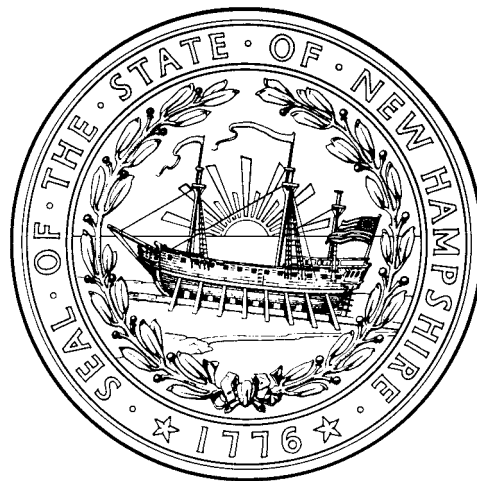


June 2, 2010
Nos. 20-21

STATE OF NEW HAMPSHIRE

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**Second Year of the 161st Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 19, 2010 SESSION
COMMENCEMENT – JUNE 2, 2010 SESSION**

SENATE JOURNAL 20 *(continued)*

May 19, 2010

HOUSE MESSAGE

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

HB 138, revising certain provisions of the sexually violent predators statute.

HB 213-FN, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

HB 219, relative to hearings for incapacitated persons admitted to state institutions by their guardians.

HB 366, relative to retail vehicle dealers.

HB 523-FN, requiring DNA testing of all persons convicted of a felony and making changes to the information and analysis center.

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss.

HB 569-FN, clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers.

HB 1133, relative to the duration of involuntary emergency admissions and relative to persons with mental illness and the corrections system and relative to discharge from certain psychiatric facilities under certain circumstances.

HB 1164, relative to newborn screening tests.

HB 1166, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects.

HB 1167, establishing a committee to study parole boards and parole board procedures.

HB 1174, relative to terms for appointed town officials and relative to pay for members of park or recreation commissions.

HB 1177, establishing a committee to study education and career development programs for youths and young adults in the juvenile and adult criminal justice systems.

HB 1183, relative to the effective date of certain provisions of the involuntary commitment of sexually violent predators statute.

HB 1187, relative to residential elevators and accessibility lifts.

HB 1195, relative to height, length, width, and weight limits for trucks.

HB 1252, relative to the duration of medical payments coverage under motor vehicle liability policies.

HB 1254, relative to insurance coverage in tort cases.

HB 1259, relative to subrogation claims and liens in civil actions.

HB 1270, relative to balancing amounts expended from the renewable energy fund.

HB 1271, establishing a task force on work and family.

HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers.

HB 1286, requiring public academies to obtain a criminal history records check on employees and volunteers and permitting nonpublic schools to obtain criminal history records checks on employees and volunteers.

HB 1318, relative to post-conviction DNA testing, eligibility for victim's compensation for a victim of a crime in which a petition for post-conviction DNA testing was filed, and relative to victim services while the court is considering post-conviction DNA testing.

HB 1334, relative to penalties for unpaid fines concerning hazardous materials accidents.

HB 1352, relative to direct shippers.

HB 1358, relative to the amendment of property tax inventories and tax lists by selectmen or assessors.

HB 1359, relative to the enforcement of humane slaughter laws.

HB 1368, relative to the definition of “employee” for workers’ compensation purposes.

HB 1371, allowing an injured employee to have a witness present at the examination by health care providers performing independent medical examinations and establishing a committee to study certain aspects of independent medical examinations.

HB 1372, establishing a committee to study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, and to study permitting a person to record a law enforcement officer in the course of such officer’s official duties.

HB 1373, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

HB 1376, relative to the regulation of pharmacies and pharmacists.

HB 1377, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects.

HB 1398, allowing a surviving spouse to have access to the deceased spouse’s medical records when there is no estate administration.

HB 1404, relative to the regulation of real estate brokers and salespersons.

HB 1411, requiring notice to educational support personnel and non-certified school district employees.

HB 1415, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire.

HB 1420, relative to the calculation of child support.

HB 1436, requiring a report to the general court on New Hampshire’s participation in the National Violent Death Reporting System and relative to legislative security staff.

HB 1470, establishing a committee to study laws relating to condominium and homeowners’ associations.

