

May 10, 2012
No. 19

STATE OF NEW HAMPSHIRE

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



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

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON
WEDNESDAY, MAY 16, 2012, AT 10:00 A.M.**

LAID ON THE TABLE

CACR 33, relating to biennial legislative sessions. Providing that the general court shall meet biennially. **03/28/12, Internal Affairs, SJ 8, pg. 287**

SB 74-FN, relative to the life settlements act. **01/25/12, pending motion Inexpedient to Legislate, Commerce, SJ 3, pg. 80**

SB 163-FN, relative to the New Hampshire health benefit exchange. **01/18/12, pending motion Committee Amendment (0164s), Commerce, SJ 2, pg. 36**

SB 279-FN, establishing registers of probate as clerks of the probate division of the circuit court. **03/07/12, pending motion Inexpedient to Legislate, Judiciary, SJ 6, pg. 164**

SB 292-FN, relative to property taxation of certain manufactured housing. **03/21/12, pending motion Committee Amendment (1217s), Ways and Means, SJ 7, pg. 252**

SB 293-FN, relative to notice requirements and payment of interest by the department of revenue administration for overpayments and underpayments of tax. **03/21/12, pending motion Inexpedient to Legislate, Finance, SJ 7, pg. 237**

SB 341, authorizing electronic payment of payroll. **03/28/12, pending motion Inexpedient to Legislate, Commerce SJ 8, pg. 272**

SB 355, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers. **02/15/12, pending motion Ought to Pass, Commerce, SJ 5, pg. 129**

SB 377-FN, relative to unemployment compensation eligibility for participants in the return to work program. **02/15/12, pending motion Committee Amendment (0655s), Commerce, SJ 5, pg. 130**

HB 121, relative to eligibility for the property tax exemption for the disabled. **05/02/12, pending motion Committee Amendment (1721s), Public and Municipal Affairs, SJ 12, pg. 451**

HB 228-FN, prohibiting the use of public funds for abortion services. **04/25/12, pending motion Committee Amendment (1768s), Health and Human Services, SJ 11, pg. 411**

HB 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. **04/18/12, pending motion Inexpedient to Legislate, Executive Departments and Administration, SJ 10, pg. 364**

HB 518-FN-A, changing the prospective repeal date for the research and development tax credit. **03/21/12, pending motion Ought to Pass, Ways and Means, SJ 7, pg. 254**

HB 536-FN, relative to the natural right to carry a firearm, openly or concealed, without a license. **05/02/12, pending motion Ought to Pass with Amendment, Judiciary, SJ 12, pg.468**

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center. **04/25/12, pending motion Inexpedient to Legislate, Public and Municipal Affairs, SJ 11, pg. 396**

HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire. **05/09/12, pending motion Ought to Pass, Commerce, SJ 13, pg. TBA**

HB 1260-FN relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes. **05/02/12, pending motion Ought to Pass with Amendment, Ways and Means, SJ 12, pg. 458**

HB 1297, relative to federal health care reform and health care exchanges. **05/09/12, pending motion Ought to Pass with Amendment, Commerce, SJ 13, pg. TBA**

HB 1300, relative to removing public officials for cause. **05/09/12, pending motion Committee Amendment (2004s), Executive Departments and Administration, SJ 13, pg. TBA**

HB 1354, relative to a person's residence for voting and all other legal purposes. **05/09/12, pending motion Inexpedient to Legislate, Public and Municipal Affairs, SJ 13, pg. TBA**

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax and extending the commission to study business taxes. **05/09/12, pending motion Committee Amendment (2010s), Finance, SJ 13, pg. TBA**

HB 1460, establishing a defined contribution retirement plan for public employees. **04/18/12, pending motion Ought to Pass with Amendment, Executive Departments and Administration SJ 11, pg. 367**

HB 1478, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements. **05/09/12, pending motion Inexpedient to Legislate, Public and Municipal Affairs, SJ 13, pg. TBA**

HB 1483-FN, repealing the retirement system special account. **05/02/12, pending motion Ought to Pass, Executive Departments and Administration, SJ 12, pg. 445**

HB 1560, relative to the interstate Health Care Compact. **05/09/12, pending motion Interim Study, Health and Human Services, SJ 13, pg. TBA**

HB 1617-FN, repealing the certificate of need law. **05/02/12, pending motion Interim Study, Health and Human Services SJ 12, pg. 460**

HB 1642-FN, relative to destination specialty hospitals. **05/02/12, pending motion Committee Amendment (1890s), Health and Human Services, SJ 12, pg. 466**

HB 1671, apportioning congressional districts. **04/25/12, pending motion Interim Study, Internal Affairs, SJ 11, pg. 395**

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. **04/11/12, pending motion Committee Amendment (1525s), Commerce, SJ 9, pg. 341**

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees. **05/09/12, pending motion Ought to Pass, Public and Municipal Affairs, SJ 13, pg. TBA**

CONSENT CALENDAR REPORTS

EDUCATION

HB 1139, making changes to the unique pupil identification system.
Ought to Pass with Amendment, Vote 5-0.
Senator Kelly for the committee.

This bill would allow a parent, legal guardian, or a person who is over the age of 18 to have access to the unique pupil identifier and pertinent information. The committee feels that a parent should have the right to information that is gathered within the unique pupil identifier.

HB 1175, relative to the membership of the cooperative school district budget committees.
Interim Study, Vote 5-0.
Senator Kelly for the committee.

This bill would have made the school board member of a cooperative school district budget committee a non-voting member. The committee feels that the school board should be represented on the budget committee and should have a vote in the process.

HB 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.
Ought to Pass with Amendment, Vote 5-0.
Senator Forsythe for the committee.

This bill would allow divorced parents to choose which of their resident school districts their children would attend by stating their agreement in writing to both districts, without the need for a court order. The chosen district would solely be responsible for providing a free and appropriate education.

HB 1456, relative to school district policies on health and sex education.

Ought to Pass, Vote 5-0.

Senator Forsythe for the committee.

This bill would allow a parent to opt out of a particular unit of health or sex education when a parent asks for an exception. Currently, a parent is only allowed to opt out based on religious objection.

HB 1589, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15.

Interim Study, Vote 5-0.

Senator Stiles for the committee.

This bill would establish a committee for recodification of the education laws currently in RSA title 15. The committee agrees that recodification of the education laws is a worthwhile project but, agrees that rather than appointing members just prior to an election the deliberation would be better served by bringing an early bill forward to the next legislature.

FINANCE

HB 1361, relative to fiscal notes on bills.

Ought to Pass with Amendment, Vote 7-0.

Senator Odell for the committee.

The committee members believe that there are significant structural issues in the Disproportionate Share Hospital (DSH) program. At this time the Senate Finance Committee feels that we can not reform the DSH payment program this late in the legislative session, but to move forward and establish a committee to study the payments from the uncompensated care fund.

JUDICIARY

HB 1395, revoking amendments to supreme court rules 50 and 50-A.

Inexpedient to Legislate, Vote 5-0.

Senator Houde for the committee.

Not only do the funds generated from IOLTA accounts defray costs to provide important legal services that the legislature would otherwise be asked to fund, but also courts have constitutional authority to regulate attorneys. For these reasons, the committee unanimously recommends ITL.

HB 1419, relative to the rights of military parents.

Ought to Pass with Amendment, Vote 5-0.

Senator Luther for the committee.

This bill provides certain protections for military servicemen and women with regard to parenting arrangements involving minor children while the parent is deployed.

HB 1422, relative to the applicability of foreign law in cases before New Hampshire tribunals.

Interim Study, Vote 5-0.

Senator Forsythe for the committee.

This bill sought to ensure that foreign law is not used in NH court cases. Although it had some provisions for ensuring that agreements made by businesses with overseas companies were honored, there were some cases brought forward where the bill could potentially harm NH companies' ability to do business. Though well-intended, the bill had potential negative consequences while no real problem was seen to exist.

REGULAR CALENDAR REPORTS

CAPITAL BUDGET

HB 1205, relative to the duty of the long range capital planning and utilization committee.

Ought to Pass with Amendment, Vote 5-0.

Senator Morse for the committee.

COMMERCE

HB 1410, relative to securities regulation.

Ought to Pass with Amendment, Vote 2-1.

Senator De Blois for the committee.

EDUCATION

HB 545, relative to the administrative rulemaking process governing home educated pupils.
Ought to Pass with Amendment, Vote 3-0.
Senator Stiles for the committee.

HB 1225, permitting a charter school to incur long-term debt.
Ought to Pass, Vote 5-0.
Senator Stiles for the committee.

HB 1360, relative to the rulemaking authority of the state board of education.
Ought to Pass with Amendment, Vote 4-0.
Senator Forsythe for the committee.

HB 1377, requiring postsecondary education institutions to compile and submit reports on remedial education courses.
Interim Study, Vote 2-1.
Senator Stiles for the committee.

HB 1389, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council.
Ought to Pass with Amendment, Vote 4-0.
Senator Stiles for the committee.

HB 1403, relative to providing pupils with curriculum and instruction regarding state and national sovereignty and establishing a committee to study the implementation of the International Baccalaureate program in New Hampshire.
Inexpedient to Legislate, Vote 5-0.
Senator Prescott for the committee.

HB 1433, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases.
Interim Study, Vote 4-1.
Senator Kelly for the committee.

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event.
Ought to Pass with Amendment, Vote 5-0.
Senator Kelly for the committee.

HB 1571, relative to educational evaluation of home schooled children.
Ought to Pass with Amendment, Vote 3-0.
Senator Carson for the committee.

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor.
Ought to Pass with Amendment, Vote 3-0.
Senator Stiles for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1206, relative to continuing obligations under expired public employee labor agreements.
Inexpedient to Legislate, Vote 2-2.
Senator Larsen for the committee.

FINANCE

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine.
Ought to Pass, Vote 4-3.
Senator D'Allesandro for the committee.

