

February 23, 2012  
No. 9

# STATE OF NEW HAMPSHIRE

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**Second Year of the 162<sup>nd</sup> Session of the  
New Hampshire General Court  
Legislative**

## SENATE CALENDAR

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**THE SENATE WILL MEET IN SESSION ON  
WEDNESDAY, MARCH 7, 2012, AT 10:00 A.M.**

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**VETO MESSAGE**

**Governor Lynch's Veto Message Regarding SB 160**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on January 27, 2012, I vetoed SB 160, relative to regulation of installment loans.

I am vetoing this legislation because legalizing excessive interest rates for so-called "installment loans" – interest rates in excess of 400 percent APR – hurts our families, communities and economy.

SB 160 creates a new small loan product in New Hampshire – an installment loan – and overturns the interest rate cap for payday lenders. These new installment loans are essentially payday loans that would create an escalating spiral of debt for New Hampshire families that would undermine their financial security, as well as the financial well being of our communities and our economy. That is why 31 other states – including all the other New England states – ban these types of excessive interest rates for consumer credit.

SB 160 was strongly opposed by both Republicans and Democrats in the legislature, the American Friends Service Committee, the New Hampshire Local Welfare Administrator's Association, AARP, the New Hampshire Department of Justice, New Hampshire Legal Assistance and a coalition of churches.

While this legislation allows a lender to charge nominal interest of \$15.50 per \$100 installment, there could be as many as 26 installments per year with the resulting APR being in excess of 400 percent. On a 6-month loan with payments every two weeks, lenders will be able to charge consumers over \$1,100 to repay a \$500 loan. For vulnerable families, these excessive interest charges could force them further into a cycle of debt, and potentially onto public assistance.

Oversight and regulation of payday lenders under SB 160 is also inconsistent with current practices for other forms of consumer credit. For example, unlike current law for the examination of banks, the Banking Commissioner must provide a payday lender with advanced notice before conducting examination of its books, records and loan documents. Administrative fine authority over payday lenders is less than half of the existing authority over other lenders. Consumers will not receive the same level of protection from payday lenders as they do now with other providers of consumer credit.

The lack of adequate consumer protections and the existence of excessive interest rates will undoubtedly increase the cycle of debt for too many of our families are not in New Hampshire's interest. Therefore, I am vetoing SB 160.

Respectfully submitted,

John H. Lynch  
Governor

Date: January 27, 2012

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**LAI D ON THE TABLE**

**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 222**, relative to property and casualty insurance. **02/15/12, pending motion Committee Amendment (0653s), Commerce, SJ 5, pg. 128**

**SB 335**, establishing a procedure for certain condominiums to waive portions of the state fire code. **02/15/12, pending motion Ought to Pass, Commerce, SJ 5, pg. 129**

**SB 350-FN**, relative to the sale of portable electronics insurance. **02/15/12, pending motion Inexpedient to Legislate, Commerce, SJ 5, pg. 129**

**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**

## CONSENT CALENDAR REPORTS

### EDUCATION

**HB 1488**, relative to the alternative budget procedure in a school administrative unit.  
Ought to Pass, Vote 5-0.  
Senator Carson for the committee.

This bill requires paper balloting when town members adopt the alternative budget procedure to vote on the school administrative unit's budget. This will ensure accurate and fair elections and a means for a recount if necessary in multiple town district SAU's.

### JUDICIARY

**SB 276-FN**, establishing a criminal offense for vandalizing or defacing state, municipal, or commercial property. Inexpedient to Legislate, Vote 5-0.  
Senator Houde for the committee.

This legislation sought to criminalize vandalism against certain property. However, statutes already provide criminal penalties for vandalism, and this bill provided for a lower fine than current law allows. Additionally, the Courts have the ability to order restitution. As such, the Committee feels that this bill would actually be weaker than current law.

**SB 277**, establishing a sexual offender management board.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Carson for the committee.

This bill establishes a sexual offender management board so that members can look at the broad issues involved with the registry, restrictions on where offenders can live and other related issues. The amendment adds one member representing the NH Public Defenders.

**SB 280**, relative to the procedure for approval of medical parole.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Carson for the committee.

This bill enables the Parole Board to release on medical disability only by a unanimous vote if only three (3) members are present at the meeting.

**SB 354**, relative to the escrow fund for court facility improvements.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Houde for the committee.

This is a technical correction to the Court Facility Improvements escrow fund. The amendment clarifies that any judicial branch facility, such as the newly established Circuit Court Call Center, would qualify.

**SB 379**, relative to insurance fraud.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Houde for the committee.

This bill clarifies where venue exists for actions for insurance fraud. With the expansion of the use of cell phones and other electronic devices, this clarity was needed to ensure prosecutors could bring appropriate actions. The amendment merely adds "or judicial district" to the wording of the bill.

## **PUBLIC AND MUNICIPAL AFFAIRS**

**SB 231**, establishing a committee to study charges by municipal water and sewer departments.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Merrill for the committee.

This bill as amended provides an exception to RSA 38:22 relative to municipal liens. No municipally owned electric, gas or water works shall conduct work beyond the utility's final shutoff point located on customer property unless a written contract has been executed and signed by the owner of the property and the official responsible for administering the municipal utility. No lien may be placed on the property in the absence of such a contract.

**SB 262**, requiring disclosure of minutes of meetings after the approval of the minutes.  
Inexpedient to Legislate, Vote 5-0.  
Senator Boutin for the committee.

This bill would have required minutes of meetings in nonpublic session to be publicly disclosed within 24 hours of the approval of such minutes. Current law requires disclosure within 72 hours of the meeting held in nonpublic session. Committee members felt the current statute timeframe was appropriate.

**SB 322-L**, relative to the holding of gold and silver by municipalities.  
Inexpedient to Legislate, Vote 5-0.  
Senator Barnes for the committee.

This bill would have allowed municipalities to hold gold and silver in accounts as part of their investment portfolio. The committee believes SB 243, regarding investment advisors, another bill being considered by the Senate today, would eliminate the need for this legislation.

**SB 342**, including standards for log homes in the New Hampshire building code.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Barnes for the committee.

This bill provides for the state Building Code Review Board to adopt amendments to the state Building Code regulating the design and construction of log structures. Such amendments shall include ICC 400 Standard on the Design and Construction of Log Structures.

## **REGULAR CALENDAR REPORTS**

### **COMMERCE**

**SB 219-FN**, relative to guaranteed issue for health insurance.  
Ought to Pass with Amendment, Vote 4-1.  
Senator White for the committee.

**SB 221**, relative to life, accident, and health insurance.  
Ought to Pass, Vote 3-2.  
Senator White for the committee.

**SB 345**, relative to the sale of mortgages.  
Inexpedient to Legislate, Vote 4-0.  
Senator Prescott for the committee.

**SB 352**, relative to low-profit limited liability companies.  
Interim Study, Vote 4-0.  
Senator De Blois for the committee.

**SB 371**, allowing a lien for labor and materials for professional design work.  
Ought to Pass with Amendment, Vote 4-0.  
Senator De Blois for the committee.

### **EDUCATION**

**SB 316**, relative to compliance with school accountability requirements.  
Interim Study, Vote 4-0.  
Senator Forsythe for the committee.

**SB 373-L**, authorizing the retention of funds by a school district.  
Ought to Pass with Amendment, Vote 4-0.  
Senator Forsythe for the committee.

**SB 404-FN**, relative to funding for pupils enrolled in vocational education programs.  
Ought to Pass, Vote 5-0.  
Senator Prescott for the committee.

### **ENERGY AND NATURAL RESOURCES**

**SB 250**, relative to operation of ATVs and trail bikes on state lands.  
Ought to Pass with Amendment, Vote 4-0.  
Senator Gallus for the committee.

**SB 400**, including owls within the definition of raptor for the purposes of falconry.  
Ought to Pass, Vote 4-0.  
Senator Bradley for the committee.

**SJR 1**, requesting the governor to enter into an anti-ethanol compact with other northeastern states.  
Inexpedient to Legislate, Vote 4-0.  
Senator Merrill for the committee.

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 228-FN-L**, repealing the assessments for excess benefits paid by employers in the retirement system.  
Ought to Pass, Vote 3-2.  
Senator Carson for the committee.

**SB 230-FN**, relative to the calculation of average final compensation for certain retirement system members.  
Ought to Pass, Vote 4-0.  
Senator Groen for the committee.

**SB 244-FN**, relative to the administration of the New Hampshire retirement system.  
Ought to Pass, Vote 4-1.  
Senator Luther for the committee.

**SB 246-FN**, relative to the calculation of employer assessments for excess retirement system benefits.  
Inexpedient to Legislate, Vote 3-2.  
Senator White for the committee.

### **HEALTH AND HUMAN SERVICES**

**SB 283**, relative to disposition of nursing home patient accounts.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Lambert for the committee.

**SB 287**, relative to confidential prescription data.  
Ought to Pass, Vote 5-0.  
Senator Sanborn for the committee.

**SB 321-FN**, relative to Medicaid payments to long-term care facilities.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Kelly for the committee.

**SB 343-FN**, establishing an independent board of psychologists.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Bradley for the committee.

**SB 347-FN**, relative to the department of health and human services administrative appeals.  
Ought to Pass with Amendment, Vote 5-0.  
Senator De Blois for the committee.

**SB 357**, establishing a commission to study how the Patient Protection and Affordable Care Act of 2009, as amended, will affect emergency and ambulance providers.  
Interim Study, Vote 5-0.  
Senator Sanborn for the committee.

**INTERNAL AFFAIRS**

**HB 592**, apportioning state representative districts and relative to the boundaries of wards.

Ought to Pass, Vote 3-1.

Senator Bradley for the committee.