HB 1493, establishing a committee to study comprehensive mental health and substance use disorders parity.

HB 1497, relative to the governance of the Concord school district.

HB 1523, revising the pupil safety and violence prevention act.

HB 1528, relative to observing voter check-in, relative to challenged voter affidavits, and ratifying certain actions of the Salem school district.

HB 1533, establishing a committee to study the statute governing annulment of criminal records.

HB 1535-FN, relative to absentee voting, special elections, election returns, preservation of ballots, recounts, the ballot law commission, and electronic ballot counting devices.

HB 1554, allowing municipalities to establish energy efficiency and clean energy districts.

HB 1561-FN, relative to off highway recreational vehicle registrations.

HB 1569-FN, relative to the salaries of certain unclassified positions.

HB 1571, relative to the penalty for failure to file an annual inventory of taxable property.

HB 1572-FN, establishing a committee to study certification or licensing of integrated residential communities.

HB 1609-FN, relative to current use and the land use change tax.

HB 1615, relative to the determination of value and a notice requirement for purposes of the utility property tax.

HB 1688, relative to the regulation of the installation and operation of boiler and pressure vessels.

HB 1689, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, extending the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia, and extending the telecommunications planning and development advisory committee.

HB 1690, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 59, relative to the renovation and replacement of school buildings.

The Speaker has appointed Reps. Rous, Yeaton, Judith Day and Stiles.

SB 73-FN, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

The Speaker has appointed Reps. Robin Read, Townsend, Pastor and Frank Holden.

SB 150, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

The Speaker has appointed Reps. Michael O'Brien, C. Pennington Brown, Robert Williams and Hinch.

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

The Speaker has appointed Reps. Pierce, Perry, Chase and Jasper.

SB 181-FN-A, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

The Speaker has appointed Reps. Foster, Pantelakos, Kurk and Foose.

SB 205-FN, making various changes to the criminal statutes.

The Speaker has appointed Reps. Welch, Chandley, Shurtleff and Mack.

SB 302, relative to notice of driver's license expiration.

The Speaker has appointed Reps. Rhodes, LaPlante, Rokas and Nedeau.

SB 320, relative to occupational exposure to the human immunodeficiency virus.

The Speaker has appointed Reps. Rosenwald, Butcher, Miller and Batula.

SB 358-FN, relative to whistleblower protection and waste prevention in state government.

The Speaker has appointed Reps. Sally Kelly, Mears, Rice and Daniels.

SB 383-FN, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

The Speaker has appointed Reps. Hatch, Vachon, Walsh and Lockwood.

SB 402-FN, relative to state-owned vehicles.

The Speaker has appointed Reps. Benn, Eaton, Buco and Bergin.

SB 411, relative to permitting of large groundwater withdrawals.

The Speaker has appointed Reps. Spang, Moody, Spaulding and Gottling.

SB 420, relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

The Speaker has appointed Reps. Sally Kelly, Goley, John Knowles and Daniels.

SB 428, establishing a committee to study dispatch times within the enhanced 911 system.

The Speaker has appointed Reps. Harvey, Friedrich, Devine and Remick.

SB 442, relative to the grant program to administer exotic aquatic plant prevention.

The Speaker has appointed Reps. Almy, Mack, Osgood and Tupper.

SB 450-FN, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax.

The Speaker has appointed Reps. Marjorie Smith, Eaton, Nordgren, Kurk and Foster; Alternates: Foose and W. Douglas Scamman.

SB 480, relative to appeals of decisions by the department of environmental services.

The Speaker has appointed Reps. Gary Richardson, Wall, Lucy Weber and Rowe.

SB 485-FN-A, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

The Speaker has appointed Reps. Leishman, Baroody, Keans and Lynne Ober.

SB 486-FN, relative to the school building aid program.

The Speaker has appointed Reps. Rous, Harvey, Judith Day and Ladd.

SB 497-FN-A, changing the business profits tax deduction for reasonable compensation for partnerships, limited liability companies, and sole proprietorships and modifying the interest and dividends tax statute to follow the definitions of interest and dividends used in the United States Internal Revenue Code.

The Speaker has appointed Reps. Hatch, Vachon, Walsh and Lockwood.

SB 503, relative to unique pupil identification.