HB 1607-FN-L, establishing an education tax credit.
Ought to Pass with Amendment, Vote 5-2.
Senator Morse for the committee.

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program.
Ought to Pass with Amendment, Vote 7-0.
Senator Morse for the committee.

HB 1666-FN, relative to legislative approval of collective bargaining agreements entered into by the state.
Ought to Pass with Amendment, Vote 7-0.
Senator Morse for the committee.

INTERNAL AFFAIRS

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire.

Ought to Pass, Vote 3-1.

Senator Bradley for the committee.

HB 1237, establishing the joint committee on employee relations.

Inexpedient to Legislate, Vote 3-1.

Senator Larsen for the committee.

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities.

Ought to Pass with Amendment, Vote 4-0.

Senator Bradley for the committee.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

Ought to Pass with Amendment, Vote 4-0.

Senator Bradley for the committee.

HB 1435, establishing a liaison committee to monitor the department of environmental services.

Inexpedient to Legislate, Vote 3-1.

Senator Larsen for the committee.

HB 1436, establishing a liaison committee to monitor the management of natural resources by the department of resources and economic development.

Inexpedient to Legislate, Vote 3-1.

Senator Larsen for the committee.

HB 1623, relative to records of the legislative ethics committee.

Ought to Pass, Vote 4-0.

Senator Larsen for the committee.

HB 1632, establishing a committee to assess the cost savings of digitizing the general court.

Ought to Pass with Amendment, Vote 4-0.

Senator Prescott for the committee.

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification.

Inexpedient to Legislate, Vote 2-1.

Senator Larsen for the committee.

JUDICIARY

CACR 26, Relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed.

Ought to Pass with Amendment, Vote 4-1.

Senator Groen for the committee.

HB 217-FN, amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus.

Ought to Pass with Amendment, Vote 4-1.

Senator Luther for the committee.

HB 1131, establishing a committee to study methods of creating a balanced and neutral judiciary.

Inexpedient to Legislate, Vote 3-2.

Senator Houde for the committee.

HB 1474, relative to eliminating the requirement that attorneys be members of the state bar association.
Interim Study, Vote 4-1.
Senator Houde for the committee.

HB 1699-FN, relative to driving under the influence of drugs.
Ought to Pass with Amendment, Vote 5-0.
Senator Forsythe for the committee.

AMENDMENTS

Senate Judiciary
May 7, 2012
2012-2041s
06/01

Amendment to CACR 26

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

RELATING TO: administration of the supreme court.

PROVIDING THAT: the legislature and the chief justice of the supreme court shall have concurrent power to make rules governing the administration of all the courts of the state.

Amend the resolution by replacing paragraph I with the following:

I. That article 73-a of the second part of the constitution be amended to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. [He] ***The chief justice*** shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law. ***The legislature shall have a concurrent power to regulate the same matters by statute. In the event of a conflict between a statute and a court rule, the statute, if not otherwise contrary to this constitution, shall prevail over the rule.***

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending article 73-a of the second part of the constitution to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. The chief justice shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law. The legislature shall have a concurrent power to regulate the same matters by statute. In the event of a conflict between a statute and a court rule, the statute, if not otherwise contrary to this constitution, shall prevail over the rule.”

2012-2041s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution gives the legislature and the chief justice of the supreme court concurrent power to make rules governing the administration of the courts.

Senate Judiciary
April 27, 2012
2012-1896s
04/01

Amendment to HB 217-FN

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

AN ACT including “unborn child” in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide.

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

1 Homicide; Capital Murder; Definition of Unborn Child. Amend RSA 630:1, IV to read as follows:

IV. As used in this section [~~and RSA 630:1-a, 1-b, 2, 3 and 4~~], the meaning of “another” does not include a [~~fetus~~] *fetus*.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion. Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of “another” shall include an unborn child as defined in paragraph V.

V.(a) Nothing in this section or RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4 shall apply to any act committed by the mother of the unborn child, to any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian, or to the lawful dispensation or administration of lawfully prescribed medication. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4, “abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of an unborn child, or to remove a dead unborn child caused by spontaneous abortion, or to remove an ectopic pregnancy.

(b) In this section:

(1) “Conception” means the fusion of a human spermatozoon with a human ovum.

(2) “Pregnant” means the female reproductive condition of having an unborn child in the woman’s body.

(3) “Unborn child” means the offspring of human beings from conception until birth.

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

2012-1896s

AMENDED ANALYSIS

This bill provides that an unborn child shall be included in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide.

Senate Education

May 7, 2012

2012-2037s

04/05

Amendment to HB 545

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

Amend the bill by replacing section 1 with the following:

1 Home Education; Rulemaking. RSA 193-A:3 is repealed and reenacted to read as follows:

193-A:3 Rulemaking. The state board of education shall propose rules, pursuant to RSA 541-A, relative to the administration of the home education program under this chapter to the home education advisory council established in RSA 193-A:10. Before establishing the text of the final proposal for rules pursuant to RSA 541-A:12, the state board of education shall submit the proposed rules to the home education advisory council for review and comment.

2012-2037s

AMENDED ANALYSIS

This bill:

I. Revises the notification and rulemaking procedures for home educated pupils by giving the home education advisory council an opportunity to review and comment on proposed rules.

II. Makes the legislative members of the home education advisory council nonvoting members of the council.

III. Prohibits a school district official from proposing, adopting, or enforcing any policy or procedure relative to home educated pupils that is inconsistent with or more restrictive than the provisions of the home education statute.

Senate Education

May 7, 2012

2012-2033s

04/03

Amendment to HB 1139

Amend the bill by deleting sections 3-4 and renumbering the original section 5 to read as 3.

2012-2033s

AMENDED ANALYSIS

This bill allows a parent, legal guardian, or person who is 18 years of age or older to have access to the unique pupil identifier and related information in the data warehouse.

Capital Budget

May 8, 2012

2012-2150s

10/01

Amendment to HB 1205

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

AN ACT relative to the duty of the long range capital planning and utilization committee, relative to the sale of the former Laconia state school property, and relative to the funding of the E-Court initiative for the judicial branch.

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

2 Sale of Property; Laconia State School Property. 2011, 224:80 is repealed and reenacted to read as follows:

224:80 Sale of Property. Notwithstanding RSA 10, the commissioner of the department of administrative services shall offer for sale the former Laconia state school property and the former Laconia state school and training center property, except those portions of the properties required for state use, for fair market value. Such sale shall be completed no later than May 1, 2013. The commissioner of the department of administrative services shall submit quarterly reports on the progress of the sale to the fiscal committee of the general court. Any sale of such property shall be subject to the requirements of RSA 4:40, except that no review, approval, or recommendation of the sale of the property by the council on resources and development shall be required. All proceeds from the sale shall be deposited into the revenue stabilization reserve account established in RSA 9:13-e.

3 Capital Budget; Judicial Branch; E-Court. Amend 2011, 253:1, IX to read as follows:

IX. Judicial Branch

A. Prisoner Video Conference	\$541,085
B. Call Center *	57,500
C. E-Court Initiative	[1,951,000] 3,651,000
Total state appropriation paragraph IX	[\$2,549,585] \$4,249,585

* The judicial branch shall work in consultation with the department of information technology on completion of the call center project under subparagraph IX, B. To the extent necessary, the department of information technology shall assign the highest priority to the completion of the judicial branch call center to ensure completion of the project by September 1, 2011.

4 Capital Budget; Total Adjusted. Amend 2011, 253:1, Total state appropriation section 1, to read as follows:

Total state appropriation section 1	[\$88,365,294] \$90,065,294
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5 Capital Budget; Bonds Authorized. Amend 2011, 253:5 to read as follows:

253:5 Bonds Authorized.

[E:] To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$97,778,481~~] **\$99,478,481** and for said purposes may issue bonds and notes in the [names] **name** and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund [~~\$88,365,294~~] **\$90,065,294** and highway funds \$9,423,187; with other funds \$77,887,482.

6 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2012-2150s

AMENDED ANALYSIS

This bill:

I. Repeals the duty of the long range capital planning and utilization committee to study and report on the master plan for the New Hampshire hospital campus.

II. Requires the commissioner of administrative services to offer for sale the former Laconia state school property for fair market value, with the proceeds from the sale to be deposited into the revenue stabilization reserve account.

III. Increases the capital appropriation for the E-Court initiative for the judicial branch.

Internal Affairs

May 7, 2012

2012-2031s

01/10

Amendment to HB 1276

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

2 Membership and Compensation.

I. The members of the committee shall consist of 5 members of the house of representatives, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall study general court policies and procedures related to persons with disabilities. The committee's study shall include, but not be limited to, procedures to ensure that legislators and citizens with physical disabilities have full access to general court facilities.

4 Chairperson. 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.

Senate Education

May 8, 2012

2012-2145s

04/09

Amendment to HB 1325

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

AN ACT relative to legal residency requirements for purposes of school attendance for children of divorced parents.

Amend RSA 193:12, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2)(A) In a divorce decree where parents are awarded joint decision making responsibility or joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides.

A child's legal residence for school attendance purposes may be the school district in which either parent resides, provided the parents agree in writing to the district the child will attend and each parent furnishes a copy of the agreement to the school district in which the parent resides. If a parent is awarded sole or primary residential responsibility or physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility or physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or approximately equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the order. If a child is in a court-ordered residential placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, residence shall be determined in accordance with RSA 193:28.

(B) Nothing in this subparagraph shall require a school district to provide transportation for a child to another school in the school district in which the child resides or beyond the geographical limits of the school district in which the child resides.

2012-2145s

AMENDED ANALYSIS

This bill revises the legal residency requirements for purposes of school attendance for children of divorced parents.

Internal Affairs

May 7, 2012

2012-2038s

09/01

Amendment to HB 1350

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

1 New Section; Constitutional Amendments; Style and Form. Amend RSA 17-A by inserting after section 7 the following new section:

17-A:8 Constitutional Amendments; Style and Form.