**JUDICIARY**

**SB 278**, limiting the recovery of health care expenses in personal injury actions and removing “probable duration of life but for the injury” as an element that may be considered in determining damages in a wrongful death action.

Interim Study, Vote 4-0.

Senator Houde for the committee.

**SB 279-FN**, establishing registers of probate as clerks of the probate division of the circuit court.

Inexpedient to Legislate, Vote 4-0.

Senator Houde for the committee.

**SB 320-FN**, establishing penalties for receiving stolen scrap metal and a database for reports of stolen scrap metal.

Ought to Pass with Amendment, Vote 4-0.

Senator Carson for the committee.

**PUBLIC AND MUNICIPAL AFFAIRS**

**SB 243**, relative to the management of trust funds and capital reserve funds.

Ought to Pass with Amendment, Vote 4-0.

Senator Stiles for the committee.

**SB 261**, relative to requirements for warrant articles.

Ought to Pass with Amendment, Vote 4-0.

Senator Stiles for the committee.

**SB 268**, relative to the appointment of the treasurer of the Concord school district.

Ought to Pass with Amendment, Vote 4-0.

Senator Merrill for the committee.

**SB 269**, relative to the definition of default budget in towns that use official ballot voting.

Ought to Pass, Vote 4-0.

Senator Boutin for the committee.

**SB 289-FN**, relative to presenting photo identification to vote in person.

Ought to Pass with Amendment, Vote 4-1.

Senator Barnes for the committee.

**SB 378**, allowing municipalities to remove snow from private roads and driveways and class VI highways.

Ought to Pass, Vote 4-0.

Senator Barnes for the committee.

**HB 1170**, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting.

Ought to Pass, Vote 4-1.

Senator Forrester for the committee.

**TRANSPORTATION**

**SB 291**, relative to the use of currently allowed impact fees by municipalities.

Ought to Pass with Amendment, Vote 3-0.

Senator Boutin for the committee.

**SB 317**, relative to towable devices permitted to be towed by a motorboat.

Ought to Pass with Amendment, Vote 4-0.

Senator Stiles for the committee.

**SB 333**, relative to a surviving spouse’s right to retain a Purple Heart plate.

Interim Study, Vote 5-0.

Senator Forsythe for the committee.

**SB 391**, naming a portion of New Hampshire route 107/43 in the town of Deerfield the Honorable Joseph E. Stone Highway.

Ought to Pass, Vote 3-0.

Senator Rausch for the committee.

**SB 394-L**, relative to the reclassification of Province Road in Strafford from the intersection of Route 202A to Rickey Nelson Road from class II to class V.

Ought to Pass with Amendment, Vote 3-0.

Senator Forsythe for the committee.

**SB 397**, relative to vehicle operation when a traffic control signal is inoperative.

Inexpedient to Legislate, Vote 4-0.

Senator Boutin for the committee.

## **WAYS AND MEANS**

**SB 293-FN**, relative to notice requirements and payment of interest by the department of revenue administration for overpayments and underpayments of tax.

Ought to Pass with Amendment, Vote 5-0.

Senator Luther for the committee.

**SB 295-FN-A**, increasing the research and development tax credit against the business profits tax.

Ought to Pass, Vote 5-0.

Senator Rausch for the committee.

**SB 304**, relative to the waiver of state fees associated with historic preservation.

Inexpedient to Legislate, Vote 5-0.

Senator D'Allesandro for the committee.

**SB 381-FN**, relative to wine manufacturers, relative to auction houses, and relative to wine auctions.

Ought to Pass with Amendment, Vote 5-0.

Senator Luther for the committee.

# **AMENDMENTS**

## **Commerce**

**February 21, 2012**

**2012-0954s**

**01/10**

### **Amendment to SB 219-FN**

Amend the bill by replacing all after section 3 with the following:

4 Insurance; Coverage for Emergency Services. Amend RSA 417-F:1, I to read as follows:

I. "Emergency services" means health care services that are provided to an enrollee, insured, or subscriber in a licensed hospital emergency facility by a provider after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity ~~[that]~~, ***including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect*** the absence of immediate medical attention ~~[could be expected]~~ to result in any of the following:

(a) Serious jeopardy to the patient's health ***or, with respect to a pregnant woman, the health of the woman or her unborn child.***

(b) Serious impairment to bodily functions.

(c) Serious dysfunction of any bodily organ or part.

5 Insurance; Coverage for Emergency Services. RSA 417-F:3 is repealed and reenacted to read as follows:

417-F:3 Coverage Out-of-Network and Without Prior Authorization. If a health insurance carrier offering group or individual health insurance provides or covers any benefit with respect to services in an emergency department of a hospital, the plan shall cover emergency services:

I. Without the need for any prior authorization determination;

II. Whether or not the health care provider furnishing such services is a participating provider with respect to such services;

III. Without imposing any cost-sharing requirement or limitation on coverage, unless that requirement would apply equally to a service provider with a contractual relationship with the plan; and

IV. Without regard to any other term or condition of such coverage other than as provided in 42 U.S.C. 300gg-19a(b).

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

**2012-0954s**

#### AMENDED ANALYSIS

This bill declares that health carriers shall issue and renew health insurance coverage to individuals under 19 years of age and shall not impose a preexisting condition exclusion period for such individuals.

This bill also clarifies the law regarding coverage for emergency services.

This bill is a request of the insurance department.

**Public and Municipal Affairs**

**February 22, 2012**

**2012-0978s**

**06/01**

#### Amendment to SB 231

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

AN ACT relative to municipal liens.

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

1 Liens and Collection of Charges. Amend RSA 38:22 to read as follows:

38:22 Liens and Collection of Charges.

I. *Except as provided in paragraph III*, all charges for services furnished to patrons by a municipally owned electric, gas, or water works shall create a lien upon the real estate where such services are furnished.

II. *Except as provided in paragraph III*, a municipality may use any of the following collection procedures for charges and the use of one collection procedure for one service shall not preclude the use of a different collection procedure for another service:

(a) A municipality may commit bills for charges to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(b) The official or board responsible for administering the municipal utility may collect charges for services by direct billing on any periodic basis it may choose. All charges which are delinquent may be committed to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(c) If the official or board responsible for administering the municipal utility has not committed the charges to the collector of taxes, the municipality shall have a lien upon the real estate where the services were furnished and the lien shall continue for 18 months from the date of the last unpaid bill, unless the municipality records in the registry of deeds for the county in which the land is situated a notice of lien, in which case the lien shall continue for 6 years from the date of the last unpaid bill. The lien may be enforced in a suit by the municipality against the owner of the real estate. In such a suit, the municipality shall have the right to a judgment for per year charges, interest at the rate of 12 percent from the date of the last unpaid bill to the date of judgment, and costs. The records in the municipal department which furnished the services shall be sufficient notice to maintain suit upon the lien against subsequent purchasers or attaching creditors of the real estate.



(d) When the services were furnished to some person or legal entity other than the owner of the real estate, the liens provided for in this paragraph shall be effective against the owner of the real estate only for charges of which the owner of the real estate was notified by the municipality within 120 days of the date the charges became delinquent; provided, however, that a municipality may meet these notice requirements by mailing to the owner of the real estate copies of the bills for services at the same time bills are furnished to the person or legal entity which received the services.

***III. No municipally owned electric, gas, or water works shall conduct work beyond the utility's final shutoff point located on customer property unless a written contract has been executed and signed by the owner of the property and the official responsible for administering the municipal utility. The contract shall include the terms of the work to be completed, the name of the property owner, the address where the work is to be performed, the estimated price and time of completion, and any other agreed upon stipulations relating to the project. No lien may be placed on the property in the absence of such a contract.***

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

2012-0978s

#### AMENDED ANALYSIS

This bill requires a written contract between a property owner and a municipally owned electric, gas, or water works for the performance of work beyond the utility's final shutoff point located on customer property, in order for a lien to be placed on the property by the municipality.

**Public and Municipal Affairs**

**February 14, 2012**

**2012-0804s**

**04/09**

#### **Amendment to SB 243**

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

1 Trust Funds; Records. Amend RSA 31:34 to read as follows:

31:34 Records. The trustees shall keep a record of all trusts in a record book[;] ***or maintained in electronic format*** which shall be open to the inspection of all persons in their town. ***Such records shall be maintained and retained pursuant to RSA 91-A:4.***

2 Powers and Duties of Towns; Reports. Amend RSA 31:38 to read as follows:

31:38 Reports. A copy of the reports required of the town and city trustees and of the auditor thereof shall be filed annually with the attorney general ***and with the governing body of the town or city.***

3 Trust Funds; Professional Banking and Brokerage Assistance. Amend RSA 31:38-a, II-c to read as follows:

II-c. "Investment advisor" in this section means a qualified investment advisory firm registered with the appropriate regulatory authorities ***and licensed pursuant to RSA 421-B:7.*** Such firm may or may not be associated with a brokerage firm as defined in paragraph II-a.

4 Trust Funds; Professional Banking and Brokerage Assistance. Amend RSA 31:38-a, III to read as follows:

III. Any trustee or trustees of trust funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm ***or an investment advisor*** to assist in the management and investment of trust fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm ***or an investment advisor*** to facilitate transfers for such securities. Trust fund records maintained by any bank or brokerage firm [must] ***or investment advisor shall*** be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such trust funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

5 Capital Reserve Funds of Counties; Trustees of Funds. Amend RSA 35:10 to read as follows:

35:10 Trustees of Funds. The trustees of trust funds of a town or city shall have custody of any capital reserve of a town, district or water departments therein, the trustees of trust funds as provided in RSA 35:2 shall have custody of such capital reserve of a school district, and the county treasurer of a county shall have custody of any capital reserve of his county. Said trustees or treasurer shall give bond in such amount and in such form as the commissioner of revenue administration shall prescribe, and any such trustee or treasurer who shall make any payment of income or principal from any such capital reserve fund before the approval of his bond in writing by the commissioner of revenue administration shall be personally liable to the town, district, department or county for any loss resulting from such payment, to be recovered for the town, district, department or county at the suit of any citizen. The expenses of said trustees or treasurer in said capacity and the expense of their bonds shall be charged as incidental town, district, department or county charges, ***except that investment management expenses may be charged as provided in RSA 35:19.***

6 New Sections; Capital Reserve Funds of Counties, Towns, Districts, and Water Departments; Professional Banking or Brokerage Assistance. Amend RSA 35 by inserting after section 18 the following new sections:

35:19 Professional Banking or Brokerage Assistance.