The Speaker has appointed Reps. Rous, Ward, Yeaton and Casey.

SB 520-FN-L, relative to school district liability for special education costs.

The Speaker has appointed Reps. Casey, Barbara Shaw, Stiles and Ward.

HOUSE MESSAGE

The House of Representatives refuses to accede to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 465-FN-L, relative to the transition period for implementing the adequacy aid formula.

HOUSE MESSAGES REQUESTING COMMITTEES OF CONFERENCE SENATE ACCEDES TO REQUEST OF COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled Bills sent down from Senate and requests a Committee of Conference:

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

House Conferees: Reps. Nord, Schlachman, Movsesian and Hunt.

Sen. Hassan accedes to House Request. Motion to accede adopted.

The President appointed Senators Fuller Clark, Merrill and Odell.

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

House Conferees: Reps. Hatch, Osgood, Shattuck and Almy.

Sen. Letourneau accedes to House Request. Motion to accede adopted.

The President appointed Senators Gilmour, Kelly and Boutin.

HB 1128-FN-L, relative to the distribution of meals and rooms tax revenues to cities and towns.

House Conferees: Reps. Marjorie Smith, Eaton, Nordgren, Kurk and Foster;

Alternates: Reps. Foose and W. Douglas Scamman.

Sen. D'Allesandro accedes to House Request. Motion to accede adopted.

The President appointed Senators D'Allesandro, Sgambati, Janeway and Gallus;

Alternates: Senators Hassan, Larsen and Odell.

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements.

House Conferees: Reps. Spang, McClammer, Rous and Chris Christensen.

Sen. Fuller Clark accedes to House Request. Motion to accede adopted.

The President appointed Senators Fuller Clark, Merrill and Odell.

HB 1267-L, relative to applications for hawkers and peddlers licenses.

House Conferees: Reps. Cooney, Sterling, Schuett and Wheeler.

Sen. Cilley accedes to House Request. Motion to accede adopted.

The President appointed Senators DeVries, Fuller Clark and Downing.

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease.

House Conferees: Reps. French, Merrick, Case and Cebrowski.

Sen. Cilley accedes to House Request. Motion to accede adopted.

The President appointed Senators Gilmour, Kelly and Downing.

HB 1364, relative to Medicare unfair trade practices.

House Conferees: Reps. McEachern, Keans, Hammond and Donald Flanders.

Sen. Hassan accedes to House Request. Motion to accede adopted.

The President appointed Senators Hassan, Reynolds and Roberge.

HB 1393, relative to the treatment of New Hampshire investment trusts.

House Conferees: Reps. Butler, DeStefano, McEachern and Quandt.

Sen. Hassan accedes to House Request. Motion to accede adopted.

The President appointed Senators Reynolds, Cilley and Bragdon.

HB 1417, allowing the companion dogs in certain areas of restaurants.

House Conferees: Reps. Butler, Hammond, Schlachman and Nevins.

Sen. Hassan accedes to House Request. Motion to accede adopted.

The President appointed Senators Hassan, Cilley and Bragdon.

HB 1459, relative to the board of trust company incorporation.

House Conferees: Reps. Butler, Pierce, Splaine and Palfrey.

Sen. Hassan accedes to House Request. Motion to accede adopted.

The President appointed Senators Hassan, Lasky and DeVries.

HB 1462, establishing a shoreland advisory committee.

House Conferees: Reps. Tupper, Moody, Gottling and Bolster.

Sen. Fuller Clark accedes to House Request. Motion to accede adopted.

The President appointed Senators Fuller Clark, Merrill and Bradley.

HB 1477, relative to checklist information.

House Conferees: Reps. Pierce, Perry, Jasper and Clemons.

Sen. Lasky accedes to House Request. Motion to accede adopted.

The President appointed Senators Lasky, Houde and Barnes.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

House Conferees: Reps. Nord, McEachern, Schlachman and Nevins.

Sen. DeVries accedes to House Request. Motion to accede adopted.

The President appointed Senators DeVries, Lasky and Roberge.

HB 1490, establishing a citizens task force to study state revenues and expenditures.

House Conferees: Reps. Almy, Bergin, Hatch and Foose.

Sen. Odell accedes to House Request. Motion to accede adopted.