I. A new article or amended article of the constitution shall capitalize all proper nouns and titles of all officers.

II. The secretary of state, the clerks of the house of representatives and the senate, and the director of legislative services shall have the authority to publish the unnumbered articles of the constitution with the numbers used by convention and with titles approved by the legislature or a constitutional convention.

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

2012-2038s

AMENDED ANALYSIS

This bill requires new articles and amendments to articles proposed by constitutional amendment concurrent resolutions to capitalize proper nouns and titles of all officers.

Senate Education

May 8, 2012

2012-2148s

04/01

Amendment to HB 1360

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

AN ACT relative to the state board of education rules concerning special education.

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

1 New Section; Special Education; Rules Exceeding State or Federal Minimum Requirements. Amend RSA 186-C by inserting after section 16-b the following new section:

186-C:16-c Rules Exceeding State or Federal Minimum Requirements.

I. Whenever the state board of education proposes to adopt or amend any special education rule which exceeds the minimum requirements of state or federal law, the state board shall, in addition to the provisions of RSA 541-A, issue a report of all such proposed rules which meets the following requirements:

(a) For each rule or proposed rule contained in the report, the state board shall include the rule number, the nature of the rule, any state minimum requirement exceeded, any federal minimum requirement exceeded, and the reasons for exceeding those minimum requirements.

(b) The report shall be issued to the chairpersons of the house and senate education committees.

(c) A copy of the report shall be distributed to the superintendent of each school district in the state.

II. By December 1 of each year, the commissioner of the department of education shall issue a report of all special education rules, proposed or adopted, which exceed the minimum requirements of state or federal law. This report shall meet the requirements of paragraph I.

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

2012-2148s

AMENDED ANALYSIS

This bill requires the state board of education and the commissioner of the department of education to submit reports detailing any proposed or adopted special education rules which exceed the minimum requirements of state or federal law.

Senate Finance

May 3, 2012

2012-2009s

01/09

Amendment to HB 1361

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

AN ACT establishing a committee to study payments from the uncompensated care fund.

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

1 Committee Established. There is established a committee to study payments from the uncompensated care fund, established under RSA 167:64.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study payments from the uncompensated care fund. The committee's study shall include, but not be limited to, the priority of payments paid from the fund and what procedure and method of calculation should be established regarding payments to hospitals.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2012.

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

2012-2009s

AMENDED ANALYSIS

This bill establishes a committee to study payments from the uncompensated care fund.

Senate Education

May 8, 2012

2012-2149s

04/01

Amendment to HB 1389

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

AN ACT relative to the pre-engineering technology curriculum and pre-engineering technology advisory council and establishing advisory committees for regional vocational education.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Section; Regional Vocational Education; Advisory Committees. Amend RSA 188-E by inserting after section 4 the following new section:

188-E:4-a Advisory Committees.

I. Each designated region shall have a regional advisory committee consisting of representatives from each sending district and the receiving district. Appointees from each district shall represent a reasonable balance among the recognized vocational areas including, but not limited to, agriculture, marketing and distribution, health, home economics, office occupations, and trades and industry. Each regional advisory committee shall have at least 7 members representative of the districts and vocational areas.

II. The regional advisory committee shall advise the receiving district school board on matters related to vocational education but shall have no legal authority with respect to such board's responsibility.

III. Each regional vocational education center shall have active craft committees representing each vocational area established at the center. Said craft committees shall advise the regional advisory committee on matters relating to their particular vocational area but shall have no legal authority with respect to the regional advisory committee's responsibility.

2012-2149s

AMENDED ANALYSIS

This bill makes various changes to the pre-engineering technology curriculum and the pre-engineering technology advisory council. The bill also establishes advisory committees for regional vocational education.

Commerce

May 2, 2012

2012-1951s

08/10

Amendment to HB 1410

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

1 New Paragraph; Non-Criminal, Non-Fraudulent, and Non-Monetary Loss Acts. Amend RSA 421-B:26-a by inserting after paragraph IV the following new paragraph:

IV-a. Within a reasonable amount of time after receiving a complaint, the secretary of state shall determine whether the complaint involves a criminal act, fraud, or monetary loss to the consumer. If the secretary of state determines that the complaint does not involve a criminal act, fraud, or monetary loss to the consumer, the secretary of state shall give such person a written warning that such person's conduct is in violation of this chapter or in violation of a rule adopted under this chapter. Such person shall have 30 days from the receipt of such written notice to cure the violation. If such person fails to cure the violation within 30 days, then the secretary of state may impose a fine or penalty. This provision shall not apply to a person who has previously been given a warning for the same violation. If the secretary of state determines that the complaint involves a criminal act, fraud, or monetary loss to the consumer, the secretary of state shall proceed with the hearing procedure established in this section.

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

2012-1951s

AMENDED ANALYSIS

This bill gives certain violators of the Uniform Securities Act time to cure their violations before receiving a penalty.

Senate Judiciary

May 8, 2012

2012-2103s

09/01

Amendment to HB 1419

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

Senate Education

May 9, 2012

2012-2156s

08/04

Amendment to HB 1461

Amend the bill by replacing section 2 with the following:

2 New Section; Notification of Outside Speakers in School. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Notification of Outside Speakers in School. Each public school district shall develop a policy to notify, in a timely manner, a pupil's parents of any school-sponsored event or class that includes a speaker from outside the school.

2012-2156s

AMENDED ANALYSIS

This bill requires school officials to notify a pupil's parents of a class or event involving an outside speaker.

Senate Education

May 7, 2012

2012-2036s

04/05

Amendment to HB 1571

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

3 Limited Liability. Amend RSA 193-A:9 to read as follows:

193-A:9 Liability Limited. The resident school district, the board of such district, and any employees of the resident school district associated with a child who is ***or has been*** receiving home education ~~[in accordance with this chapter,]~~ are not liable in damages in a civil action for any injury, death or loss to person or property allegedly sustained by that child, ~~[his]~~ ***the child's*** parent, or any other person as a result of the child's receipt of home education, including but not limited to, any liability allegedly based on the failure of the child to receive a free appropriate or adequate public education.

2012-2036s

AMENDED ANALYSIS

This bill amends the educational evaluation procedures for home educated children and repeals the notice, hearing, and appeals procedures afforded to parents relative to the termination of a home education program. The bill also clarifies the school district's limited liability for home educated children.

Senate Education

May 7, 2012

2012-2034s

04/09

Amendment to HB 1583

Amend the bill by replacing section 1 with the following:

1 Physical Force by Persons with Special Responsibilities. RSA 627:6, II(a) is repealed and reenacted to read as follows:

(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary to end a disturbance, to maintain decorum or safety, or to remove such minor or pupil from the premises when the minor's or pupil's behavior or continued presence on the premises would constitute a danger to that individual, or to other children or adults present. Conduct which is justifiable under this subparagraph constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.2012-2034s

AMENDED ANALYSIS

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the pupil or minor from the premises under certain circumstances.

Senate Finance

May 10, 2012

2012-2218s

04/01

Amendment to HB 1607-FN-LOCAL

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

1 Purpose.

I. The general court finds that:

- (a) It has the inherent power to determine subjects of taxation for general or particular public purposes.
- (b) Expanding educational opportunities and improving the quality of educational services within the state are valid public purposes that the general court may cherish using its sovereign power to determine subjects of taxation and exemptions from taxation.
- (c) Ensuring that all parents may exercise and enjoy their basic right to educate their children as they see fit is a valid public purpose that the general court may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.
- (d) Expanding educational opportunities and thereby promoting healthy competition is critical to improving the quality of education in the state and ensuring that all children have the opportunity to receive a high quality education.

II. The purpose of this act is to:

- (a) Allow maximum freedom to parents and nonpublic schools to respond to and, without governmental control, provide for the educational needs of children, and this act shall be liberally construed to achieve that purpose.
- (b) Promote the general welfare by expanding educational opportunities for children.
- (c) Enable children in this state to achieve a higher level of excellence in their education.
- (d) Improve the quality of education in this state, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence.

2 New Paragraph; Business Profits Tax; Education Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XIV the following new paragraph:

XV. The education tax credit as computed in RSA 77-G:4.

3 New Section; Business Enterprise Tax; Education Tax Credit. Amend RSA 77-E by inserting after section 3-c the following new section:

77-E:3-d Education Tax Credit. The education tax credit as computed in RSA 77-G:4 shall be allowed against the tax due under this chapter.

4 New Chapter; Education Tax Credit. Amend RSA by inserting after chapter 77-F the following new chapter:

CHAPTER 77-G
EDUCATION TAX CREDIT

77-G:1 Definitions. The following definitions shall apply in this chapter:

I. "Adequacy cost" means the total cost of the opportunity for an adequate education as defined in RSA 198:40-a, I-III.

II. "Adequacy grant" means the grant calculated under RSA 198:41, or for a chartered public school, the amount calculated under RSA 194-B:11.

III. "Business organization" shall be as defined in RSA 77-A:1, I.

IV. "Business enterprise" shall be as defined in RSA 77-E:1, III.

V. "Donation receipt" means a document submitted by a scholarship organization that contains at a minimum:

(a) The business organization's or business enterprise's name, address, and federal taxpayer identification number.

(b) The scholarship organization's name and address.

(c) The donation amount and date received.

VI. "Educational expenses" means the tuition cost of an eligible student to attend a public or nonpublic school, excluding students who were placed into a nonpublic school by their school district, and in the case of a home educated student, the academic expenses not to exceed 25 percent of the average scholarship as defined in RSA 77-G:2, I(b), incurred in a child's home schooling. Educational expenses shall not include fees or expenses related to participation in athletic programs, transportation expenses, or the cost of a parent's time expended in the home schooling of his or her child.

VII. "Education tax credit application" means a document developed by the department of revenue administration and submitted by a business organization or business enterprise that contains at a minimum:

(a) The business organization's or business enterprise's name, address, and federal taxpayer identification number.

(b) A contact person's name, title, and phone number.

(c) The requested donation amount.