I. In this section:

(a) "Bank" means a savings bank, national bank or trust company in this state, any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or any federal savings and loan association located and doing business in this state.

(b) "Brokerage firm" means a firm registered under the securities law effecting transactions in securities for the accounts of others.

(c) "Portfolio management department" means the department of a brokerage firm responsible for investment management of client accounts.

(d) "Investment advisor" means a qualified investment advisory firm registered with the appropriate regulatory authorities and licensed pursuant to RSA 421-B:7. Such firm may or may not be associated with a brokerage firm.

II. Any trustee or trustees of capital reserve funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm or investment advisor to assist in the management and investment of capital reserve fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm or investment advisor to facilitate transfers for such securities. Capital reserve fund records maintained by any bank or brokerage firm or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

III. Any expenses incurred pursuant to paragraph II of this section by a trustee or trustees of trust funds authorized by this chapter may be charged against the income of the capital reserve funds involved and shall be identified and reported in the annual report of the trustee or trustees as expenditures out of capital reserve funds made pursuant to paragraph II.

35:20 Capital Gains. Notwithstanding any statute or rule to the contrary, trustees of trust funds in towns, school districts, and village districts shall treat realized capital gains and capital gain distributions earned on principal balances and income balances in capital reserve funds as principal.

7 Capital Reserve Funds for Cities; Trustees of Funds. Amend RSA 34:6 to read as follows:

34:6 Trustees of Funds. The trustees of trust funds of the city shall have custody of all capital reserves. Said trustees shall give bond in such amount and in such form as the city council or board of aldermen shall prescribe, and any trustee who shall make payment of income or principal from any such capital reserve fund before the approval of his ***or her*** bond in writing by the city council or board of aldermen shall be personally liable to the city for any loss resulting from such payment, to be recovered by the city at the suit of any citizen. The expenses of said trustees in said capacity and the expense of their bonds shall be charged as incidental city charges ***except that investment management expenses may be charged as provided in RSA 34:16.***

8 New Sections; Capital Reserve Funds for Cities; Professional Banking or Brokerage Assistance; Capital Gains. Amend RSA 34 by inserting after section 15 the following new sections:

34:16 Professional Banking or Brokerage Assistance.

I. In this section:

(a) "Bank" means a savings bank, national bank or trust company in this state, any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or any federal savings and loan association located and doing business in this state.

(b) "Brokerage firm" means a firm registered under the securities law effecting transactions in securities for the accounts of others.

(c) "Portfolio management department" means the department of a brokerage firm responsible for investment management of client accounts.

(d) "Investment advisor" means a qualified investment advisory firm registered with the appropriate regulatory authorities and licensed pursuant to RSA 421-B:7. Such firm may or may not be associated with a brokerage firm.

II. Any trustee or trustees of capital reserve funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm or investment advisor to assist in the management and investment of capital reserve fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm or investment advisor to facilitate transfers for such securities. Capital reserve fund records maintained by any bank or brokerage firm or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

III. Any expenses incurred pursuant to paragraph II of this section by a trustee or trustees of trust funds authorized by this chapter may be charged against the income of the capital reserve funds involved and shall be identified and reported in the annual report of the trustee or trustees as expenditures out of capital reserve funds made pursuant to paragraph II.

34:17 Capital Gains. Notwithstanding any statute or rule to the contrary, trustees of trust funds in cities shall treat realized capital gains and capital gain distributions earned on principal balances and income balances in capital reserve funds as principal.

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

**Energy and Natural Resources**

**January 25, 2012**

**2012-0370s**

**10/01**

**Amendment to SB 250**

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

2 OHRVs and Snowmobiles; Trail Connectors in Coos County. Amend RSA 236:56, II(d) to read as follows:

(d) Trail Connectors. All OHRVs and snowmobiles may be operated within specified trail connectors and pursuant to the provisions of RSA 215-A:9 or RSA 215-C:9. The commissioner of the department of transportation may limit the operation of specified types of OHRVs and snowmobiles when the commissioner feels this is necessary in matters of safety and maintenance of trail corridors or at the suggestion of the chief supervisor of the bureau of trails. ***Trail connectors, as defined in RSA 215-A:1, in Coos county shall be exempt from the provisions of RSA 215-A:42 and RSA 215-A:43.***

3 New Paragraph; OHRVs; Limitations on Operation. Amend RSA 215-A:10 by inserting after paragraph III the following new paragraph:

IV.(a) Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II, class III, or class III-a highway that has been designated open for use, in Coos county, by the bureau of trails, with the approval of the department of transportation and the department of safety and a public meeting in each community which would be directly affected by such designation. The bureau, or its designee, shall sign any approved sections of highway for OHRV use.

(b) OHRV use shall not be permitted on any section of Interstate, toll, or divided highway.

(c) The following sections of state highway shall be designated for OHRV use: Back Lake Road in Pittsburg, from the town dump to Route 3; Route 3 in Pittsburg from the intersection of Back Lake Road to Route 145; Route 145 in Pittsburg and Clarksville from the intersection of Route 3 to Cedar Stream Road; Diamond Pond Road in Stewartstown from the town-owned section south to Charles Heath Road; Jericho Lake Road in Berlin from Route 110 to Jericho Mountain State Park; the reduced speed section of Route 3 in North Stratford village as needed to reach services.

4 Repeal. RSA 215-A:43, VIII, relative to trail crossing or connector permits at Jericho Mountain state park, is repealed.

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

**2012-0370s**

### **AMENDED ANALYSIS**

This bill adds specific exceptions to the evaluation criteria for the establishment of ATV and trail bike trails on state lands, and allows for OHRV operation on certain highways and trail crossings and connectors in Coos county.

**Public and Municipal Affairs**

**February 15, 2012**

**2012-0813s**

**06/01**

### **Amendment to SB 261**

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

1 Municipal Budget Law; Budget Preparation. Amend RSA 32:5, V(a) and (b) to read as follows:

(a) The article shall contain a notation of whether or not that appropriation is recommended by the governing body, and, if there is a budget committee, a notation of whether or not it is recommended by the budget committee; ***and may include a projection by the governing body of the effect of such appropriation on the tax rate;***

(b) If the article is amended at the first session of the meeting in an official ballot referendum municipality, the governing body and the budget committee, if one exists, may revise its recommendation on the amended version of the special warrant article ***and include a projection by the governing body of the effect of such revised appropriation on the tax rate,*** and the revised recommendation shall appear on the ballot for the second session of the meeting provided, however, that the 10 percent limitation on expenditures provided for in RSA 32:18 shall be calculated based upon the initial recommendations of the budget committee;

2 Warrant. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. ***When an article in the warrant calls for the appropriation of a specific sum of money, the warrant may include a projection by the governing body of the effect of such appropriation on the tax rate.*** For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such

application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

3 Official Ballot Referenda; Use of Official Ballot. Amend RSA 40:13, II to read as follows:

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given as otherwise provided in this section. Final budgets and ballot questions shall be printed in the annual report made available to the legislative body at least one week before the date of the second session of the annual meeting. ***Final appropriation may include a projection by the governing body of the effect of such articles on the tax rate of the proposed appropriation.***

4 Use of Official Ballot. Amend the introductory paragraph of RSA 40:13, IV to read as follows:

IV. ***Except as provided in paragraph IV-a,*** the first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

5 New Subparagraphs; Use of Official Ballot; Warrant Article Amendments. Amend RSA 40:13, IV by inserting after subparagraph (c) the following new subparagraphs:

(d) No petitioned warrant article shall be amended in such a manner as to reverse the intent of the article warned.

(e) Warrant articles may be amended to change the implementation date only by a variable of 90 days.

6 New Paragraph; Town Ordinance Articles. Amend RSA 40:13 by inserting after paragraph IV the following new paragraph:

IV-a.(a) No town ordinance shall be established or amended at a meeting by a warrant article either proposed by the governing body under RSA 39:2 or by a petitioned warrant article under RSA 39:3 until after the governing body holds at least one public hearing on the proposed ordinance in the same fashion as would be required for bond articles in excess of the \$100,000 under RSA 33:8-a and RSA 40:13, V-a, unless another statute pertaining specifically to the subject matter of the ordinance provides for a hearing by the governing body in a different manner.

(b) The issue as to the adoption of the proposed ordinance shall be presented to the voters of the town by having the town clerk prepare an official ballot separate from the official ballot used to elect town officers which shall include the following question, or by including the following question on the official ballot as prepared by the town clerk:

“Are you in favor of the adoption of the town ordinance as proposed by the governing body or by petition?” In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: “Are you in favor of the adoption of Amendment No. \_\_\_ as proposed by the governing body or by petition for the town ordinance as follows: (Here insert topical description of substance of the ordinance)?” An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting. If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated, and the meeting shall open not later than 11 a.m. and shall remain open at least 8 hours. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word “yes” beside it and another with the word “no” beside it.