The President appointed Senators Hassan, Janeway and Reynolds.

HB 1512, establishing a deferred retirement option in the judicial retirement plan.

House Conferees: Reps. Harding, Hawkins, Patricia McMahon and Benn.

Sen. Cilley accedes to House Request. Motion to accede adopted.

The President appointed Senators Cilley, DeVries and Downing.

HB 1613-FN, relative to the general banking laws of the state.

House Conferees: Reps. Keans, Winters, Patricia McMahon and Hunt.

Sen. Hassan accedes to House Request. Motion to accede adopted.

The President appointed Senators DeVries, Reynolds and Bragdon.

HB 2010, relative to the state 10-year transportation improvement program.

House Conferees: Reps. Campbell, Ramsey, Bouchard and Chandler.

Sen. Letourneau accedes to House Request. Motion to accede adopted.

The President appointed Senators Fuller Clark, Kelly and Letourneau.

CONFEREE CHANGES

SB 181, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

CONFEREE CHANGE: SEN. ODELL REPLACED SEN. DOWNING

SB 313, extending the repeal date of the state park system advisory council and relative to field purchases and transfers of funds for the state park system and the bureau of trails.

CONFEREE CHANGES: SEN. CILLEY REPLACED SEN. DeVRIES

SEN. ODELL REPLACED SEN. CARSON

HB 1417, allowing companion dogs in certain areas of restaurants.

CONFEREE CHANGE: SEN. SGAMBATI REPLACED SEN. BRAGDON

HB 1462, establishing a shoreland advisory committee.

CONFEREE CHANGE: SEN. LASKY REPLACED SEN. MERRILL

HB 1477, relative to checklist information.

CONFEREE CHANGE: SEN. MERRILL REPLACED SEN. BARNES

HB 1490, establishing a citizens task force to study state revenues and expenditures.

CONFEREE CHANGE: SEN. ODELL REPLACED SEN. JANEWAY

HB 1512, establishing a deferred retirement option in the judicial retirement plan.

CONFEREE CHANGE: SEN. D'ALLESANDRO REPLACED SEN. CILLEY

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax.

CONFEREE CHANGES: SEN. REYNOLDS REPLACED SEN. JANEWAY

SEN. HASSAN REPLACED SEN. ODELL

HB 1610, establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire.

CONFEREE CHANGE: SEN. MERRILL REPLACED SEN. DeVRIES

May 18, 2010
2010-2104-EBA
03/09

Enrolled Bill Amendment to SB 339

The Committee on Enrolled Bills to which was referred SB 339

AN ACT excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage bankers, brokers, or services.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 339

This enrolled bill amendment corrects a reference.

Enrolled Bill Amendment to SB 339

Amend RSA 397-A:3, V(b)(1)(B) as inserted by section 1 of the bill by replacing line 2 with the following:
are determined by the commissioner to be organized exclusively for benevolent or charitable purposes

Adopted.

May 18, 2010
2010-2106-EBA
08/04

Enrolled Bill Amendment to SB 405

The Committee on Enrolled Bills to which was referred SB 405

AN ACT relative to grounds for revocation of a school bus driver's certificate and relative to interference with traffic signaling devices.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 405

This enrolled bill amendment makes a grammatical correction to the title.

Enrolled Bill Amendment to SB 405

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

AN ACT relative to grounds for revocation of a school bus driver's certificate and relative to interference with traffic signaling devices.

Adopted.

May 20, 2010
2010-2118-EBA
03/10

Enrolled Bill Amendment to SB 505-FN-A

The Committee on Enrolled Bills to which was referred SB 505-FN-A

AN ACT establishing the commission on health care cost containment and appropriating a special fund.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 505-FN-A

This enrolled bill amendment makes technical corrections and corrects certain references in the bill.

Enrolled Bill Amendment to SB 505-FN-A

Amend RSA 21-S:2 as inserted by section 1 of the bill by replacing line 8 with the following:

Care Act, and H.R. 4872, the Health Care and Education Reconciliation Act of

Amend RSA 21-S:3, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. "Ambulatory surgical facility" means "ambulatory surgical facility" as defined in RSA 151-

Amend RSA 21-S:6, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The impact of hospital subsidy of other community health care services on hospital

Amend RSA 21-S:8 as inserted by section 1 of the bill by replacing line 1 with the following:

21-S:8 Commission on Health Care Cost Containment Fund.