(d) A signed statement certifying that the business organization or business enterprise agrees to make donations in accordance with the requirements established in this chapter.

VIII. "Eligible student" means a New Hampshire resident who is at least 5 years of age and no more than 20 years of age, has not graduated from high school, and

(a)(1) Who is currently attending a New Hampshire public school, including a chartered public school, and for whom the adequacy grant in the next school year would be reduced if the student were removed from the average daily membership calculation; or

(2) Who received a scholarship under subparagraph (1) or this subparagraph in the prior program year; or

(3) Who does not qualify under subparagraphs (1) or (2); and

(b) Whose annual household income is less than or equal to 300 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902(2). The scholarship organization shall verify eligibility under this subparagraph.

IX. "Nonpublic school" shall be as defined in RSA 193-A:1.

X. "Owner or operator" means an owner, president, officer, or director of an eligible nonprofit scholarship organization or a person with equivalent decision making authority over an eligible nonprofit scholarship organization.

XI. "Parent" means the natural or adoptive parent or legal guardian of a child.

XII. "Program year" means the year beginning January 1 and ending December 31.

XIII. "Receipt" means a document developed by the department of revenue administration that is issued by the receiving school, or parent in the case of a home educated student, to the scholarship organization which makes payment for educational expenses on behalf of an eligible student and that contains, at a minimum and where applicable:

- (a) The name and address of the school if a school is attended or, in the case of a home educated student, the name and address of a parent.
- (b) The name and address of the eligible student for whom the expense has been paid.
- (c) The name of the payer and the date and amount of the expense paid.
- (d) Receipts for all specific, reimbursed educational expenses.

XIV. "Receiving school" means a public or nonpublic school which the eligible student seeks to attend.

XV. "Release of information form" means a document developed by a receiving school, signed by the parent or guardian of an eligible student, and which acknowledges the consent of the parent or guardian to release of information contained in the receipt.

XVI. "Scholarship impact survey" means a document developed by the department of education and given to the parents of students who have exited a public school under the provisions of RSA 77-G:8. The survey shall solicit the reasons for seeking the scholarship, and any suggested improvements desired in the public school they are leaving.

XVII. "Scholarship organization" means a charitable organization incorporated or qualified to do business in this state that:

- (a) Is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code;
- (b) Complies with applicable state and federal antidiscrimination and privacy laws;
- (c) Is registered with the director of charitable trusts; and
- (d) Has been approved by the department of revenue administration for the purpose of issuing scholarships as provided in this chapter.

XVIII. "Scholarship organization application" means a document developed by the department of revenue administration and submitted by a scholarship organization that contains at a minimum:

- (a) The scholarship organization's name, address, and federal taxpayer identification number.
- (b) A contact person's name, title, and phone number.
- (c) A signed statement that the scholarship organization has met the eligibility requirements of paragraph XVII, and will comply with the provisions of this chapter.

XIX. "Scholarship organization report" means a document developed by the department of revenue administration and submitted by a scholarship organization to the department of revenue administration that shall be a public record, notwithstanding RSA 21-J:14, and contains at a minimum:

- (a) The number of scholarships granted under subparagraph VIII(a)(1), and the percentage of these students who were eligible for the federal free and reduced-price meal program in the final year they were in public school
- (b) The number of scholarships granted under subparagraph VIII(a)(2), and the percentage of these students who were eligible for the federal free and reduced-price meal program in the final year they were in public school.
- (c) The number of scholarships granted under subparagraph VIII(a)(3), and the percentage of these students who were eligible for the federal free and reduced-price meal program in the prior year.
- (d) The total dollar amount of all scholarships granted.
- (e) The total dollar amount of donations spent on administrative expenses pursuant to RSA 77-G:5, I(f).
- (f) The total dollar amount to be carried forward pursuant to RSA 77-G:5, I(g).

(g) The total dollar amount of donations used and not used for scholarships.

(h) The number of scholarships granted.

(i) The number of scholarships distributed by the organization, per school, and the dollar range of those scholarships. All home educated students shall be totaled together as a single school.

(j) An analysis, broken down by zip code, of the place of residence for each student receiving a scholarship under this program.

(k)(1) The aggregated results from a survey, designed by the department of revenue administration, and administered by the scholarship organization, which shall solicit and receive information from at least 90 percent of the parents or legal guardians of participating students, broken down by the number of years in the program. In each case, the respondent shall be asked to gauge their level of agreement with the statement as follows: “strongly agree,” “agree,” “no change,” “disagree,” “strongly disagree.” The following statements shall be included in the survey:

(A) I am satisfied with the school my child is attending as compared to the school my child attended prior to the availability of the education tax credit program.

(B) My child has seen a measurable improvement in academic achievement.

(C) My child would have been unable to attend the school of his or her choice without the education tax credit program.

(2) The survey shall include the following question to the parent or legal guardian of a participating student: “Excluding the education tax credit scholarship, how much did you pay out of pocket for your child to attend school this year?”

(l) The aggregated results from a survey, designed by the department of education, and administered by the scholarship organization, which shall solicit and receive information from the parents or legal guardians of participating students who graduated or stopped attending 2 years prior. A parent’s or legal guardian’s response to the survey shall be optional. Results shall be aggregated by the scholarship organization and published by the department of education. The survey shall solicit the following information:

(1) Whether the student is attending a private, public, community, or vocational college, or otherwise employed or unemployed.

(2) Whether the student graduated or not.

(m) The number of participating students who graduated from high school in the previous year, and the number that dropped out of school.

(n) A signed statement that the scholarship organization acknowledges compliance with the provisions of this chapter.

(o) An explanation of information omitted from the report because it would reveal private data about an individual student.

(p) The name of any other scholarship organizations who have agreed to combine their data with the scholarship organization for the purposes set forth in RSA 77-G:2, II. The agreement shall only be considered valid if each scholarship organization lists the other scholarship organizations in the agreement.

XX. “Scholarship receipt” means a document developed by the department of revenue administration and submitted by a scholarship organization to the business organization or business enterprise and that contains at a minimum:

(a) The business organization’s or business enterprise’s name, address, and federal taxpayer identification number.

(b) The amount of the donations used or carried forward and the amount not used.

77-G:2 Scholarships.

I.(a) An eligible student may receive a scholarship to attend (1) a nonpublic school, except when the student has been placed by the local school district through the special education process; or (2) a public school located outside of the school district in which the student resides and for which the public school is

not eligible to receive an adequate education grant payment for the student in the current fiscal year, in an amount not to exceed the tuition cost of the public or nonpublic school. A home education student may also receive a scholarship to cover educational expenses. A student shall not receive a scholarship from more than one scholarship organization.

(b) The average value of all scholarships awarded by a scholarship organization, excluding eligible students who received scholarships for educational expenses related to home education only, shall not exceed \$2,500. Beginning in the second year of the program, the commissioner of the department of revenue administration shall annually adjust this amount based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the “services less medical care services” special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the calendar year ending 12 months prior to the beginning of program year. In each of the first and second program years, a scholarship organization shall award a minimum of 70 percent of all scholarships issued to eligible students as defined in RSA 77-G:1, VIII(a)(1) and (2) and, notwithstanding RSA 193-E:5, shall notify the department of education of the unique pupil identifier and date of birth for each of these students granted a scholarship by July 15. The required minimum percentage of all scholarships issued by a scholarship organization to eligible students as defined in RSA 77-G:1, VIII(a)(1) and (2) shall be reduced by 5 percent each program year for years 3 through 15 of the program, and, at the beginning of the sixteenth program year and every program year thereafter, there shall be no required minimum percentage of scholarships.

(c) The minimum value of a scholarship granted to a student receiving special education programs or services pursuant to RSA 186-C shall be 175 percent of the maximum average scholarship size as defined in subparagraph (b).

(d) At least 40 percent of the scholarships awarded by the scholarship organization to eligible students as defined in RSA 77-G:1, VIII(a)(1) and (2) shall be awarded to students who qualified for the federal free and reduced-price meal program in the final year they were in public school.

(e) A student shall reapply each year for a scholarship.

II. Scholarship organizations may meet the percentage requirements of subparagraphs I(b) and (d) if, pursuant to a mutual agreement, the organizations aggregate their scholarship data and the aggregated data shows compliance with the percentage requirements.

77-G:3 Contributions to Scholarship Organizations. For each contribution made to a scholarship organization, a business organization or business enterprise may claim a credit equal to 85 percent of the contribution against the business profits tax due pursuant to RSA 77-A, or against the business enterprise tax due pursuant to RSA 77-E, or apportioned against both provided the total credit granted against both shall not exceed the maximum education tax credit allowed. Credits provided under this chapter shall not be deemed taxes paid for the purposes of RSA 77-A:5, X. The department of revenue administration shall not grant the credit without a scholarship receipt. No business organization or business enterprise shall direct, assign, or restrict any contribution to a scholarship organization for the use of a particular student or nonpublic school. No business organization or business enterprise shall receive more than 10 percent of the aggregate amount of tax credits permitted in RSA 77-G:4.

77-G:4 Tax Credits.

I. The aggregate of tax credits issued by the commissioner of the department of revenue administration to all taxpayers claiming the credit shall not exceed \$3,400,000 for the first program year and \$5,100,000 for the second program year, subject to the provisions of paragraph III. In subsequent years, the aggregate of tax credits shall not exceed the amount allowed for the prior year, unless adjusted pursuant to paragraph II.

II. Beginning with the second program year, if the amount of the total donations used for scholarships exceeds 80 percent of the current program year’s tax credits allowed, the aggregate of tax credits allowed for the next program year shall increase by 25 percent, subject to the provisions of paragraph III.

III. In each program year, the increase in the aggregate of tax credits allowed pursuant to paragraphs I and II shall be contingent upon the board of directors of the community development finance authority certifying in writing to the commissioner of the department of revenue administration by the December 1 preceding the program year that the community development finance authority has received \$5,000,000 or more in contributions for the state fiscal year or that the authority has received contribution offers sufficient to meet its state fiscal year limit but did not meet its limit for other reasons.