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

**Public and Municipal Affairs**  
**February 14, 2012**  
**2012-0805s**  
**04/05**

#### **Amendment to SB 268**

Amend RSA 671:6, II as inserted by section 1 of the bill by replacing it with the following:

***II. This section shall not apply to any city school district that satisfies the following 2 conditions:***

***(a) The governing body of the school district serves as the legislative body pursuant to the school district's governing charter or statute; and***

***(b) The officers of the school district are appointed or otherwise chosen in accordance with the school district's governing charter or statute.***

Amend RSA 671:6-a, V as inserted by section 2 of the bill by replacing it with the following:

V. This section shall not apply to any school district that meets the definition set forth in RSA 671:6, II.

**Senate Judiciary**

**February 10, 2012**

**2012-0731s**

**04/01**

#### **Amendment to SB 277**

Amend RSA 651-B:8-a, I(a) as inserted by section 1 of the bill by inserting after subparagraph (17) the following new subparagraph:

(18) The executive director of the New Hampshire Public Defender Program, or designee.

**Senate Judiciary**

**February 13, 2012**

**2012-0749s**

**09/04**

#### **Amendment to SB 280**

Amend RSA 651-A:10-a, III as inserted by section 1 of the bill by replacing it with the following:

***III. Medical parole shall only be granted by a majority vote [of the full 7-member parole board] which includes at least 3 votes of the members who are present and voting.***

**2012-0749s**

#### **AMENDED ANALYSIS**

This bill changes the voting requirements for the parole board for granting medical parole.

**Health and Human Services**

**February 17, 2012**

**2012-0897s**

**06/01**

#### **Amendment to SB 283**

Amend RSA 151-A:15, II as inserted by section 1 of the bill by replacing it with the following:

***II. Notwithstanding the provisions of RSA 561, if all known debts of the deceased have been paid and a balance remains in the deceased's estate after the filing required under paragraph I, the probate court [shall] may order the administrator to pay the balance [into the treasury of the county where the deceased was domiciled, where it shall be subject to the claims of persons entitled to it, through application to the county commissioners] to the state treasurer to be held as abandoned property pursuant to RSA 471-C.***

**Public and Municipal Affairs**

**February 22, 2012**

**2012-0972s**

**03/05**

#### **Amendment to SB 289-FN**

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

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

***I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat***

the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. ***The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a challenged voter affidavit.*** The voter, if still qualified to vote in the town or ward ***and having presented a valid photo identification verifying the voter's identity or executed a challenged voter affidavit,*** and unless challenged as provided for in RSA [659:27-33] ***659:27 through 659:33,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

***II. The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:***

- (a) A driver's license issued by the state of New Hampshire, regardless of expiration date.***
- (b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21.***
- (c) An armed services identification card.***
- (d) A United States passport, regardless of expiration date.***
- (e) Any other valid photo identification issued by federal, state, county, or municipal government.***
- (f) A valid student identification card.***
- (g) A photo identification not authorized by subparagraphs (a) through (f) but determined to be legitimate by the supervisors of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.***
- (h) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.***

***III. If a voter on the nonpublic checklist executes a challenged voter affidavit in accordance with paragraph I, the affidavit shall not be subject to RSA 91-A.***

***IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit in accordance with paragraph I. The letter shall be mailed within 90 days after the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.***

***(b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.***

***(c) Within 60 days after a state general election, the secretary of state shall compile a report of the number of voters that did not present valid photo identification at each election occurring since the previous state general election, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.***

2 New Subdivision; Voter Identification Advisory Committee. Amend RSA 652 by inserting after section 23 the following new subdivision:

Voter Identification Advisory Committee

652:24 Voter Identification Advisory Committee.

I. There is established a voter identification advisory committee. The committee shall review the implementation of voter identification requirements after every state general election. If the committee determines that problems exist requiring statutory changes, the committee shall report its findings to the senate and house standing committees with jurisdiction over election laws.

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

- (a) The secretary of state.
- (b) The president of the senate.
- (c) The speaker of the house of representatives.
- (d) The governor.
- (e) The president of the New Hampshire City and Town Clerks' Association, or his or her representative.

III. The committee shall meet at the call of the secretary of state, who shall serve as chairperson.

3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, ***reimbursing the department of safety for voter identification cards***, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 15 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his ***or her*** driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. ***A person who requires a photo identification card for voter identification purposes may obtain a voucher from his or her town or city clerk or the secretary of state exempting the person from the identification card fee. Upon presentation of the voucher to the division, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d. An identification card paid for by the secretary of state shall be valid for voter identification purposes only, and the card shall be marked "for voter identification only."***

5 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the photo identification requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this act during 2012.

6 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present a valid photo identification at all elections after the effective date of this act. However, notwithstanding such provisions, no person shall be denied the right to vote for failure to present a valid photo identification or other documentation acceptable under this act prior to January 1, 2013. The ballot



clerks shall tally the number of voters that do not present a valid photo identification at each election prior to January 1, 2013, and the town or city clerk shall report the number with the election return. The secretary of state shall report the tallies in accordance with RSA 659:13, IV(c).

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

**2012-0972s**

#### AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may execute a challenged voter affidavit. Voters who do not present a valid photo identification shall be mailed and instructed to return an identity verification letter. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles.

#### **Senate Transportation**

**February 9, 2012**

**2012-0701s**

**03/04**

#### **Amendment to SB 291**

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

1 Impact Fee. Amend the introductory paragraph of RSA 674:21, V to read as follows:

V. As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, ***or, in the case of state highways, located within the municipality***, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space. No later than July 1, 1993, all impact fee ordinances shall be subject to the following:

2 New Subparagraphs; Innovative Land Use Control. Amend RSA 674:21, V by inserting after subparagraph (j) the following new subparagraphs:

(k) Revenue from impact fees imposed upon development and collected by a municipality under RSA 674:21, V for construction of or improvement to capital facilities may be expended upon state highways within the municipality only for improvement costs that are related to the capital needs created by the development. Such improvements may include items such as, but not limited to, traffic signals and signage, turning lanes, additional travel lanes, and guard rails. No such improvements shall be constructed or installed without approval of the state department of transportation. In no event shall impact fees be used for any improvements to roads, bridges, or interchanges that are part of the interstate highway system. Nothing in RSA 674:21, V shall be construed as allowing or authorizing additional impact fees merely by virtue of having approved the expenditure of collected fee revenue for construction of or improvement of state highways, nor shall it be construed as allowing the adoption of new impact fees devoted to assessing impacts to state highways.

(l) No later than 60 days following the end of the fiscal year, any municipality having adopted an impact fee ordinance shall prepare a report listing all expenditures of impact fee revenue for the prior fiscal year, identifying the capital improvement project for which the fees were assessed and stating the dates upon which the fees were assessed and collected. The annual report shall enable the public to track the payment, expenditure, and status of the individually collected fees to determine whether said fees were expended, retained, or refunded.

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

**2012-0701s**

#### AMENDED ANALYSIS

This bill allows municipalities to use revenue from existing impact fees for capital improvements to state highways within the municipality. This bill also requires annual reports by a municipality with an impact fee ordinance.

**Senate Ways and Means**  
**February 14, 2012**  
**2012-0796s**  
**10/04**

**Amendment to SB 293-FN**

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

2 Refund of Taxes; Notice of Denial. Amend RSA 21-J:28-a, II to read as follows:

II. After a claim for refund is filed, the department shall examine it and either issue a notice of refund or credit to the claimant or issue a notice of denial ***within 90 days***. After receipt of the department's decision, the claimant may file a written petition for reconsideration with the department as provided in RSA 21-J:28-b.

3 Department Notice; Redetermination or Reconsideration of Tax. Amend RSA 21-J:28-b, III to read as follows:

III. After a hearing on such petition for redetermination or reconsideration, the department shall, ***within 90 days of the close of the record***, issue a notice of decision affirming, increasing, or decreasing the tax. Any increase ordered by the commissioner shall be assessed against the taxpayer and shall carry interest as prescribed in RSA 21-J:28. Any refund or credit for overpayment ordered by the commissioner shall, with interest pursuant to RSA 21-J:28 from the date the tax was paid, be paid or credited to the taxpayer in the manner provided in RSA 21-J:28-a, IV.

4 Taxpayer Information Statements; Distribution. Amend RSA 21-J:40, II(a) to read as follows:

(a) [~~When~~] ***Within 30 days of the date*** the taxpayer is first contacted by the department for an examination of the taxpayer's records; for an assessment of taxes, penalties or interest; or for a demand for payment of taxes, penalties or interest;

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

**2012-0796s**

**AMENDED ANALYSIS**

This bill requires that the department of revenue administration give notice of an overpayment or underpayment of tax within 30 days, and notice of a final determination after a hearing within 90 days. The bill also increases the overpayment rate for refunds of tax to be the same as the underpayment rate.

**Senate Transportation**  
**February 23, 2012**  
**2012-1020s**  
**03/05**

**Amendment to SB 317**

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

1 Motorboat Towing. Amend RSA 270-D:3, III to read as follows:

III. No ***more than 6 persons may be towed on one or more inflatable tubes and no*** more than 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the same time. When [2] ***3 or more*** persons are being towed, 2 observers, in addition to the operator, shall be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

2 New Paragraph; Definitions; Inflatable Tube. Amend RSA 270-D:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Inflatable tube" means an inflatable device manufactured and designed for the specific purpose of towing persons behind a motorboat. Such device shall be manufactured with a point of attachment for a tow line in addition to any safety handles, ropes, or lines, for each person being towed.

3 Definitions; Water Skiing. Amend RSA 270-D:1, XIII to read as follows:

XIII. "Water skiing" means a person being towed behind a moving motorboat on skis or on aquatic equipment designed for towing an aquaplane or any other device, including bare feet of a person, but excluding a person being towed ***on an inflatable tube or*** in another boat or motorboat.