Amend RSA 6:12, I(b)(300) as inserted by section 2 of the bill by replacing line 1 with the following:

(300) Moneys deposited into the commission on health care cost containment fund,

Amend the bill by replacing section 3 with the following:

3 Repeals. The following are repealed:

I. RSA 6:12, I(b)(300), relative to the commission on health care cost containment fund.

II. RSA 21-S, relative to the commission on health care cost containment.

Adopted.

May 12, 2010

2010-2069-EBA

05/09

Enrolled Bill Amendment to SB 517-FN-A

The Committee on Enrolled Bills to which was referred SB 517-FN-A

AN ACT establishing a veterans' legal aid advocacy project.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 517-FN-A

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 517-FN-A

Amend subparagraph I(i)(6) as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

(6) The state veterans council, New Hampshire Legal Assistance, and the Pro Bono Section of the New Hampshire Bar Association have the expertise and experience to implement

Amend subparagraph I(i)(7) as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

(7) New staff at the state veterans council, New Hampshire Legal Assistance, and the Pro Bono Section of the New Hampshire Bar Association is needed to provide legal aid advocacy for more of the

Amend RSA 115-C:3, III as inserted by section 2 of the bill by replacing line 2 with the following:

manner consistent with the purpose outlined in RSA 115-C:1 and the New Hampshire Rules of Professional Conduct.

Adopted.

May 17, 2010
2010-2096-EBA
03/10

Enrolled Bill Amendment to HB 160

The Committee on Enrolled Bills to which was referred HB 160

AN ACT relative to physical force in defense of a person.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 160

This enrolled bill amendment corrects the effective date of the bill.

Enrolled Bill Amendment to HB 160

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 2011.

Adopted.

May 18, 2010
2010-2102-EBA
05/09

Enrolled Bill Amendment to HB 379

The Committee on Enrolled Bills to which was referred HB 379

AN ACT exempting certain meetings concerning collective bargaining from the right-to-know law.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 379

This enrolled bill amendment inserts a contingency to avoid a conflict with SB 425-FN of the 2010 legislative session.

Enrolled Bill Amendment to HB 379

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

2 Contingency. If SB 425-FN of the 2010 legislative session becomes law, RSA 91-A:3, II(j) as inserted by section 1 of this act shall be renumbered as RSA 91-A:3, II(k).

3 Effective Date.

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

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

Adopted.

May 17, 2010
2010-2099-EBA
06/03

Enrolled Bill Amendment to HB 410

The Committee on Enrolled Bills to which was referred HB 410

AN ACT relative to the licensing of alcohol and drug counselors.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 410

This enrolled bill amendment makes grammatical and technical corrections and corrects a reference to the RSA.

Enrolled Bill Amendment to HB 410

Amend section 4 of the bill by replacing line 1 with the following:

4 Definition; Master Licensed Alcohol and Drug Counselor. Amend RSA 330-C:2, XV to read as Amend RSA 330-C:9, I(d) as inserted by section 10 of the bill by replacing it with the following:

(d) The issuance of a MLADC license under RSA 330-C:16.

Amend RSA 330-C:10, I(c)(3) as inserted by section 11 of the bill by replacing line 3 with the following: use disorder;

Amend paragraph I of section 24 of the bill by replacing line 1 with the following:

I. An individual who obtained a license as a MLADC prior to the effective date of this act:

Amend subparagraph I(a) of section 24 of the bill by replacing line 4 with the following: paragraph VI; and

Adopted.

**May 18, 2010
2010-2100-EBA
05/01**

Enrolled Bill Amendment to HB 660-FN

The Committee on Enrolled Bills to which was referred HB 660-FN

AN ACT relative to the life settlements act.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 660-FN

This enrolled bill amendment makes various technical corrections.

Enrolled Bill Amendment to HB 660-FN

Amend RSA 408-D:2, VI(a)(1)(J) as inserted by section 1 of the bill by replacing it with the following:

(J) A plan which involves "stranger-originated life insurance" (STOLI) as defined in paragraph XVI.