77-G:5 Scholarship Organizations.

I. A scholarship organization shall:

- (a) Provide scholarships from eligible contributions to eligible students to defray educational expenses.
- (b) Not restrict or reserve scholarships for use at a single nonpublic school and not restrict or reserve a scholarship for a specific student or a specific person.
- (c) Verify a student's eligibility to apply for and receive a scholarship through transcripts and attendance records.
- (d) Not have an owner or operator who also owns or operates a nonpublic school that participates in the education tax credit program.
- (e) Not have an owner or operator who in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a business organization or business enterprise of which he or she owned more than 20 percent.
- (f) Not use more than 10 percent of eligible contributions used during the program year in which the contributions are collected, and for which scholarship receipts were issued for tax credit purposes, for administrative expenses. Administrative expenses shall be reasonable and necessary for the organization's management and distribution of eligible contributions pursuant to this chapter.
- (g) In the first program year, there shall be no carry forward of unused eligible contributions. In each program year thereafter, not more than 10 percent of eligible contributions may be carried forward to the following program year. Any amount carried forward shall be expended for annual or partial year scholarships in the program year into which the amount is carried forward.
- (h) Maintain separate accounts for scholarship funds, non-tax credit donations, and operating funds.
- (i)(1) Not award a scholarship to any lineal descendent or equivalent step-person of any officer, director, or employee of any scholarship organization; and
- (2) Not award a scholarship to any lineal descendant or equivalent step-person of any proprietor, partner, or member of any business organization or business enterprise making a contribution to a scholarship organization and claiming a credit against the business profits tax or business enterprise tax, nor any lineal descendant or equivalent step-person of any officer, director, or owner of more than a 5 percent interest in any business organization or business enterprise making a contribution to a scholarship organization and claiming a credit against the business profits tax or business enterprise tax, nor any employee who is among the highest-paid 20 percent of paid employees in any business organization or business enterprise making a contribution to a scholarship organization and claiming a credit against the business profits tax or business enterprise tax.
- (j) Provide to each school district which receives a stabilization grant pursuant to RSA 77-G:8 a copy of the aggregated results of the scholarship impact survey, including total number of students who received scholarships from that school district under RSA 77-G:1, VIII(a)(1).

II.(a) An organization seeking approval as a scholarship organization under this chapter shall submit an application to the department of revenue administration each program year no later than June 15. The department of revenue administration shall approve or deny the application within 30 days of receipt. The department shall deny any application that fails to meet the statutory requirements and shall notify the scholarship organization of the reasons for denial.

(b) A business organization or business enterprise shall submit an education tax credit application to the department of revenue administration no earlier than January 1 and no later than June 15. The department shall approve these applications within 30 days on a first come-first served basis, up to the aggregate tax credit amount allowed under RSA 77-G:4. If multiple education tax credit applications are received on the same day, they shall be processed at random. No business organization or business enterprise shall be granted an education tax credit for more than 10 percent of the aggregate tax credit amount permitted in RSA 77-G:4. The department of revenue administration may approve only a portion of a request if required to prevent exceeding the aggregate tax credit amount allowed under RSA 77-G:4. The approval shall include the amount allowed and the date of approval.

(c) Once an education tax credit application is approved, the business organization or business enterprise shall donate within 60 days of the date of approval or the request shall expire. Donations may be

made to multiple scholarship organizations provided the total amount donated by the business organization or business enterprise does not exceed the amount approved. Donations shall be made no later than July 15 of the program year.

(d) Upon receiving a donation, the scholarship organization shall send a donation receipt to the department of revenue administration and to the business organization or business enterprise within 15 days. The department of revenue administration shall notify the scholarship organization and the business organization or business enterprise within 15 days if the donations made by a business organization or business enterprise exceed the amount approved. If a business organization or business enterprise fails to donate the total amount approved within the time permitted, the department of revenue administration may grant credit requests in the order specified in subparagraph (b).

(e) Notwithstanding RSA 193-E:5, on or before July 15, a scholarship organization shall furnish the unique pupil identifier and date of birth for each student eligible pursuant to RSA 77-G:1, VIII(a)(1) and (2) who is receiving a scholarship, and the subparagraph under which he or she was eligible, to the department of education. The department of education shall notify the scholarship organization within 30 days of any students who are ineligible under RSA 77-G:1, VIII(a)(1). The scholarship organization shall notify the department of education within 30 days if any student eligible under RSA 77-G:1, VIII(a)(1) or (2) is not awarded a scholarship or is awarded a scholarship yet subsequently returns to public school. The department of education shall return such student to the calculation of the average daily membership in residence, as defined in RSA 189:1-d, IV, for the student's school district of residence, and add the amount calculated under RSA 198:40-a, I-III to the adequate education grant amount to the student's school district of residence, and include such amount in the next adequate education grant payment made under RSA 198:42.

(f) On or before December 1, the scholarship organization shall send a scholarship receipt to the business organization or business enterprise and to the department of revenue administration. The scholarship receipt shall include the amount of the donation that was used under this chapter which is eligible for the tax credit, and the amount that was not used. The scholarship organization shall return any unused funds to the business organization or business enterprise.

(g) On or prior to December 1, the scholarship organization shall submit a scholarship organization report to the department of revenue administration. The scholarship organization shall also include a scholarship organization application if it intends to issue scholarships under this chapter in the next program year. The department of revenue administration shall review the scholarship organization report and the scholarship receipts to ensure that the administrative expenses requirement set forth in subparagraph I(f) is not exceeded, that the number of scholarships issued under RSA 77-G:1, VIII(a)(1) and (2) meets the requirements of this chapter, and the average scholarship size does not exceed the amount allowed. If any of these requirements are not met, the department of revenue administration may deny a scholarship organization application for subsequent program years and shall notify the scholarship organization of the reasons for denial.

(h) A business organization or business enterprise may file for the tax credit after receiving the scholarship receipt, and may file a tax credit request for the subsequent program year up to the amount donated in the current program year.

(i) A scholarship organization may grant a financial hardship exception to the federal poverty guideline requirement for eligibility under RSA 77-G:1, VIII(b), for circumstances where the family has either added expenses or lost income that would enable them to meet the requirement if taken into account, provided that the exceptions granted shall not exceed 20 percent of the scholarships granted by the scholarship organization in the program year.

(j) The provisions of this chapter regarding nonpublic schools and their relation to scholarship organizations shall apply only to nonpublic schools that choose to accept scholarship students.

77-G:6 Department of Revenue Administration; Requirements.

I. The department of revenue administration shall:

(a) Develop, and annually verify and update, by February 1, a list of eligible nonprofit scholarship funding organizations that meet the requirements of this chapter. The department shall post this list on the department's Internet website and update the list monthly until July 15. The department shall forward the list and any updates to the commissioner of the department of education who shall post the list on the department of education's Internet website.

(b) Conduct or require audits in response to any reasonable complaints made. The cost of an independent audit shall be paid by the scholarship organization, but this cost shall be excluded from the administrative expenses requirement set forth in RSA 77-G:5, I(f).

(c) Establish a process by which individuals may notify the department of revenue administration of any violation by a parent, business organization, business enterprise, scholarship organization, or nonpublic school of state laws relating to program participation. The department of revenue administration shall conduct an inquiry of any written complaint of a violation of this chapter, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains facts demonstrating a violation of this chapter or any rule adopted pursuant to this chapter. In order to determine legal sufficiency, the department of revenue administration may require supporting information or documentation from the complainant.

(d) Create, maintain, and post online the relevant forms and reports, and submit scholarship organization reports to the members of the house and senate education committees and to the department of education.

(e) Post to the department's website an up-to-date total of the amount of credits available.

(f) No later than January 1, 2013, adopt rules pursuant to RSA 541-A, relative to:

(1) The application procedure for a scholarship organization applying to accept scholarship donations under this chapter.

(2) The application procedure for a business organization or business enterprise applying for a tax credit under this chapter.

(3) Complaint procedures, including the filing of a complaint and investigations of complaints.

(4) The design and content of the forms and applications required to be filed with, or issued by, the department of revenue administration under this chapter.

77-G:7 Department of Education; Requirements.

I. The department of education shall determine the number of students receiving a scholarship under RSA 77-G:1, VIII(a)(1) and (2) who were counted in the calculation of the average daily membership in attendance, as defined in RSA 198:38, I, for schools, other than chartered public schools, for the student's school district of residence and for each such student, shall deduct the amount calculated under RSA 198:40-a, I-III from the total education grant amount disbursed to the student's school district of residence calculated pursuant to RSA 198:40-a, IV(b)-(c). This adjustment shall be completed prior to September 1 of the program year in which the scholarships are granted.

II. The department of education shall verify a student's eligibility under RSA 77-G:1, VIII(a)(1) upon request of a scholarship organization. The department of education shall assist the department of revenue administration, upon request, in the investigation of student eligibility complaints.

III. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to forms necessary for any surveys required and the procedures for determining and disbursing stabilization grants.

77-G:8 Scholarship Stabilization Grant.

I. For each school district, the department of education shall calculate the combined amount of reductions in adequacy cost pursuant to RSA 77-G:7 from students receiving scholarships under RSA 77-G:1, VIII(a)(1) and who were in attendance in that district in the year prior to receiving the scholarships. If this combined amount is greater than 1/4 of one percent of a school district's total voted appropriations for the year prior to the scholarship year, the commissioner of the department of education shall disburse a scholarship stabilization grant for the current and next 3 fiscal years to each such school district equal to the amount of the reductions in excess of 1/4 of one percent. This scholarship stabilization grant shall be included in the September 1 disbursement required pursuant to RSA 198:42.

II. The department of education shall order any scholarship organizations that provided scholarships to students from districts that were awarded stabilization grants pursuant to paragraph I to conduct a scholarship impact survey. The organization shall forward the results of this survey to the department of education and the school board of each district. The department of education shall post the results of this survey online.

77-G:9 Exceptions.