4 Report by Department of Safety. The department of safety shall prepare a report providing statistics on accidents and injuries relating to towing of persons by motorboats and whether any discernable change in such statistics occurs after the effective date of this act. The report shall cover a multiyear period extending at least through summer 2013. The department shall submit the report to the senate and house transportation committees on or before October 30, 2013.

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

**2012-1020s**

#### AMENDED ANALYSIS

This bill allows up to 6 persons to be towed on one or more inflatable tubes by a motorboat.

**Senate Judiciary**  
**February 16, 2012**  
**2012-0871s**  
**08/04**

#### Amendment to SB 320-FN

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

AN ACT directing the department of safety to subscribe to a scrap metal theft alert system.

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

1 New Section; Scrap Metal Theft; Database. Amend RSA 322 by inserting after section 13 the following new section:

322:14 Stolen Scrap Metal Database.

I. The department of safety shall subscribe to a scrap metal theft alert system to receive alerts regarding the theft of commodity metals in New Hampshire and the surrounding geographic area. Information from subscription to such system shall be obtained by the department of safety at no cost, made available to the public on the department of safety's website, and shall contain the date of the reported theft, the location of the reported theft, a description of the materials stolen, and, if available, the final disposition of the case.

II. Upon receiving a report of stolen scrap metal, local law enforcement agencies shall report the theft of such stolen scrap metal to the scrap metal alert system for inclusion in alerts issued to subscribers of the scrap theft alert system. Such report shall be made within 24 hours of the initial report of the crime to a local law enforcement agency.

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

**2012-0871s**

#### AMENDED ANALYSIS

This bill directs the department of safety to subscribe to a scrap metal theft alert system.

This bill also directs local law enforcement agencies to report stolen scrap metal to the scrap metal theft alert system.

**Health and Human Services**  
**February 17, 2012**  
**2012-0876s**  
**01/09**

#### Amendment to SB 321-FN

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

AN ACT establishing a committee to study the continuation of payments to long-term care facilities.

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

1 Committee Established. There is established a committee to study the continuation of payments to long-term care facilities.

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 the continuation of payments to long-term care facilities. Specifically, the committee shall include in its study:

I. Whether the maximum extent permissible under federal law, providing for Medicaid payments at the applicable daily rate should begin no later than 45 days after a resident applies for Medicaid.

II. What provisions need to be put in place to allow facilities to appeal Medicaid eligibility determinations.

III. The proper administration of RSA 151-E.

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 30 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 no later than 90 days after the effective date of this act.

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

**2012-0876s**

#### AMENDED ANALYSIS

This bill establishes a committee to study the continuation of payments to long-term care facilities.

**Public and Municipal Affairs**

**February 22, 2012**

**2012-0995s**

**08/09**

#### Amendment to SB 342

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

AN ACT relative to the inclusion of requirements for log structures in the state building code.

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

1 New Section; Code Requirements; Log Structures. Amend RSA 155-A by inserting after section 3-a the following new section:

155-A:3-b Code Requirements; Log Structures.

I. Notwithstanding any provisions of the state building code or state fire code, the board shall adopt amendments to the state building code regulating the design and construction of log structures. The adopted amendments shall include ICC 400 Standard on the Design and Construction of Log Structures.

II. The amendments adopted under paragraph I shall be ratified by appropriate legislation within 2 years of their adoption. If such amendments are not ratified, then the amendments shall expire at the end of the 2-year period.

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

**2012-0995s**

#### AMENDED ANALYSIS

This bill requires the board to adopt amendments to the state building code regulating the design and construction of log structures.

Health and Human Services  
February 17, 2012  
2012-0881s  
10/03

#### Amendment to SB 343-FN

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 14:

##### 13 Reports on Effectiveness.

I. The board of mental health practice established in RSA 330-A and the board of psychologists established in RSA 329-B, as inserted by this act, shall each collect the necessary information and compile a report on the following:

(a) The effectiveness of the creation of an independent board for the regulation of psychologists and the efficacy of separating the board of psychologists from the board of mental health practice.

(b) How the separation of the 2 boards by this act affects the scope of practice of psychologists and of the mental health disciplines regulated by the board of mental health practice.

(c) How the separation of the board of psychologists from the board of mental health practice has affected the cost of acquiring and renewing a license issued by the respective boards.

(d) The recommendation on whether the separate board for the regulation of psychologists should continue to be kept separate as provided by this act or whether legislation should be proposed to merge the board of psychologists with the board of mental health practice or otherwise amend RSA 329-B and RSA 330-A.

II. The board of psychologists and the board of mental health practice shall file their respective reports required by paragraph I with the president of the senate, the speaker of the house of representatives, the governor, and the state library on or before June 30, 2017.

Health and Human Services  
February 17, 2012  
2012-0877s  
01/09

#### Amendment to SB 347-FN

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

1 Department of Health and Human Services; Administrative Appeals. Amend RSA 126-A:5, VIII to read as follows:

VIII. The commissioner shall establish an appeals process for any individual applying for or receiving services from the department or its contract service providers, any providers, programs, services, or facilities which are licensed or certified by the department, or with regard to actions related to employees of the department or any other matter within the jurisdiction of the department. Notwithstanding any other provision of law, the appeals process shall include:

(a) ~~[That the appellant may elect either an administrative hearing or an independent review to determine the facts of the matter on appeal.]~~ ***A jurisdictional review by the commissioner, or a hearings examiner designated by the commissioner, to determine whether a denial or change in services, benefits, or a license is automatic due entirely to a change in state or federal law. In the event the department's action is due entirely to such a change in state or federal law, the department shall provide adequate notice and provide the applicant, recipient, or licensee the opportunity to state the reasons he or she believes issues of fact or interpretation of law should be heard, prior to the commissioner or hearings examiner designated by the commissioner conducting a jurisdictional review.***

***(1) If the commissioner, or hearings examiner designated by the commissioner determines that sole issue on appeal is the result of the state or federal law that caused a denial or change in services, benefits, or a license, and the appeal does not require resolution of a factual disagreement or legal issue, then an order dismissing the appeal shall be issued by the commissioner, or a hearings examiner designated by the commissioner, after such jurisdictional review and without an administrative hearing.***

***(2) In all other cases, if the automatic result of the new state or federal law is not the only issue on appeal, then an administrative hearing shall be conducted by the commissioner, or a hearings examiner designated by the commissioner, to address the other issues in accordance with rules established by the commissioner.***

(b) ~~If the appellant elects an independent review the hearing officer shall conduct a review in accordance with rules established by the commissioner and shall submit a proposed decision to the commissioner. The commissioner shall then review the proposed decision and issue a final order on the appeal, subject to RSA 126-A:5, VIII(e)].~~ ***For appeals of all other matters, the commissioner, or a hearings examiner designated by the commissioner, shall conduct an administrative hearing in accordance with the rules established by the commissioner.***

(c) ~~If the appellant elects an administrative hearing, the hearing officer shall conduct a hearing in accordance with the rules established by the commissioner.~~

(d) Unless the commissioner has delegated to the ~~hearing officer~~ ***hearings examiner*** authority to issue a decision on behalf of the department, following the hearing, the ~~hearing officer~~ ***hearings examiner*** shall submit to the commissioner a proposed decision which shall include:

- (1) A statement of the issues presented in the appeal;
- (2) A summary of the evidence received;
- (3) Proposed findings of fact and rulings of law; and
- (4) A proposed order.

~~(e)~~ ***(d)*** If following a hearing ~~or review~~ the proposed decision is adverse to the individual applying for or receiving services, facility or employee who made the appeal, or if the commissioner proposes to make an adverse finding, ruling, or order which the ~~hearing officer~~ ***hearings examiner*** has not recommended, the commissioner shall provide the appealing party with a copy of the commissioner's proposed decision and offer an opportunity to submit a brief and make an oral argument regarding the contested findings of fact, rulings of law, or proposed order.

~~(f)~~ ***(e)*** Following a review of a proposed decision after a hearing ~~or review~~ and of a brief and argument in a contested case, if any, the commissioner shall issue a final decision on the appeal.

2 Repeal. Part He-C 208, relative to independent reviews, is repealed.

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

**2012-0877s**

#### AMENDED ANALYSIS

This bill clarifies the administrative appeals process for individuals applying for or receiving services from the department of health and human services. This bill also repeals certain administrative rules relative to independent reviews.

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

**Senate Judiciary**

**February 13, 2012**

**2012-0750s**

**09/04**

#### Amendment to SB 354

Amend RSA 490:26-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Seven percent of each entry fee collected in the ~~judicial branch family division and in the~~ supreme, ~~district,~~ superior, and ~~probate~~ ***circuit*** courts shall be deposited in escrow for ~~court~~ ***judicial branch*** facility improvements. Moneys in the escrow fund shall be used for improvements to ~~existing~~ ***judicial branch*** facilities by the department of administrative services as recommended and approved by the supreme court.

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

2 Payments to Treasurer; Reference to Fund. Amend RSA 6:11, III to read as follows:

III. All state departments and institutions, except the university system of New Hampshire, the building projects revolving fund of the state board of education, and the supreme court for the purposes of the escrow account for ~~[court]~~ **judicial branch** facility improvements under RSA 490:26-c, receiving money for the state shall deposit the full amount of all such moneys into a state treasurer's bank account or into a state department's bank account from which the treasurer shall collect funds by automated means, unless the treasurer determines that such means cannot be implemented or concurs with department procedures for deposits and collection.

**2012-0750s**

#### AMENDED ANALYSIS

This bills makes technical corrections regarding the escrow fund for court facility improvements, including changing the name of the fund to the escrow fund for judicial branch facility improvements.

This bill was requested by the supreme court.