Amend RSA 408-D:2, IX(c)(7)(A) as inserted by section 1 of the bill by replacing line 2 with the following: and one or more of its shareholders or one or more trusts established by its shareholders;

Amend RSA 408-D:2, IX(c)(7)(C) as inserted by section 1 of the bill by replacing line 2 with the following: limited liability company and one or more of its members or one or more trusts established by its

Amend RSA 408-D:4, II as inserted by section 1 of the bill by replacing line 2 with the following:

the license of a life settlement provider or life settlement producer, or suspends, revokes, or refuses to

Amend RSA 408-D:7, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) The commissioner may issue subpoenas, administer oaths, and examine under

Amend RSA 408-D:7, V(d) as inserted by section 1 of the bill by replacing line 4 with the following: confidential documents, materials or information subject to this paragraph.

Amend RSA 408-D:7, V(e)(1) as inserted by section 1 of the bill by replacing line 2 with the following: and privileged documents, materials or information subject to this paragraph, with other state,

Amend RSA 408-D:7, V(g) as inserted by section 1 of the bill by replacing line 2 with the following:

similar to the privilege established under this paragraph shall be available and enforced in any

Amend RSA 408-D:7, VIII(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) A person identified in subparagraph (a) or (b) shall be entitled to an award of

Amend RSA 408-D:12, IX as inserted by section 1 of the bill by replacing it with the following:

IX. A violation of paragraph I or II shall be deemed a fraudulent life settlement act.

Adopted.

May 25, 2010

2010-2174-EBA

10/04

Enrolled Bill Amendment to HB 1177

The Committee on Enrolled Bills to which was referred HB 1177

AN ACT establishing a committee to study education and career development programs for youth and young adults in the juvenile and adult criminal justice systems.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1177

This enrolled bill amendment corrects a reference to juvenile probation and parole officers.

Enrolled Bill Amendment to HB 1177

Amend paragraph V of section 4 of the bill by replacing line 1 with the following:

V. Identify training programs for court personnel and juvenile probation and parole

Adopted.

May 24, 2010

2010-2139-EBA

04/01

Enrolled Bill Amendment to HB 1270

The Committee on Enrolled Bills to which was referred HB 1270

AN ACT relative to balancing amounts expended from the renewable energy fund.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1270

This enrolled bill amendment corrects a citation to an RSA chapter.

Enrolled Bill Amendment to HB 1270

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

the program, including reducing the incentive level, created under RSA 362-F:10, V.

Adopted.

May 17, 2010

2010-2097-EBA

06/10

Enrolled Bill Amendment to HB 1524

The Committee on Enrolled Bills to which was referred HB 1524

AN ACT relative to the liability of town and city health officers and overseers of public welfare.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1524

This enrolled bill amendment makes a technical correction and corrects the effective date.

Enrolled Bill Amendment to HB 1524

Amend RSA 31:106 as inserted by section 3 of the bill by replacing lines 6 and 7 with the following:

aldermen, town and city managers, regional planning commissioners, ***town and city health officials, overseers of public welfare***, and superintendents of schools from personal financial loss and

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2011.

Adopted.

**May 18, 2010
2010-2103-EBA
04/10**

Enrolled Bill Amendment to HB 1366

The Committee on Enrolled Bills to which was referred HB 1366

AN ACT making certain technical corrections in the insurance laws.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1366

This enrolled bill amendment makes grammatical corrections, and inserts a contingency to avoid a conflict with HB 1488-FN of the 2010 legislative session.

Enrolled Bill Amendment to HB 1366

Amend section 7 of the bill by replacing line 7 with the following:

notice of the assessment, deadlines for payment, and other instructions to the liquidator

Amend RSA 417-A:5, II(b) as inserted by section 11 of the bill by replacing line 3 with the following:

rules related to cancellation of automobile insurance.

Amend the bill by replacing all after section 14 with the following:

15 Contingency. If HB 1488-FN of the 2010 legislative session becomes law, then section 13 of this act shall not take effect. If HB 1488-FN does not become law, then section 13 of this act shall take effect January 1, 2011.

16 Effective Date.

I. Sections 1-12 and section 14 of this act shall take effect January 1, 2011.

II. Section 13 of this act shall take effect as provided in section 15 of this act.

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

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans.

SB 308, relative to the price for filling prescriptions.