I. A receiving nonpublic school or home education program that accepts students benefiting from scholarships, grants, or tax credits shall not be considered an agent of the state or federal government as a result of participating in the program established in this chapter.

II. Except as provided in this chapter, or otherwise provided in law, no state department, agency, or board shall regulate the educational program of a receiving nonpublic school or home education program that accepts students pursuant to this chapter.

III. Donations made by a business organization or business enterprise to a scholarship organization that are not for the purpose of obtaining a tax credit under this chapter shall not be subject to the requirements in this chapter.

77-G:10 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

5 Applicability. The first program year of the education tax credit pursuant to RSA 77-G as inserted by section 4 of this act shall begin on January 1, 2013.

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

2012-2218s

AMENDED ANALYSIS

This bill establishes an education tax credit against the business profits tax and/or the business enterprise tax for business organizations and business enterprises that contribute to scholarship organizations which award scholarships to be used by students to defray the educational expenses.

Internal Affairs

May 7, 2012

2012-2039s

10/01

Amendment to HB 1632

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

I. The committee shall consist of 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Senate Finance

May 10, 2012

2012-2222s

05/04

Amendment to HB 1658-FN

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

AN ACT establishing an income and identity verification system for public assistance recipients; relative to implementation of the Sean William Corey pilot program; and relative to extending the moratorium on nursing home beds and rehabilitation beds.

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

1 New Section; Income and Identity Verification System. Amend RSA 167 by inserting after section 4-b the following new section:

167:4-c Income and Identity Verification System.

I. The department may enter into a contract with a vendor to identify, investigate, and resolve potential cases of fraud, misrepresentation, or inadequate documentation prior to determining an applicant's eligibility for assistance under this chapter and RSA 161. The procedures shall ensure that every case is reviewed. Each review shall include utilization of the income and identity verification system established under this section.

II. Payment to the vendor for services provided in this section shall be contingent upon annualized savings realized from implementation of the program, as agreed upon by the commissioner and the vendor.

III. The department may contract with a vendor to establish a computerized income and identity eligibility verification system in order to verify eligibility, eliminate duplication of assistance, and deter fraud.

IV. Prior to awarding or continuing assistance under this chapter or RSA 161, the department may contract with a vendor, to the extent such data bases are available, match the name, date of birth, and social security number of each applicant and recipient against the following:

- (a) Employer quarterly reports of income and unemployment insurance payment information maintained by the department of employment security.
- (b) Earned income information maintained by the Social Security Administration.
- (c) Immigration status information maintained by the United States Citizenship and Immigration Services.
- (d) Death register information maintained by the Social Security Administration.
- (e) Prisoner information maintained by the Social Security Administration.
- (f) Public housing and Section 8 Housing Assistance payment information maintained by the Department of Housing and Urban Development.
- (g) National fleeing felon information maintained by the Federal Bureau of Investigation.
- (h) Wage reporting and similar information maintained by states contiguous to this state.
- (i) Beneficiary records and earnings information maintained by the Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database.
- (j) Earnings and pension information maintained by the Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database.
- (k) Employment information maintained by the department of employment security in its new hire directory database.
- (l) Employment information maintained by the United States Department of Health and Human Services in its National Directory of New Hires database.
- (m) Supplemental Security Income information maintained by the Social Security Administration in its State Data Exchange (SDX) database.
- (n) Veterans' benefits information maintained by the United States Department of Health and Human Services, in coordination with the Department of Health and Human Services and the Department of Veterans' Affairs, in the federal Public Assistance Reporting Information System (PARIS) database.
- (o) Child care services information maintained by the department of health and human services under its child care assistance program.
- (p) Utility payments information maintained by the office of energy and planning under the fuel assistance program.
- (q) A database which is substantially similar to or a successor of a database established in this section.
- (r) A database of all persons who currently hold a license, permit, or certificate from a state agency.

V. Prior to awarding or continuing assistance under this chapter or RSA 161, the department shall match the name, date of birth, and social security number of each applicant and recipient against the following public records:

- (a) A nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft and luxury vehicles.
- (b) A nationwide public records data source of incarcerated individuals.
- (c) A comprehensive public records database that identifies potential identity fraud or identity theft that can closely associate name, social security number, date of birth, phone and address information.

VI. If a discrepancy results between an applicant's or recipient's social security number and one or more of the databases or information tools listed under paragraph IV or V, the department shall review the applicant's or recipient's case using the following procedures:

(a) If the information discovered under paragraph IV and V does not result in the department finding the applicant or recipient ineligible for assistance under this section, the department shall take no further action.

(b) If the information discovered results in the department finding the applicant or recipient ineligible for assistance, the applicant or recipient shall be given an opportunity to explain the discrepancy. The department shall provide written notice to the applicant or recipient which shall describe in sufficient detail the circumstances of the discrepancy, the manner in which the applicant or recipient may respond, and the consequences of failing to take action. The applicant or recipient shall have 10 business days to respond in an attempt to resolve the discrepancy. The explanation provided by the recipient or applicant shall be given in writing. After receiving the explanation, the department may request additional documentation if it determines that there is a substantial risk of fraud.

(c) If the applicant or recipient does not respond to the notice, the department shall deny assistance for failure to cooperate, in which case the department shall provide notice of intent to discontinue assistance. Eligibility for assistance shall not be reestablished until the discrepancy has been resolved.

(d) If an applicant or recipient responds to the notice and disagrees with the findings of the match between his or her social security number and one or more databases or information tools listed under this section, the department shall reinvestigate the matter. If the department finds that there has been an error, the department shall take immediate action to correct it and no further action shall be taken. If, after an investigation, the department determines that there is no error, the department shall determine the effect on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient.

(e) If the applicant or recipient agrees with the findings of the match between the applicant's or recipient's social security number and one or more databases or information tools listed under this section, the department shall determine the effect on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient. In no case shall the department discontinue medical assistance coverage as a result of a match between the applicant's or recipient's social security number and one more databases or information tools listed under this section until the applicant or recipient has been given notice of the discrepancy and the opportunity to respond.

(f) The applicant or recipient have an opportunity for a fair hearing in the event of any adverse action affecting eligibility for assistance under this chapter or RSA 161.

VII. The department may contract with third party entities to perform the review of such enrollees as authorized under this section or to provide information to facilitate such reviews.

VIII. The department shall, pursuant to RSA 541-A, adopt any rules necessary to implement this section.

2 Department of Heath and Human Services; Sean William Corey Program. The department of health and human services shall implement, as soon as practicable, the Sean William Corey pilot program established in 2011, 224:298. The program shall be funded within existing appropriations to the department of health and human services subject to approval from the Centers for Medicare and Medicaid Services.

3 Certificate of Need; Nursing Home Beds; Rehabilitation Beds; Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, ~~2012~~ **2014**. This moratorium shall also apply to new certificates of need regarding any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need may be issued for construction or renovation as necessary to repair or refurbish an existing facility, or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair, refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds. If the application is approved, it shall be deemed that the board has agreed with the indicated reason for such application.

4 Effective Date.

I. Section 1 shall take effect 6 months after its passage.

II. The remainder of this act shall take effect upon its passage.

2012-2222s

AMENDED ANALYSIS

This bill:

I. Establishes an income and identity verification system for public assistance recipients.

II. Directs the department of health and human services to implement the Sean William Corey pilot program, a previously enacted program to provide home health aide services for medically fragile children.

III. Extends the moratorium on nursing home beds and rehabilitation beds until June 30, 2014.

Senate Finance

May 10, 2012

2012-2225s

01/09

Amendment to HB 1666-FN

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

AN ACT relative to approval by the fiscal committee of the general court of all cost items in any collective bargaining agreements entered into by the state.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Bargaining by State Employees. Amend RSA 273-A:9 by inserting after paragraph I the following new paragraph:

I-a. All cost items, as defined under RSA 273-A:1, IV, for any contract negotiated under this section shall be approved by the fiscal committee of the general court before they take effect.

2012-2225s

AMENDED ANALYSIS

This bill requires approval by the fiscal committee of the general court of all cost items in any collective bargaining agreement entered into by the state.

Senate Judiciary

April 26, 2012

2012-1875s

03/04

Amendment to HB 1699-FN

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

1 Chemical Substance. Amend RSA 261:180, III to read as follows:

III. The commissioner, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving or attempting to drive under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which can impair a person's ability to drive*** under RSA 265-A:2, I, or aggravated driving while intoxicated or attempted aggravated driving while intoxicated under RSA 265-A:3, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

2 Chemical Substance. Amend RSA 265-A:2 to read as follows:

265-A:2 Driving or Operating Under Influence of Drugs or Liquor; Driving or Operating With Excess Alcohol Concentration.

I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to operate an OHRV:

(a) While such person is under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** or any combination of intoxicating liquor and controlled drugs, ***prescription drugs, over-the-counter drugs, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive***; or

(b) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

II. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** or any combination of intoxicating liquor and a controlled drug or drugs, ***prescription drug or drugs, over-the-counter drug or drugs, or any substance or substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** or while such person has an alcohol concentration of 0.08 or more or in the case of persons under the age of 21, 0.02 or more.

3 Chemical Substance. Amend the introductory paragraph of RSA 265-A:3, I to read as follows:

I. While under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** or any combination of intoxicating liquor and controlled drug or drugs, ***prescription drug or drugs, over-the-counter drug or drugs, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** and, at the time alleged:

4 Chemical Substance. Amend RSA 265-A:4 to read as follows:

265-A:4 Implied Consent of Driver or Operator to Submit to Testing to Determine Alcohol Concentration. Any person who drives, operates, or attempts to operate an OHRV, drives or attempts to drive a vehicle upon the ways of this state, or operates or attempts to operate a boat upon the public waters of the state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether such person is under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** and to a chemical, infrared molecular absorption, or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** content of such person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** or while having an alcohol concentration in excess of the statutory limits contained in RSA 265-A:2 or RSA 265-A:3. The test or tests shall be administered at the direction of a law enforcement officer, peace officer, or authorized agent

having reasonable grounds to believe the person to have been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving or in actual physical control of a vehicle, or operating or in actual physical control of a boat while under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265-A:16, the prerequisites of RSA 265-A:8 shall not apply. Properly trained personnel of the United States Coast Guard may arrest and conduct tests on persons who are believed to be under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** or a combination thereof, and who are in physical control of a boat operating upon the public coastal waters of this state.

