006]~~ **60 days after the close of each fiscal year**, to the fiscal committee **of the general court**, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate environment and wildlife committee summarizing all receipts and disbursements of the aquatic resource compensatory mitigation fund, including a description of all projects undertaken and the status of the administrative assessment account. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

31 Court Personnel and Compensation System; Fiscal Committee Approval Deleted. Amend RSA 490:26-b, I to read as follows:

I. The supreme court shall establish a uniform personnel classification and compensation system and salary and grievance procedures for all nonjudicial court personnel not covered by a collective bargaining agreement under RSA 273-A. The compensation system shall be approved by the legislature prior to becoming effective ~~[if the legislature is meeting in regular session. If the legislature is not meeting in regular session, the compensation system shall be approved by the legislative fiscal committee prior to becoming effective]~~. The salary and grievance procedures for employees not covered by a collective bargaining agreement under RSA 273-A shall be established by administrative order of the supreme court.

32 Judicial Branch Information Technology Fund; Requirement for Report Changed. Amend RSA 490:26-h, IV to read as follows:

IV. ~~[On or before September 1 of each year,]~~ The judicial branch shall submit a written report **60 days after the close of each fiscal year** of the income and expenditures of the judicial branch information technology fund to the fiscal committee of the general court and the state treasurer. If such report is not submitted, any balance in the fund shall lapse to the general fund and the percentage of each entry fee which is designated for the judicial branch information technology fund under paragraph I shall be deposited in the general fund.

33 District Court Justices; Salaries; Requirements for Approval of Weighted Case Values Changed. Amend RSA 491-A:3, I to read as follows:

I. For purposes of calculating the annual salaries of part-time district court justices appointed after July 1, 1987, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the ~~[fiscal committee]~~ **legislature**. The number of weighted case units shall be calculated by the administrative office of the courts in October of each year, using caseload statistics for the preceding 12-month period. Said weighted case units shall serve as the basis for determining the salary of part-time justices for the next calendar year.

34 District Court Justices; Salaries; Approval by Fiscal Committee Deleted. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, ~~[the supreme court shall receive the approval of the fiscal committee and]~~ there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

35 Probate Judges; Salaries; Requirements for Approval of Weighted Case Values Changed. Amend RSA 491-A:4, I to read as follows:

I. For purposes of calculating the annual salaries of part-time judges appointed after October 3, 1986, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall

be approved by the ~~[fiscal committee]~~ **legislature**. The number of weighted case units, as calculated annually by the administrative office of the courts, shall serve as the basis for determining the salary of part-time justices.

36 Probate Court Judges; Salaries; Approval by Fiscal Committee Deleted. Amend RSA 491-A:4, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, ~~[the supreme court shall receive the approval of the fiscal committee and]~~ there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

37 Administrative Procedure Act; Notice of Rulemaking Proceedings; Notice to Fiscal Committee Deleted. Amend RSA 541-A:6, III to read as follows:

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

38 Transfer of Appropriations, Supreme Court. Amend RSA 9:17-d to read as follows:

9:17-d Transfer of Appropriations, ~~[Supreme Court]~~ **Judicial Branch**. The supreme court may transfer funds for any specific purposes to funds for other purposes in the general appropriations for ~~[the supreme court and the probate court and may transfer funds within any functional unit of the courts, and]~~ **any accounting unit within the judicial branch, provided that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general court, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 491-A:2, or any other restriction provided by law. The judicial branch** shall certify such transfers to the commissioner of administrative services. The certification shall state that the transfers are necessary to efficiently carry out the functions of the courts and that the legislative fiscal committee has approved the transfers. The provisions of this section shall not supersede the provisions of RSA 99:4, 9:17-a, I, II, and II-a and IV, and ~~[9:17-c]~~ **491-A:2**.

39 Repeal. RSA 9:17-f, relative to transfer of appropriations by the superior court, is repealed.

40 Repeal. The following are repealed:

I. RSA 21-G:9, IV, relative to fiscal committee approval of grants to departments.

II. RSA 21-H:8, IV, relative to fiscal committee approval of grants to the department of corrections.

III. RSA 170-G:4, IX, relative to fiscal committee approval of grants received by the department of health and human services for services for children, youth, and families.

IV. RSA 187-A:22, II, relative to copies of financial reports provided to the fiscal committee by the state college and university system trustees.

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

2012-1766s

AMENDED ANALYSIS

This bill:

I. Updates laws relative to the fiscal committee of the general court.

II. Increases the amount a department may transfer among budget accounting units without prior approval of the fiscal committee of the general court and governor and council.

III. Replaces obsolete references to PAU or “program appropriation unit” with “accounting unit” to reflect current budget terminology.

IV. Clarifies the authority of the judicial branch to transfer funds among accounting units and establishes a limitation on the amount that may be transferred without approval of the fiscal committee of the general court.

Senate Judiciary

April 20, 2012

2012-1771s

04/10

Amendment to HB 1168

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

1 Annulment of Criminal Records. Amend RSA 651:5, X to read as follows:

X. Upon entry of an order of annulment:

(a) The person whose record is annulled shall be treated in all respects as if he had never been arrested, convicted or sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed, and may be counted toward habitual offender status under RSA 259:39.