**Commerce**  
**February 15, 2012**  
**2012-0811s**  
**05/01**

#### Amendment to SB 371

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

AN ACT allowing a lien for labor and materials for professional design services.

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

1 Liens for Professional Design Services; Vessels and Buildings. Amend RSA 447:1 and 447:2 to read as follows:

447:1 Vessels. If a person shall, ~~[by himself or]~~ **as an individual or with** others, perform labor, **provide professional design services as defined in RSA 447:2**, or furnish materials toward building, repairing, fitting or furnishing a vessel within this state, payment for which is due, he **or she** shall have a lien therefor on the vessel for the space of 4 days after it is completed.

447:2 Buildings, etc.

**I.** If any person shall, ~~[by himself or]~~ **as an individual or with** others, perform labor, **provide professional design services**, or furnish materials to the amount of \$15 or more for erecting or repairing a house or other building or appurtenances, or for building any dam, canal, sluiceway, well or bridge, or for consumption or use in the prosecution of such work, other than for a municipality, by virtue of a contract with the owner thereof, he **or she** shall have a lien on any material so furnished and on said structure, and on any right of the owner to the lot of land on which it stands.

**II. In this section, "professional design services" means any services provided by a licensed architect, licensed landscape architect, licensed engineer, permitted septic designer, certified wetland scientist, certified soil scientist, or licensed land surveyor that is directly related to the improvement of real property.**

2 Subcontractor Liens; Notice of Liens; Railroads; Account; Reference to Professional Design Services Added. Amend RSA 447:5 - 447:8 to read as follows:

447:5 Subcontractors. If a person shall ~~[by himself or]~~ **as an individual or with** others perform labor, **provide professional design services as defined in RSA 447:2**, or furnish materials to the amount of \$15 or more for any of the purposes specified in RSA 447:2, 447:3 and 447:4 and in RSA 453, by virtue of a contract with an agent, contractor or subcontractor of the owner, ~~[he]~~ **the person** shall have the same lien as provided in said sections, provided, that he **or she** gives notice in writing to the owner or to the person having charge of the property that he **or she** shall claim such lien before performing the labor or furnishing the material for which it is claimed.

447:6 Notice. Such notice may be given after the labor is performed, **the professional design services are provided**, or the material is furnished, and said lien shall be valid to the extent of the amount then due or that may thereafter become due to the contractor, agent or subcontractor of the owner. The account required under RSA 447:8 may also be given at the time said notice is given.

447:7 Railroads. If a person shall, ~~[by himself or]~~ **as an individual or with** others, perform labor, **provide professional design services**, or furnish materials to the amount of \$15 or more, in the grading, masonry, bridging or track-laying of a railroad, under a contract with an agent, contractor or subcontractor of the proprietors thereof, ~~[he]~~ **the person** shall have a lien upon the railroad and the land upon which it is constructed; provided, that he **or she** gave notice in writing to such proprietors, or to the person having charge of the railroad, that he **or she** should claim such lien before performing the labor, **providing the services**, or furnishing the materials for which it is claimed.

447:8 Account. Any person giving notice as provided in RSA 447:5-7 shall, as often as once in 30 days, furnish to the owner, or person having charge of the property on which the lien is claimed, an account in writing of the labor performed, **professional design services provided**, or materials furnished during the 30 days; and the owner or person in charge shall retain a sufficient sum of money to pay such claim, and shall not be liable to the agent, contractor or subcontractor therefor, unless the agent, contractor or subcontractor shall first pay it.

3 Precedence Over Lien Claims. Amend RSA 447:11 to read as follows:

447:11 Precedence. Such attachment shall have precedence over all lien claims for labor, **professional design services**, materials, or other things done or furnished after the attachment was made, except the same were done or furnished in the performance of a contract existing when the attachment was made, or were necessary for the preservation of the property attached.

4 State Work. Amend RSA 447:15 to read as follows:

447:15 State Work. The liens given by RSA 447:5-14, inclusive, shall attach to any money due or to become due from the state or from any political subdivision thereof by virtue of any contract for any public work or construction, alteration, or repair, in the performance of which contract the lienor participated by performing labor, **providing professional design services**, or furnishing materials or supplies. Such liens shall not attach, however, unless filed within 90 days after the completion and acceptance of the project by the contracting party, whether such contracting party is the state or any political subdivision of the state.

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

**2012-0811s**

#### AMENDED ANALYSIS

This bill adds design professionals to the tradesmen who are currently able to file and perfect a mechanic's lien for nonpayment of work related to a construction project.

**Senate Education**  
**February 15, 2012**  
**2012-0819s**  
**04/05**

#### Amendment to SB 373-LOCAL

Amend the bill by replacing section 1 with the following:

1 School Money; Contingency Fund. Amend RSA 198:4-b to read as follows:

198:4-b Contingency Fund.

**I.** ~~[Every]~~ A school district annually by an article in the warrant, ~~[and]~~ **or** the governing body of a city upon recommendation of the school board, when the operation of the schools is by a department of the city, may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. A detailed report of all expenditures from the contingency fund shall be made annually by the school board and published with their report.

**II. Notwithstanding any other provision of law, a school district at an annual meeting may adopt an article authorizing, indefinitely until specific rescission, the school district to retain year-end unassigned general funds in an amount not to exceed, in any fiscal year, 2.5 percent of the current fiscal year's net assessment pursuant to RSA 198:5, for the purpose of having funds on hand to use as a revenue source for emergency expenditures and overexpenditures under RSA 32:11, or to be used as a revenue source to reduce the tax rate.**



**2012-0819s**

**AMENDED ANALYSIS**

This bill authorizes a school district to retain funds for emergency expenditures or to reduce the tax rate.

**Senate Judiciary**  
**February 10, 2012**  
**2012-0730s**  
**01/04**

**Amendment to SB 379**

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

1 New Section; Insurance Fraud; Venue. Amend RSA 638 by inserting after section 20 the following new section:

638:20-a Venue.

I. In any prosecution for a violation of RSA 638:20, the offense shall be deemed to have been committed in any of the following locations:

- (a) The county or judicial district in which any element of the offense was committed;
- (b) The county or judicial district of the purported loss;
- (c) The county or judicial district in which the insurance policy provides coverage;
- (d) The county or judicial district in which the insurer or the insurer's agent received the false statement or application;
- (e) The county or judicial district in which money was received for the fraudulent act; or
- (f) In any county or judicial district where any act in furtherance of the criminal scheme was committed.

II. If any violation of RSA 638:20 has been deemed to have occurred in any of the locations listed in paragraph I, the prosecution for all the related violations may be brought together in any of the counties or judicial districts.

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

**Senate Ways and Means**  
**February 14, 2012**  
**2012-0799s**  
**03/05**

**Amendment to SB 381-FN**

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

AN ACT relative to auction houses and relative to wine auctions.

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

Amend RSA 178:17-b, III as inserted by section 1 of the bill by replacing it with the following:

III. No licensee shall purchase or sell wine at an auction house without first obtaining written approval from the commission.

Amend RSA 178:17-b, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In addition, auction houses shall pay a fee of 8 percent of the auction hammer price of the wine shipped to any one New Hampshire consumer.

Amend RSA 179:47-a, III as inserted by section 2 of the bill by replacing it with the following:

III. The purchaser shall pay to the commission a fee of 8 percent of the auction hammer price of the wine. If the wine for which the fee has been paid is sold at a subsequent auction authorized under this section, the subsequent sale shall not subject the buyer to a fee under this section.

**2012-0799s****AMENDED ANALYSIS**

This bill:

I. Establishes an auction house permit.

II. Authorizes auctions of wine not generally listed for sale in the state of New Hampshire.

**Senate Transportation****February 16, 2012****2012-0863s****01/09****Amendment to SB 394-LOCAL**

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

AN ACT relative to the reclassification of Province Road in Strafford from the intersection of Route 202A to Ricky Nelson Road from class II to class V.

Amend the bill by replacing section 1 with the following:

1 Province Road in Strafford From the Intersection of Route 202A to Ricky Nelson Road; Classification Changed to Class V. Province Road in Strafford from the intersection of Route 202A to Ricky Nelson Road shall be reclassified as a class V highway, 60 days after completion of the reconstruction to be performed by the department of transportation.

**2012-0863s****AMENDED ANALYSIS**

This bill reclassifies Province Road in Strafford from the intersection of Route 202A to Ricky Nelson Road from class II to class V upon completion of certain reconstruction to be performed by the department of transportation.

**HEARINGS*****FRIDAY, FEBRUARY 24, 2012*****JOINT SENATE – HOUSE EXECUTIVE DEPARTMENTS AND ADMINISTRATION COMMITTEES,**  
Rooms 210-211, LOB

Sen. Carson (C), Sen. Groen (VC), Sen. Larsen, Sen. Luther, Sen. White

1:00 p.m.

**SB 311-FN-A**, transferring authority over weights and measures to the department of safety.**EXECUTIVE SESSION MAY FOLLOW*****TUESDAY, MARCH 6, 2012*****COMMERCE**, Room 102, LOB

Sen. Prescott (C), Sen. Sanborn (VC), Sen. De Blois, Sen. Houde, Sen. White

9:00 a.m.

**EXECUTIVE SESSION ON PENDING LEGISLATION****EDUCATION**, Room 103, LOB

Sen. Stiles (C), Sen. Forsythe (VC), Sen. Carson, Sen. Kelly, Sen. Prescott

1:00 p.m.

**SB 300**, relative to special education services in chartered public schools.  
(THE PREVIOUS HEARING FOR SB 300 WAS RECESSED ON FEBRUARY 7<sup>TH</sup>)**EXECUTIVE SESSION MAY FOLLOW****PUBLIC AND MUNICIPAL AFFAIRS**, Room 101, LOB

Sen. Barnes (C), Sen. Forrester (VC), Sen. Boutin, Sen. Merrill, Sen. Stiles

9:00 a.m.