5 Chemical Substance. Amend RSA 265-A:5, II to read as follows:

II. All such blood and urine tests made under the direction of a law enforcement officer, authorized agent, or peace officer shall be conducted in the forensic science laboratory of the department of safety established in RSA 106-B:2-a or, in the case of blood and urine samples to be tested for the presence of controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended.

6 Chemical Substance. Amend RSA 265-A:5, V(a) to read as follows:

(a) Methods and procedures for the testing of blood, urine, and breath to determine alcohol concentration and controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** content of a person's blood;

7 Chemical Substance. Amend RSA 265-A:9 to read as follows:

265-A:9 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265-A:2, I(a), or RSA 265-A:3, I, was under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive***.

8 Chemical Substance. Amend RSA 265-A:10 to read as follows:

265-A:10 Effect of Evidence of Refusal to Take Alcohol Concentration Test. If a person refuses to submit to a test as provided in RSA 265-A:4, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive***.

9 Chemical Substance. Amend RSA 265-A:11 to read as follows:

265-A:11 Evidence.

I. Upon complaint, information, indictment, or trial of any person charged with the violation of RSA 265-A:2, the court may admit evidence of physical testing of the defendant for being under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** as provided in RSA 265-A:4, and of the controlled drug, ***prescription drug, over-the-counter drug, or substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** content of the defendant's blood and the defendant's alcohol concentration, as shown by a test of his or her breath, blood, or urine as provided in RSA 265-A:4. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:2, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:2, I(b); and evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265-A:3, II (a), (b), (c), and (d) constitute a separate offense under RSA 265-A:3, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.16 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:3, III.

II. Upon complaint, information, indictment, or trial of any person charged with a violation of the provisions of RSA 265-A:2, II relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption, or gas chromatograph test or tests of his or her breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

10 Chemical Substance. Amend RSA 265-A:12, V to read as follows:

V. Any person who is arraigned on a charge arising under RSA 265-A:2, RSA 265-A:3, or RSA 265-A:43 shall file, within 10 days of such person's receipt of the results of any toxicology test administered to such person for the presence of any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive***, a notice in said court requiring the attendance of the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the certifying scientist at trial. The official report of the test issued pursuant to RSA 265-A:4 shall be deemed conclusive evidence of the conduct of the result of such test.

11 Chemical Substance. Amend RSA 265-A:14, IV(a) to read as follows:

(a) That the authorized agent or peace officer had reasonable grounds to believe the arrested person had been operating, had been attempting to operate, or was in actual physical control of a boat upon the public

waters of this state while under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** or any combination thereof;

12 Chemical Substance. Amend RSA 265-A:15, I to read as follows:

I. Any law enforcement officer, authorized agent, or peace officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat upon the public waters of the state while under the influence of intoxicating liquor or controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** or while the person's alcohol concentration was 0.08 or more or in the case of a person under the age of 21, 0.02 or more or in the case of a person licensed to operate and operating a commercial vehicle or operating a commercial vessel and licensed pursuant to RSA 270-E:22 at the time of the offense, 0.04 or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of any test administered under this section may be introduced into evidence in a court for any relevant purpose. Failure to submit to the test shall not constitute a violation of this chapter. Evidence of a failure to submit to a preliminary breath test shall not be admissible in court in any prosecution under this subdivision, except for the purpose of determining whether the officer had probable cause to arrest the person. The provisions of this section shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with violating RSA 265-A:2, I(a), RSA 265-A:2, II, or RSA 265-A:3 was under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive***. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The police officer requesting the test shall advise orally the person to be tested that his or her failure to take the test or his or her taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The results of the test shall be furnished immediately to the person tested by the police officer administering the test and in writing, if requested.

13 Chemical Substance. Amend the introductory paragraph of RSA 265-A:16 to read as follows:

265-A:16 Blood Testing of Certain Motor Vehicle Fatalities. When a collision, boating accident, or OHRV accident results in death or serious bodily injury to any person, all drivers or operators involved, whether living or deceased, and all deceased vehicle, boat, or OHRV occupants and pedestrians involved shall be tested for evidence of alcohol or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive***. A law enforcement officer, authorized agent, or peace officer shall request a licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist to withdraw blood from each driver or operator involved if living and from the body of each deceased driver or operator, deceased occupant, or deceased pedestrian, in accordance with RSA 611-B:14, II, for the purpose of testing for evidence of alcohol content or controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive***; provided that in the case of a living driver or operator the officer has probable cause to believe that the driver or operator caused the collision or accident. All tests made under this section shall be conducted by the forensic science laboratory established in RSA 106-B:2-a or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

14 Chemical Substance. Amend RSA 265-A:17 to read as follows:

265-A:17 Arrest Without a Warrant. Notwithstanding any other statutory provision of law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in a traffic accident, OHRV accident, or boating accident when the officer has probable cause to believe that such person has committed an offense, an element of which is driving under the influence of intoxicating liquors[,] **or controlled drugs, *prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive***, or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction in this state where the person or others are taken for treatment for injuries suffered in such traffic accident.

15 Chemical Substance. Amend RSA 265-A:21, I to read as follows:

I. Notwithstanding the provisions of RSA 651:5, no court shall order an annulment of any record of conviction of driving or attempting to drive a vehicle upon any way or driving, operating, attempting to operate, or being in actual physical control of an OHRV or operating or attempting to operate a boat on the waters of this state while under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** or while having an alcohol concentration of 0.08 or more or of aggravated drunken driving until 10 years after the date of conviction. Any record thus annulled shall be retained in a permanent file, to be opened only for purposes of sentencing in the case of an offense under RSA 265-A:3.

16 Chemical Substance. Amend RSA 265-A:35, II to read as follows:

II. No holder of a probationary license shall drive or attempt to drive a vehicle upon any way when he or she is under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** or any combination of intoxicating liquor and controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** so that the alcohol concentration is 0.03 or more. Driving with an alcohol concentration of 0.03 or more is a per se violation of a probationary license and subjects the probationary license holder to administrative suspension of his or her driver's license for not less than 90 days and not more than 180 days. Such administrative suspension shall be in addition to any court imposed suspension or revocation periods.

17 Chemical Substance. Amend RSA 270:12-a, I(b) to read as follows:

(b) The provisions of RSA 265-A, relative to the operation or attempted operation of boats by a person under the influence of intoxicating liquor or a controlled drug, ***prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive*** or other unlawful operation of boats thereunder;

18 Chemical Substance. Amend RSA 651:6, II(b)-(c) to read as follows:

(b) Has previously been convicted of a violation of RSA 630:3, II, RSA 265-A:3, I(b) or II(b), or any crime in any other jurisdiction involving driving or attempting to drive a motor vehicle under the influence of controlled drugs, ***prescription drugs, over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive*** or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b); or

(c) Has twice previously been convicted in this state or any other jurisdiction, for driving or attempting to drive a motor vehicle under the influence of intoxicating liquors or controlled drugs, ***prescription drugs,***

over-the-counter drugs, or any substances having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impair a person's ability to drive, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b).

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

2012-1875s

AMENDED ANALYSIS

This bill changes the prohibition on driving under the influence of a controlled drug to driving under the influence of a controlled drug, prescription drug, over-the-counter drug, or any substance having the property of releasing toxic vapors used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system, which impairs a person's ability to drive.

COMMITTEE OF CONFERENCE

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

House Conferees: Representatives (C) L. Ober, Hess, Balboni, and Renzullo

Senate Conferees: Senators Bradley, D'Allesandro and Stiles

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

House Conferees: Representatives (C) Hunt, Mauro, McGuinness, and Gidge

Senate Conferees: Senators White, Luther, and Larsen

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

House Conferees: Representatives (C) Welch, Warden, Parsons, and Ginsburg

Senate Conferees: Senators Groen, Luther, and Houde

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

House Conferees: Representatives (C) Giuda, LaCasse, McClarren, and Wall

Senate Conferees: Senators Forsythe, Groen, and Houde

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

House Conferees: Representatives (C) B. Murphy, Hagan, B. Palmer, and Watrous

Senate Conferees: Senators Carson, Luther, and Houde

HB 193, relative to the Mount Washington commission.

House Conferees: Representatives (C) Hawkins, Hansen, Ingbreton, and Y. Thomas

Senate Conferees: Senators Carson, Groen, and Larsen

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

House Conferees: Representatives (C) Moran, E. Hogan, C. Soucy, and Lovejoy

Senate Conferees: Senators Groen, Forsythe, and Houde

HB 627, relative to "essential benefits" under federal health care reform.