SB 311, relative to special education services for persons incarcerated and persons attending Granite State high school.

SB 325, relative to loitering by intoxicated persons.

SB 326, relative to certain extensions for temporary plates.

SB 342, repealing the \$5,000 surety bond requirement for meals and rentals operators.

SB 352, relative to student insurance.

SB 353, relative to the procedure for administration of insolvent estates.

SB 354, authorizing liens for unpaid building code violations and requiring landlord agents for restricted rental property.

SB 367, relative to games of chance.

SB 390, relative to health insurance premium only cafeteria plans.

SB 398, relative to prohibited sales of alcoholic beverages.

SB 413, relative to obstructions on motor vehicle windows.

SB 425, relative to exemptions to the right-to-know law.

SB 433, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission.

SB 437, relative to the authority of district court justices to issue emergency orders in any district court.

SB 439, making technical corrections and changes to court sites and names.

SB 464, relative to speed limits on Lake Winnepesaukee and reporting vessel operation violations.

SB 481, relative to appropriations for certain turnpike system projects.

SB 484, allowing the New Hampshire children's trust fund to become a nonprofit entity.

SB 494, relative to legislative study committees.

SB 500, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

SB 510, establishing a committee to evaluate the parity between oral and intravenous chemotherapy.

SB 512, relative to the community college system of New Hampshire.

HB 53, relative to the definition of "public body" under the right-to-know law.

HB 160, relative to physical force in defense of a person.

HB 191, relative to liability of a landowner giving permission to ride bicycles on his or her property.

HB 379, exempting certain meetings concerning collective bargaining from the right-to-know law.

HB 630, relative to live racing in New Hampshire.

HB 660, relative to the life settlements act.

HB 1137, relative to withholding of wages.

HB 1156, relative to the determination of parental rights and responsibilities.

HB 1163, relative to the definition of employer for purposes of safety provisions under the workers' compensation law.

HB 1170, relative to licensure of home health care providers.

HB 1206, adopting apple cider as the New Hampshire state beverage.

HB 1215, relative to gender neutral references in certain public assistance statutes.

HB 1223, relative to notice in class action cases under the consumer protection act.

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses.

HB 1235, relative to regulation of dentistry by the board of dental examiners.

HB 1301, relative to the regulation of fuel gas fitters.

HB 1304, extending legislative study committees and commissions.

HB 1306, relative to approval of recommendations of marital masters and judicial referees.

HB 1340, relative to condominium liens for assessments.

HB 1363, relative to continuing care communities.

HB 1379, relative to promotion of the state parks.

HB 1395, relative to workforce housing.

HB 1399, relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities.

HB 1416, making technical corrections to certain department of revenue administration laws.

HB 1480, relative to the New Hampshire rail transit authority.

HB 1481, relative to the use of turnpike tolls.

HB 1483, relative to appropriations in the county budget.

HB 1487, relative to the definition of certified wetland scientists.

HB 1513, relative to fees collected by the secretary of state.

HB 1518, increasing registration fees for certain OHRV and OHRV trails maintenance vehicles, and for transfer of registration of an OHRV or snowmobile.

HB 1520, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

HB 1524, relative to the liability of town and city health officers and overseers of public welfare.

HB 1528, relative to observing voter check-in, relative to challenged voter affidavits, and ratifying certain actions of the Salem school district.

HB 1534, relative to the issuance of air permits and certain fees relative to air permits.

HB 1553, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire.

Sen. D'Allesandro moved adoption of the Report of Committee on Enrolled Bills.

Report of Committee on Enrolled Bills adopted.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Hassan moved that the Senate adjourn from the Late Session.

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 21

June 2, 2010

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Jason Wells, guest chaplain to the Senate, offered the following meditative thoughts and prayer:

Your one and true chaplain, Charles LaFond, misses and regrets not being here today. But he asked for me to bring you a reminder and invitation and welcome that next Wednesday at his home at Blackwater Bluff in Webster he invites all of you Senators to his home for the Second Annual Senate Barbecue. He actually

gave me an extensive menu to read to you, which would leave us here all day and leave us very hungry if I actually read it all. As a good friend of his, we've had dinner at his home many times. Go, you won't be sorry; it will all be wonderful. Everything will be handmade, down to the plates and dishes it's served on.