**SB 210**, relative to the default budget in school districts which have adopted the official ballot method of voting.

- 10:00 a.m. **SB 310**, requiring the commemoration of Purple Day in recognition of epilepsy awareness.
- 10:15 a.m. **SB 351**, relative to proclaiming Blue Star Mother's Day.
- 10:45 a.m. **SB 398**, proclaiming March 30 as Welcome Home Vietnam Veterans Day.
- 11:05 a.m. **SB 389-L**, relative to sewer commission costs.
- 11:25 a.m. **SB 353-L**, relative to establishing water and sewer infrastructure in the commercial district of a town.

**EXECUTIVE SESSION MAY FOLLOW**

**WAYS AND MEANS**, Room 100, SH

Sen. Odell (C), Sen. Luther (VC), Sen. Boutin, Sen. D'Allesandro, Sen. Morse, Sen. Rausch

1:00 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

***THURSDAY, MARCH 8, 2012***

**ENERGY AND NATURAL RESOURCES**, Room 102, LOB

Sen. Odell (C), Sen. Gallus (VC), Sen. Bradley, Sen. Lambert, Sen. Merrill

- 9:00 a.m. **SB 258**, authorizing group net metering for limited electrical energy producers.
- 9:15 a.m. **SB 392-FN**, relative to road salt applicators.
- 9:30 a.m. **SB 399-FN**, relative to the maximum permit application fee for certain municipal dredging projects.

**EXECUTIVE SESSION MAY FOLLOW**

**FINANCE**, Room 103, SH

Sen. Morse (C), Sen. Odell (VC), Sen. Barnes, Sen. Bragdon, Sen. D'Allesandro, Sen. Forrester, Sen. Gallus

- 1:00 p.m. **SB 407-FN**, establishing an office of professional licensure and transferring administrative and clerical operations of certain professional licensing and certification boards to the office.

**EXECUTIVE SESSION MAY FOLLOW**

**HEALTH AND HUMAN SERVICES**, Room 100, SH

Sen. Bradley (C), Sen. De Blois (VC), Sen. Kelly, Sen. Lambert, Sen. Sanborn

- 1:00 p.m. **HB 309-FN**, relative to certain insurance mandates and establishing a committee to study current insurance mandates.

**EXECUTIVE SESSION MAY FOLLOW**

**TRANSPORTATION**, Room 103, LOB

Sen. Rausch (C), Sen. Boutin (VC), Sen. Forsythe, Sen. Kelly, Sen. Stiles

- 9:00 a.m. **HB 342**, relative to boat operation rules.
- 9:15 a.m. **HB 1144**, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.
- 9:30 a.m. **HB 628-FN**, relative to searches conducted for purposes of transportation-related security.
- 10:00 a.m. **HB 1165**, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge.
- 10:20 a.m. **HB 1138**, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet.

**EXECUTIVE SESSION MAY FOLLOW**

***THURSDAY, MARCH 15, 2012***

**HEALTH AND HUMAN SERVICES**, Room 102, LOB

Sen. Bradley (C), Sen. De Blois (VC), Sen. Kelly, Sen. Lambert, Sen. Sanborn

- 1:30 p.m. **SB 402**, relative to the adoption of policies for the management of concussion and head injury in youth sports.

**EXECUTIVE SESSION MAY FOLLOW**

**JUDICIARY**, Room 101, LOB

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

2:30 p.m.

**SB 406**, establishing an early offer alternative in medical injury claims.**EXECUTIVE SESSION MAY FOLLOW*****TUESDAY, MARCH 20, 2012*****EDUCATION**, Room 103, LOB

Sen. Stiles (C), Sen. Forsythe (VC), Sen. Carson, Sen. Kelly, Sen. Prescott

1:00 p.m.

**SB 408**, relative to a school district's policy informing parents of bullying incidents.**EXECUTIVE SESSION MAY FOLLOW****MEETINGS*****FRIDAY, FEBRUARY 24, 2012*****ASSESSING STANDARDS BOARD (RSA 21-J:14-a)**

9:30 a.m.

NH Department of Revenue Administration Subcommittee Meeting  
109 Pleasant Street  
Concord, NH**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)**

10:00 a.m.

Room 201, LOB

Regular Meeting

***MONDAY, FEBRUARY 27, 2012*****ECONOMIC STRATEGIC COMMISSION TO REVIEW THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2)**

2:30 p.m.

Room 102, LOB

Subcommittee Meeting

***MONDAY, MARCH 5, 2012*****EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51)**

10:00 a.m.

Room 205, LOB

Regular Meeting

**STATE COMMITTEE ON AGING (RSA 161-F:7, I)**

10:00 a.m.

DHHS, Brown Building  
129 Pleasant Street  
Concord, NH

Regular Meeting

***WEDNESDAY, MARCH 7, 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

***THURSDAY, MARCH 8, 2012*****COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1)**

3:00 p.m.

Room 104, LOB

Subcommittee Meeting

3:00 p.m.

Room 303, LOB

Subcommittee Meeting

## ***FRIDAY, MARCH 9, 2012***

### **WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)**

9:00 a.m.                      Room 307, LOB                      Regular Meeting

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

10:30 a.m.                      Rooms 210-211, LOB

Regular Business

11:00 a.m.                      Rooms 210-211, LOB

Audits

State of New Hampshire  
Comprehensive Annual Financial  
Report For the Fiscal Year Ended  
June 30, 2011

## ***MONDAY, MARCH 12, 2012***

### **SHORELAND ADVISORY COMMITTEE (RSA 483-B:21)**

9:30 a.m.                      Department of Environmental                      Lakes' Subcommittee Regular  
Services, Room 214                      Meeting  
29 Hazen Drive  
Concord, NH

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

3:00 p.m.                      Room 103, LOB                      Regular Meeting

## ***THURSDAY, MARCH 15, 2012***

### **HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

2:00 p.m.                      Department of Health & Human Services                      Subcommittee on Public  
29 Hazen Drive                      Health Services Improvement  
Concord, NH

### **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, MARCH 16, 2012***

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

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

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

1:00 p.m.                      Room 101, LOB                      Regular Meeting

## ***MONDAY MARCH 19, 2012***

### **INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)**

9:00 a.m.                      Room 100, SH                      Regular Meeting

### **COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1)**

10:00 a.m.                      Room 305, LOB                      Regular Meeting

## ***THURSDAY, MARCH 22, 2012***

### **COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1)**

3:00 p.m.                      Room 303, LOB                      Regular Meeting

## ***MONDAY, APRIL 2, 2012***

### **STATE COMMITTEE ON AGING (RSA 161-F:7, I)**

10:00 a.m.                      DHHS, Brown Building                      Regular Meeting  
129 Pleasant Street  
Concord, NH

***TUESDAY, APRIL 3, 2012***

**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)**

3:30 p.m.                      Room 201, LOB                      Regular Business

***WEDNESDAY, APRIL 4, 2012***

**ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)**

4:30 p.m.                      NH Department of Education                      Regular Meeting  
    Londergan Hall, Room 15  
    101 Pleasant Street  
    Concord, NH

***FRIDAY, APRIL 6, 2012***

**ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)**

9:00 a.m.                      NH Employment Security                      Regular Meeting  
    32 South Main Street  
    Concord, NH

***THURSDAY, APRIL 12, 2012***

**INDUSTRIAL TECHNOLOGY RESEARCH AND INNOVATION CENTER OVERSIGHT COMMITTEE (RSA 187-A:32)**

2:00 p.m.                      UNH School of Law                      Regular Meeting  
    The Franklin Center Board Room  
    Room 175  
    2 White Street  
    Concord, NH

***FRIDAY, APRIL 20, 2012***

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

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

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

1:00 p.m.                      Room 101, LOB                      Regular Meeting

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**SENATE BILLS AMENDED BY THE HOUSE**

**SB 19**, relative to the definition of “prime wetlands.”

**SB 49**, relative to tip pooling arrangements.

**SB 152-FN**, relative to participation in state employees’ group insurance by members of the general court.

**SB 190**, relative to the duties and membership of the executive branch ethics committee.

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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 2011 REFERRED AND RETAINED BILLS:**

**SENATE BILLS:** 19, 48, 71, 74, 83, 84, 132, 142, 152, 153, 155, 159, 160, 163, 168, 185, 186, 188, 198, 212, 217, 219, 225, 227, 239, 271, 272, 275, 276, 279, 289, 294, 303, 305, 309, 311, 312, 320, 324, 326, 330, 338, 343, 358, 372, 375, 399

**HOUSE BILLS: 72, 110, 186, 210, 222, 225, 242, 247, 269, 325, 330, 351, 378, 420, 449, 466, 479, 508, 518, 520, 528, 654, 1302, 1534, 1611**

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

**HOUSE BILLS: 648**

\* \* \* \* \*

## 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

\* \* \* \* \*

The components of the NH Dental Society will be inviting legislators to events in their area in order to share information regarding oral health issues in New Hampshire. Please watch for invitations in the mail.

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

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### WEDNESDAY, MARCH 14, 2012

The National Multiple Sclerosis (MS) Society, in conjunction with the Governor's Commission on Disabilities, is inviting all legislators and staff to visit their display in the State House cafeteria on Wednesday, March 14<sup>th</sup> from 10:00 a.m. to 2:00 p.m. This event is being held in honor of National MS Awareness Week, March 12<sup>th</sup> – 18<sup>th</sup>.