House Conferees: Representatives (C) Hunt, Manuse, Flanders, and Schlachman

Senate Conferees: Senators White, Houde, and Prescott

MEETINGS

MONDAY, MAY 14, 2012

ECONOMIC STRATEGIC COMMISSION TO REVIEW THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2)

10:00 a.m. Rooms 305-307, LOB Regular Meeting

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2)

10:00 a.m. NH Higher Education Quarterly Meeting
Assistance Foundation
4 Barrell Court
Concord, NH

COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009)

1:00 p.m. Room 103, SH Regular Meeting

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m. Room 100, SH Regular Meeting

WEDNESDAY, MAY 16, 2012

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

1:30 p.m. NH Department of Revenue Administration Subcommittee Meeting
109 Pleasant Street
Concord, NH

THURSDAY, MAY 17, 2012

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED IN THE LINE OF DUTY BY MEMBERS OF THE ARMED FORCES AND VETERANS (RSA 115-D:1)

2:30 p.m. Room 203, LOB Regular Meeting

FRIDAY, MAY 18, 2012

JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 305-307, LOB Regular Meeting

FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)

10:00 a.m. Rooms 210-211, LOB Regular Business
10:30 a.m. Rooms 210-211, LOB Audits
State of New Hampshire Management Letter Year Ended June 30, 2011
State of New Hampshire Lottery Commission Management Letter For The Fiscal Year Ended June 30, 2011
State of New Hampshire Racing and Charitable Gaming Commission Internal Control Over Revenue May 2012

GUARDIAN AD LITEM BOARD (RSA 490-C:1)

10:00 a.m. Room 101, LOB Non-Public Session of the Complaint Review Committee

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

10:00 a.m. Room 201, LOB Regular Meeting

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g)

11:00 a.m.	Upham-Walker House 18 Park Street Concord, NH	Regular Meeting
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GUARDIAN AD LITEM BOARD (RSA 490-C:1)

12:00 p.m.	Room 101, LOB	Regular Meeting
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

12:00 p.m.	Room 205, LOB	Regular Meeting
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MONDAY, MAY 21, 2012**INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)**

9:00 a.m.	Room 100, SH	Regular Meeting
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COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1)

10:00 a.m.	Room 307, LOB	Regular Meeting
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THURSDAY, MAY 24, 2012**COMMITTEE TO STUDY THE LAWS RELATING TO CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70)**

11:00 a.m.	Room 305, LOB	Regular Meeting
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COMMISSION TO STUDY BUSINESS REGULATIONS IN NH (RSA 359-L)

3:00 p.m.	Room 303, LOB	Full Committee Meeting
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FRIDAY, JUNE 1, 2012**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.	Rooms 205-207, LOB	Continued Meeting
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WEDNESDAY, JUNE 6, 2012**ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)**

4:30 p.m.	NH Department of Education Londergan Hall, Room 15 101 Pleasant Street Concord, NH	Regular Meeting
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MONDAY, JUNE 11, 2012**ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)**

3:00 p.m.	Room 100, SH	Regular Meeting
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FRIDAY, JUNE 15, 2012**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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GUARDIAN AD LITEM BOARD (RSA 490-C:1)

1:00 p.m.	Room 101, LOB	Regular Meeting
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FRIDAY, JUNE 29, 2012**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.	Rooms 305-307, LOB	Continued Meeting
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SENATE BILLS AMENDED BY THE HOUSE

SB 188-FN, establishing a committee to study establishing an office of the inspector general.

SB 238, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.

SB 241, relative to expiration and extension of terrain alteration permits and permits for grading or reclamation projects.

SB 245, relative to health care sharing organizations.

SB 254, relative to funding and expenditures from certain municipal special revenue funds.

SB 265, relative to the definition of stormwater.

SB 276-FN, establishing the vandalizing or defacing of state or municipal property as criminal mischief.

SB 306, relative to the commercial and industrial construction property tax exemption.

SB 358-FN, expanding eligibility for free admission to the state park system to certain members and their families and retired members of the armed forces.

SB 371, allowing a lien for labor and materials for professional design services.

SB 382-FN-L, allowing for proration of property assessments for damaged buildings.

SB 388, relative to the use of land along Silver Lake that is below the public trust boundary.

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2012 BILLS:

SENATE BILLS: 19, 48, 71, 74, 83, 84, 132, 142, 152, 153, 155, 159, 160, 163, 168, 185, 186, 188, 198, 203, 212, 217, 219, 225, 227, 229, 234, 239, 244, 247, 258, 266, 271, 272, 275, 276, 279, 285, 289, 294, 302, 303, 305, 307, 309, 311, 312, 313, 314, 320, 321, 324, 326, 330, 338, 343, 347, 348, 358, 366, 369, 370, 372, 375, 381, 383, 392, 399, 401, 402, 404, 405, 407, 409

HOUSE BILLS: 72, 110, 186, 210, 222, 225, 228, 234, 242, 247, 263, 269, 325, 330, 344, 351, 378, 420, 440, 449, 466, 479, 508, 518, 520, 528, 602, 652, 654, 1155, 1185, 1204, 1230, 1251, 1274, 1297, 1302, 1366, 1383, 1418, 1440, 1455, 1460, 1483, 1490, 1495, 1505, 1510, 1526, 1534, 1546, 1593, 1607, 1611, 1644, 1652, 1658, 1679, 1680, 1698, 1721

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ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2012 BILLS:

SENATE BILLS: 363

HOUSE BILLS: 247, 344, 648, 1133, 1204, 1231, 1409, 1448, 1477

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NOTICES

STATE HOUSE COMPLEX DISPOSAL BOXES

The General Court is exploring the issue of the disposal of dirty syringes, needles, and any other sharps into the proper disposal boxes.

During the first phase of exploration, we will have a sharps box for collection in the Health Services Department to place all sharps in. This will assist us in planning if there is any viability of placing like containers in the complex.

Senator Jeb Bradley, Senate Majority Leader

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WEDNESDAY, MAY 16, 2012

The New Hampshire Soft Drink Association cordially invites all House and Senate members and legislative staff to enjoy a hot breakfast on Wednesday, May 16th, from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria. Please come and see how the beverage industry in New Hampshire is delivering jobs, choice, and recycling innovation. Experts will be on hand to discuss how plastic bottles are recycled and reused. Please RSVP to jgrimbilas@biancopa.com See you there!

Senator Jeb Bradley, Senate Majority Leader
 Senator Sylvia B. Larsen, Senate Minority Leader

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WEDNESDAY, MAY 16, 2012

Members of the General Court and staff are invited to join UNH President Mark W. Huddleston on Wednesday, May 16th from 12:00 p.m. to 1:30 p.m. at St. Paul's Church, 21 Centre Street, to learn how the University of New Hampshire is driving research and innovation in New Hampshire and forging job-creating partnerships with New Hampshire businesses. Please register by May 9th at www.unh.edu/universityevents or call (603) 862-3660. Brown bag lunches will be provided.

Senator Amanda Merrill

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SENATE SCHEDULE

Thursday, May 17, 2012	Last Day to ACT on all House bills.
Thursday, May 24, 2012	Last Day to FORM Committees of Conference.
Monday, May 28, 2012	Memorial Day (State Holiday)
Thursday, May 31, 2012, at 4:00 p.m.	Last Day to SIGN Committee of Conference Reports.
Thursday, June 07, 2012	Last Day to ACT on Committee of Conference Reports.
Wednesday, July 04, 2012	Independence Day (State Holiday)
Monday, September 03, 2012	Labor Day (State Holiday)
Monday, November 12, 2012	Veterans' Day (State Holiday)
Thursday, November 22, 2012	Thanksgiving Day (State Holiday)
Friday, November 23, 2012	Day after Thanksgiving (State Holiday)
Tuesday, December 25, 2012	Christmas Day (State Holiday)
Tuesday, January 01, 2013	New Year's Day (State Holiday)

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VISITORS' CENTER SCHEDULE – MAY**State House Visitation Schedule**

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2012. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitors' Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitors' Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
 Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
May 11	10:00	Ray School – Hanover	45/4
May 11	11:15	St. Joseph Regional School – Keene	14/4
May 11	11:15	Danbury Elementary School	11/4
May 14	10:00/11:30	Wm. Barron School – Salem	60/4
May 14	12:00	Rollinsford Grade School	60/4
May 15	9:15	Bridgewater Hebron School	35/4
May 15	10:15/11:30 SH/GiftShop	Pelham Elementary School	97/4
May 16	9:00	Path Finder Montessori School – Epsom	10
May 16	10:00/12:00	Mastway School – Lee	87/4
May 16	3:00	Immaculate Conception Apostolic School – Wolfeboro	15/HS
May 17	8:30	NH Society of CPA's Leadership Group	15
May 17	9:45	Lakeway Elementary School – Littleton	56/4
May 17	10:30	Mont Vernon Village School	36/4
May 18	10:15/11:30 SH/SC	Memorial School – Newton	60/4
May 21	9:15	John Fuller School – North Conway	40/4
May 21	10:15/11:30 SH/GiftShop	Pelham Elementary School	97/4
May 21	12:45	Simonds Elementary School – Warner	35/4
May 22	9:15	Florence Rideout School – Wilton	40/4
May 22	10:15	Deerfield Community School	34/4
May 22	11:30	Pittsfield Elementary School	40/4
May 23	9:30/11:00 SH/HM	Gossler Park School – Manchester	56/4
May 23	10:30	Hancock Elementary School	17/4
May 23	11:30	Ed Fenn Elementary School – Gorham	37/4
May 23	11:30	Mt. Washington Valley Leadership	20
May 24	9:30	Riverwoods Retirement Community – Exeter	
May 24	10:15	Hampstead Central School	46/4
May 24	12:30	Little Harbor School – Portsmouth	44/4
May 24	12:00	St. Elizabeth Seton School – Rochester	25/4
May 25	10:00	Lin-Wood School – Lincoln & Woodstock	30/4
May 25	11:00	Mt. Pleasant School – Nashua	50/4
May 25	12:00	Little Harbor School – Portsmouth	44/4
May 29	9:00	Merrimack Middle School	50/8
May 29	10:00	Hampstead Central School	46/4
May 29	10:30/12:00	Hollis Brookline High School	132/HS
May 29	11:00	Lincoln Akerman School – Hampton Falls	26/4
May 30	9:00	Merrimack Middle School	50/8
May 30	10:30	Mountain Shadows School – Dublin	10/6
May 30	10:30	Lakes Region Christian School – Laconia	4/HS
May 30	11:00	Sunset Tours	40/SRS
May 30	11:30	North Hampton School	45/4
May 30	12:30	Holderness Central School	22/4
May 31	9:00	Jennie Blake School – Hill	23/4
May 31	10:00	New Hampton School	16/4
May 31	10:00	Cornerstone Christian Academy – Ossipee	12/4
May 31	11:30	Mason Elementary School	37/4
May 31	12:30	Kimball School – Concord	27/4