(b) The court shall issue the person a certificate stating that such person’s behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the ~~[record of]~~ arrest, conviction, and sentence, and shall notify the state police criminal records unit, *the prosecuting agency*, and the arresting agency.

(c) *The court records relating to an annulled arrest, conviction, or sentence shall remain public documents. However, the court shall clearly identify on the file and in the electronic record that the arrest or conviction and sentence have been annulled.*

(d) *The state police criminal records unit shall add an entry to the subject’s record of arrest, conviction, or sentence in the criminal history database stating that the record has been annulled.*

(e) *The arresting agency and the prosecuting agency shall clearly identify in their respective files and in their respective electronic records that the arrest or conviction and sentence have been annulled.*

(f) In any application for employment, license or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as “Have you ever been arrested for or convicted of a crime that has not been annulled by a court?”

2 Repeal. RSA 651:5, XII, relative to knowingly disclosing another’s record of annulment, is repealed.

3 Applicability. The provisions of section 1 of this act shall apply to criminal charges annulled on or after the effective date of this act.

4 Effective Date. This act shall take effect January 1, 2013.

2012-1771s

AMENDED ANALYSIS

This bill requires the deletion of all electronic records and information relating to an annulled criminal offense. The bill also repeals a statute making it a criminal offense to knowingly disclose or communicate another’s record of annulment.

Senate Finance

April 19, 2012

2012-1765s

05/04

Amendment to HB 1230-FN

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

AN ACT requiring a report of real property owned or leased by the state and relative to New Hampshire hospital real estate.

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

2 New Hampshire Hospital Real Estate. Amend RSA 4:39-a to read as follows:

4:39-a New Hampshire Hospital Real Estate. The area in the city of Concord bounded by Pleasant, Fruit, Clinton, and South Spring streets, excluding any privately owned land and buildings, ***and also excluding the 2 stand-alone parcels known presently as city of Concord tax map 37, block 6, lots 17 and 19 together with the buildings and other improvements situated on such parcels***, and known as the main campus of the New Hampshire hospital shall remain in its entirety the property of the state of New Hampshire, except such land as determined necessary for use by the city of Concord for approved municipal services may be conveyed in accordance with RSA 10:4 unless RSA 227-C:6 applies. If RSA 227-C:6 applies, such land shall be conveyed in accordance with RSA 227-C:9. The commissioner of administrative services, with the approval of the long range capital planning and utilization committee, shall designate the use of and be responsible for maintaining, with the exception of the interior maintenance and maintenance of grounds of certain properties pursuant to RSA 21-I:11, X, and leasing any buildings on the main campus of the New Hampshire hospital in accordance with the following priorities: (1) department of health and human services and its lessees, (2) state departments, and (3) other government or nonprofit organizations performing a state-related function. ***RSA 10 shall not apply to the 2 stand-alone parcels known presently as city of Concord tax map 37, block 6, lots 17 and 19 or any building or other improvements situated on such parcels, and any proposed disposal of either or both of such parcels shall be subject to the provisions of RSA 4:40.***

2012-1765s

AMENDED ANALYSIS

This bill requires state agencies to make an annual report of all real property owned or leased by the agency. The bill also exempts certain land near the New Hampshire hospital campus from otherwise applicable limitations on the acquisition and sale of real estate for state institutions.

Senate Finance

April 19, 2012

2012-1764s

09/10

Amendment to HB 1274-FN

Amend RSA 12-L:15, III as inserted by section 5 of the bill by replacing it with the following:

III. The state shall assume buildings and grounds routine maintenance and repair costs up to an amount appropriated by the general court, which shall not exceed \$70,000 annually.

Amend the bill by replacing all after section 5 with the following:

6 Supplemental Appropriation to McAuliffe-Shepard Discovery Center. In order to facilitate the transition of the McAuliffe-Shepard discovery center to a private operator, the following sums are hereby appropriated to the McAuliffe-Shepard discovery center for the fiscal year ending June 30, 2013. Funds appropriated pursuant to this section shall be in addition to any other funds appropriated to the discovery center for this or any other purpose. Said appropriation shall be a charge against the funds as specified in the individual appropriation.

06 EDUCATION

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

610010 McAuliffe-Shepard Discovery Center

3172 REVENUE CENTERS

FY 2013

010 Personal Services-Perm. Classi

54,757

019 Holiday Pay

3,210

020 Current Expenses

55,684

022 Rents-Leases Other Than State

1,448

024 Maint. Other Than Build.- Grnds

2,941

026 Organizational Dues

900

030 Equipment New/Replacement	9,000
040 Indirect Costs	14,258
042 Additional Fringe Benefits	2,574
046 Consultants	2,000
047 Own Forces Maint.-Build.-Grnds	764
048 Contractual Maint.-Build-Grnds	26,258
050 Personal Service-Temp/Appointe	87,962
060 Benefits	39,567
065 Board Expenses	100
070 In-State Travel Reimbursement	1,950
080 Out-Of State Travel	1,703
TOTAL	303,373