Senator Peter Bragdon, Senate President

\* \* \* \* \*

### THURSDAY, MARCH 15, 2012

All legislators and staff are invited to attend the 10<sup>th</sup> Annual NH Capital St. Patrick's Day Corned Beef & Cabbage Lunch to benefit Children's Hospital at Dartmouth on Thursday, March 15<sup>th</sup>, at 12:00 p.m., at the Courtyard Marriott-Grappone Center in Concord, with a special comedy performance by Juston McKinnery, star of Comedy Central, The Tonight Show with Jay Leno, and Conan O'Brien. For your complimentary reservation, please RSVP to: **James.Demers@Demers-Blaisdell.com**

Senator Jeb Bradley, Senate Majority Leader

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## **TUESDAY, MARCH 20, 2012**

The American Red Cross cordially invites all Legislative members and staff to the annual State House complex blood drive. The blood drive will take place on Tuesday, March 20<sup>th</sup>, from 9:00 a.m. to 3:00 p.m. The American Red Cross state-of-the-art, self-contained coach will be parked out in front of the State House for this event.

Appointments are strongly encouraged. To schedule an appointment, please call State House Health Services, ext. 271-2757.

In the past, the blood drive has had overwhelming support. Please help to make this year the best ever!

Senator Jeb Bradley, Senate Majority Leader

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## **WEDNESDAY, MARCH 28, 2012**

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on Wednesday, March 28, 2012 from 7:30 a.m. to 9:00 a.m. at the State House Cafeteria. Please join Breathe New Hampshire staff, board members, and volunteers for breakfast, conversation, and door prizes. Please RSVP by March 16, 2012 at [info@breathenh.org](mailto:info@breathenh.org) or by calling 603-669-2411.

Senator Sylvia B. Larsen, Senate Minority Leader

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## **WEDNESDAY, MARCH 28, 2012**

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Crossover Reception on Wednesday, March 28<sup>th</sup> at 3:00 p.m. or following the House session, whichever is later, at the Concord Holiday Inn, 172 North Main Street. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering. This year in particular we want to recognize all of you for your support of New Hampshire automotive members and their 14,000 employees.

Senator Jim B. Rausch

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## **LEGISLATIVE ETHICS COMMITTEE**

The Legislative Ethics Committee has voted to issue the following interpretive ruling, which is printed below in its entirety.

### **INTERPRETIVE RULING 2012-#1**

(February 9, 2012)

Request of Rep. Steve Vaillancourt for Interpretation of Ethics Guidelines

Section 1 Principles of Public Service, Paragraphs II and III

Rep. Vaillancourt has asked the Committee to determine whether the alleged use of certain methods and procedures by House leadership to persuade legislators to support its positions (characterized in his letter as “bullying”), and non-public activities pursued on the part of leadership in the development of legislation (characterized as “secrecy”), are violative of the Ethics Guidelines, specifically Section 1 Principles of Public Service, Paragraphs II and III.

Those paragraphs state:

#### **“II. Principle Of Independent Objective Judgment**

Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.



### “III. Principle Of Accountability

Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.”

RSA 14-B:3, I(b) authorizes the Ethics Committee to:

“Issue interpretative [*sic*] rulings explaining and *clarifying* any law, guideline, rule or regulation within the jurisdiction of the committee” (emphasis added).

We treat the request as asking for clarification of the cited Principles through an Interpretive Ruling.

#### Committee Analysis

The issue is whether the types of conduct alleged in the request fall within the scope of the Guidelines as they presently exist. In that regard, in a series of previous decisions dismissing certain Complaints on a confidential basis as required by law, we have recognized that there are substantial limitations on the scope of the Guidelines. More particularly, we have ruled that the Guidelines do not create an opportunity to raise every asserted grievance against legislators’ behavior. Specifically:

In a Complaint which alleged repeated uncivil or abusive conduct toward another legislator, we said:

“The Ethics Guidelines are not intended to provide a general grievance procedure for legislators to complain about uncivil or other inappropriate activity by their colleagues, but rather are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office.”

In another Complaint, which alleged false or offensive testimony by a legislator before a committee, we said:

“The Ethics Guidelines are not intended to provide a general grievance procedure to complain against legislators for making untrue or other inappropriate presentations to their colleagues. Rather, they are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office.”

In yet another Complaint, which alleged failure on the part of a legislator to adopt the complainant’s view toward specific legislation, we said:

“The Ethics Committee’s complaint procedure is not intended as a mechanism to challenge a legislator’s position on a matter of policy, or to enforce a complainant’s position regarding such policy. Rather, the Guidelines are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office.”

As these decisions demonstrate, the Committee has repeatedly rejected efforts to use its processes as a general grievance mechanism for challenging offensive or abusive conduct by legislators toward each other, or for challenging how matters of policy are developed or resolved.

As in its previous decisions, the Committee does not believe that the purpose of the Guidelines covers the conduct in question. Our previous rulings have suggested that as the governing law presently stands, the Committee’s role is more limited. Based on those rulings, we perceive no basis for us now to become judges of the political conduct of legislative leadership, through clarification of the Guidelines.

In addition, the conduct described in Rep. Vaillancourt’s request would not fall within the definition of “conflict of interest,” as presently provided in the Guidelines. That definition narrowly defines the term only as “the condition in which a legislator has a financial interest in any official activity.” See Ethics Guidelines, Section 2 Definitions, Paragraph II.

The issues Rep. Vaillancourt has raised, while important, are fundamentally political, rather than questions of ethics we are currently charged with deciding. For better or worse, the conduct Rep. Vaillancourt describes has, in widely varying degrees, always been part of the legislative process. To accept Rep. Vaillancourt’s contentions would thrust the Committee into the middle of the House’s political processes.

Such political questions must be determined by legislators themselves in the selection of their leadership, or adopting appropriate legislation or rules, or ultimately by the voters, but not by us under the present state of the Guidelines. It is for the legislature, rather than the Committee, to further define and articulate what

should be the functional line between permissible and impermissible efforts to influence fellow legislators' votes (apart from use or threats of physical force, bribery or other offers of economic advantage, which we believe are prohibited by present law, but which Rep. Vaillancourt's request does not allege). Similarly, it is for the legislature, rather than the Committee, to determine the line between permissible and impermissible methods for shaping policy in the development of legislation.

If the legislature were to articulate such limits through statute, rule or otherwise, to govern legislators in the performance of their duties, actions in violation of such limits would fall within the Committee's statutory jurisdiction. See RSA 14-B:1, I. However, under present law, they do not.

Accordingly, the Committee respectfully declines to interpret the Guidelines, as they presently stand, to prohibit the conduct alleged by Rep. Vaillancourt.

For the Committee,  
Martin L. Gross  
Chairman

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## SENATE SCHEDULE

Monday, February 27, 2012 - Friday, March 02, 2012	Senate Break
Thursday, March 15, 2012	Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
Thursday, March 29, 2012	Last Day to ACT on all Senate bills. (Crossover)
Thursday, May 03, 2012	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
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	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 – FEBRUARY & MARCH***

### **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

<b>DATE</b>	<b>TIME</b>	<b>GROUP</b>	<b>Group#/Grade</b>
Feb. 28	2:00	Boy Scout Troop #123 – Goffstown	10
Feb. 29	10:00	Portsmouth Christian Academy @ Dover	9/HS
March 1	10:00	Derry Girl Scouts	20/1-3rd
March 1	11:30	Bible Baptist Christian Soldiers – Nashua	13
March 2	9:30/11:00 SH/HM/SC	Hanover St. School – Lebanon	62/4
March 2	3:00	Cub Scouts – Concord	10/2
March 5	9:00	Broken Ground School – Concord	25/4
March 5	10:00/11:30 SH/HM	Idlehurst School – Somersworth	100/4
March 6	9:00/10:00	Broken Ground School – Concord	50/4
March 6	11:00	Trinity Christian School – Concord	11/4
March 7	9:45/11:00 SH/HM	Loudon Elementary School	60/4
March 7	10:00	American Cancer Society Day	
March 8	10:00	Tuftonboro Elementary School	35/4
March 8	11:00	New Franklin School – Portsmouth	50/4
March 9	10:15/11:30 SH/SC	Sandown Central School	88/4
March 12	9:00	Bow Elementary School	50/4
March 12	10:30/12:00 SH/HM	Milford School @ Heron Pond	100/4
March 13	9:00	Bow Elementary School	48/4
March 13	10:00	Lamprey River School – Raymond	40/4
March 13	11:00	Northwood Elementary School	60/4
March 14	9:00	Bow Elementary School	24/4
March 14	9:45/11:00 SH/HM	Pembroke Hill School	95/4
March 14	12:45	Sant Bani School – Sanbornton	15/6
March 15	9:00	Dover Alternative High School	12/HS
March 15	10:00	Lamprey River School – Raymond	60/4
March 15	10:30/12:00 SH/HM	Allenstown Elementary School	65/4
March 15	1:15	Vesta Roy Series Class	12
March 16	10:15/11:30 SH/HM	Charlotte Ave. School – Nashua	115/4
March 19	10:45/12:15 SH/HM	Appleton Elementary School – New Ipswich	100/4
March 20	9:30	Greenland Central School	44/4
March 20	10:00/11:30 SH/Manse	Dondero School – Portsmouth	60/4
March 21	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4
March 22	9:30/11:00 SH/HM	Jaffrey Grade School	69/4
March 23	9:30/11:00 SH/HM	Henry Wilson School – Farmington	120/4
March 23	12:00	Presentation of Mary School – Hudson	42/4
March 26	10:30/12:00 SH/HM	Milford Elementary School @Heron Pond	100/4
March 27	10:00	Maplewood School – Somersworth	48/4
March 27	11:00/12:30	Beaver Meadow School – Concord	74/4
March 28	9:00/10:30 SH/HM	Barnstead Elementary School	63/4
March 29	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4
March 30	9:30	Trinity Christian School – Keene	10/4
March 30	9:30/11:00 SH/F&G	Symonds School – Keene	60/4