ESTIMATED SOURCE OF FUNDS FOR
REVENUE CENTERS

009 Agency Income	303,373
TOTAL SOURCE OF FUNDS	303,373

06 EDUCATION

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

610010 McAuliffe-Shepard Discovery Center

3432 ADMINISTRATION FY 2013

010 Personal Services-Perm. Classi	157,327
011 Personal Services-Unclassified	46,289
018 Overtime	204
023 Heat- Electricity - Water	60,908
048 Contractual Maint.-Build-Grnds	11,600
060 Benefits	109,412
TOTAL	385,740

ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION

General Fund	385,740
TOTAL SOURCE OF FUNDS	385,740

06 EDUCATION

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

610010 McAuliffe-Shepard Discovery Center

3480 SCIENCE STORE FY 2013

010 Personal Services-Perm. Classi	19,417
019 Holiday Pay	417

020 Current Expenses	12
040 Indirect Costs	2,466
042 Additional Fringe Benefits	913
050 Personal Service-Temp/Appointe	3,524
060 Benefits	14,439
106 Goods For Resale	11,273
TOTAL	52,461

ESTIMATED SOURCE OF FUNDS FOR
SCIENCE STORE

009 Agency Income	52,461
TOTAL SOURCE OF FUNDS	52,461

06 EDUCATION

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

610010 McAuliffe-Shepard Discovery Center

3481 DONATIONS FY 2013

020 Current Expenses	2
024 Maint. Other Than Build.- Grnds	2
030 Equipment New/Replacement	2
041 Audit Fund Set Aside	2
043 Debt Service	77,952
046 Consultants	2
066 Employee Training	2
070 In-State Travel Reimbursement	2
080 Out-Of State Travel	2
TOTAL	77,968

ESTIMATED SOURCE OF FUNDS FOR
DONATIONS

005 Private Local Funds	77,960
FEDERAL FUNDS	8
TOTAL SOURCE OF FUNDS	77,968

EXPENDITURE TOTAL FOR MCAULIFFE-SHEPARD
DISCOVERY CENTER

FEDERAL FUNDS	8
GENERAL FUND	385,740
OTHER FUNDS	433,794

TOTAL ESTIMATED SOURCE OF FUNDS FOR MCAULIFFE-SHEPARD DISCOVERY CENTER	819,542
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7 Appropriation Reduction. In the event that estimated revenue in revenue class 005-private local funds, and 009-agency income contained in section 6 of this act is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting services forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits.

8 Repeal. The following are repealed:

- I. RSA 12-L:3-6, relative to the discovery center commission.
- II. RSA 12-L:8, relative to discovery center staff.
- III. RSA 12-L:9 and 11, relative to discovery center funds.
- IV. RSA 6:12, I(b)(172), relative to discovery center funds.
- V. RSA 12-L:10, relative to discovery center funds.

9 Supplemental Appropriation; Judicial Council; Counsel for Indigent Parents in Abuse and Neglect Cases. In addition to any other sums appropriated to the judicial council, the sum of \$250,000 is hereby appropriated to the judicial council for the biennium ending June 30, 2013, for the purpose of covering costs associated with payment of counsel for indigent parents in abuse and neglect cases filed in the fiscal year ending June 30, 2011 and pending in the fiscal year ending June 30, 2012. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Effective Date.

- I. Paragraphs I, IV, and V of section 8 of this act shall take effect March 31, 2013.
- II. Paragraphs II and III of section 8 of this act shall take effect January 1, 2013.
- III. The remainder of this act shall take effect upon its passage.

Health and Human Services

April 20, 2012

2012-1769s

01/10

Amendment to HB 1679-FN

Amend the bill by replacing section 1 with the following:

1 Findings.

I. The general court of the state of New Hampshire finds that:

(a) In 2003, the 108th United States Congress passed the "Partial-Birth Abortion Ban Act of 2003" (18 U.S.C. section 1531) and President George W. Bush signed it into law.

(b) Later, on April 18, 2007, the Supreme Court of the United States upheld the "Partial-Birth Abortion Ban Act of 2003" ("the federal ban") in *Gonzales v. Carhart*, 550 U.S. 124 (2007), specifically ruling that a ban on partial-birth abortion need not include a maternal "health" exception to be constitutional.

II. In recognition of the federal act and the Supreme Court decision, the New Hampshire general court hereby establishes the partial-birth abortion ban act.

Senate Finance

April 19, 2012

2012-1763s

01/04

Amendment to HB 1686-FN

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

AN ACT relative to state contracts.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2012-1763s

AMENDED ANALYSIS

This bill requires all contracts entered into by the state as a result of requests for proposals to be posted on the state transparency website.

HEARINGS

MONDAY, APRIL 30, 2012

JUDICIARY, Room 101, LOB

Sen. Houde (C), Sen. Carson (VC), Sen. Groen, Sen. Luther, Sen. Forsythe

1:00 p.m. **HB 1419**, relative to the rights of military parents.

1:15 p.m. **HB 1290**, relative to self-storage facility liens.

1:30 p.m. **HB 1216**, relative to the authority for withholding or withdrawal of life-sustaining treatment.

EXECUTIVE SESSION MAY FOLLOW