In the beginning in the Tora and the Bible, God created the heavens and the earth in six days and set aside one day as a day of rest. In between the mighty work of creation and the mighty work of redemption, God ordained a day of rest. With this invitation to a barbecue in mind, as well as knowing that you all have worked very hard in this Session, and I know you have much hard work to come, I exhort you and encourage you in the name of God, either come to this barbecue or find some way to take rest. Take your relaxation and your re-creation for the hard work yet to come. Let us pray:

From among us I ask your prayers for Elisha, and I ask your prayers for everyone's favorite baseball team. O God of peace, who has taught us that in returning and rest, we shall be saved, in quietness and in confidence is our strength. By Your Holy Spirit, move our hearts to make time for rest, for relaxation, for re-creation, and for Sabbath. By Your Holy Spirit, continue to give us that strength to meet the challenges and the hard work yet to come; that in all we do, we make give You glory. This we ask through Your most holy name. Amen

Sen. Downing led the Pledge of Allegiance.

Sen. Kelly introduced Shelby Stanton, Keene High School junior, who thereupon sang the national anthem.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Boutin presented a *RESOLUTION* to Manchester Central High School Granite State Challenge Team students and coaches in recognition of winning the 2009-2010 Granite State SuperChallenge, the annual high school academic quiz tournament broadcast on NHPTV.

Sen. D'Allesandro welcomed the Bakolas, Spiro and Vailas families from Manchester, introducing family members, and presented a *RESOLUTION* to Arianna Vailas in recognition of being named Valedictorian of the Manchester Central High School class of 2010, and presented a *RESOLUTION* to Christiana Bakolas in recognition of scoring more than 1,000 points as a member of the Manchester Central High School girls basketball team.

Sen. Bragdon introduced Anna Steinacher and Ben Carmen, students from Milford High School serving as Senate Pages for today's session. Sen. Letourneau offered remarks relative to the Milford High School pages, recent participants in the winning "We the People" team.

Sen. Odell introduced Jess Bolger, student from Kearsarge Regional High School serving as Senate Page for today's session.

Sen. Houde introduced Kristen Kuzil, student from Kearsarge Regional High School serving as Senate Page for today's session.

COMMITTEE OF CONFERENCE REPORTS

Without objection President Larsen instructed the Clerk to read the first message in its entirety and thereafter read titles only.

**May 25, 2010
2010-2195-CofC
09/04**

Committee of Conference Report on HB 230, an act relative to the burden of proof for a finding of abuse in domestic violence cases.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2011.

The signatures below attest to the authenticity of this Report on HB 230, an act relative to the burden of proof for a finding of abuse in domestic violence cases.

Conferees on the Part of the Senate
 Sen. Lasky, Dist. 13
 Sen. Reynolds, Dist. 2
 Sen. Roberge, Dist. 9

Conferees on the Part of the House
 Rep. Chandley, Hills. 6
 Rep. Stevens, Carr. 4
 Rep. Welch, Rock. 8
 Rep. Shurtleff, Merr. 10

The question is on the adoption of Committee of Conference Report on HB 230.

Committee of Conference Report on HB 230 adopted.

May 26, 2010

2010-2246-CofC

08/09

Committee of Conference Report on HB 431-FN, an act requiring certain engine coolants and anti-freeze to include an aversive agent so that they are rendered unpalatable.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 431-FN, an act requiring certain engine coolants and anti-freeze to include an aversive agent so that they are rendered unpalatable.

Conferees on the Part of the Senate
 Sen. Fuller Clark, Dist. 24
 Sen. Merrill, Dist. 21
 Sen. Odell, Dist. 8

Conferees on the Part of the House
 Rep. Nord, Rock. 1
 Rep. Schlachman, Rock. 13
 Rep. Movsesian, Hills. 22
 Rep. Hunt, Ches. 7

The question is on the adoption of Committee of Conference Report on HB 431-FN.

Committee of Conference Report on HB 431-FN adopted.

(Sen. Reynolds welcomed Grafton County Register of Deeds Bill Sharp, a visitor to the Senate.)

May 26, 2010

2010-2239-CofC

04/01

Committee of Conference Report on HB 621, an act relative to establishing procedures for identifying criminal defendants who may have a mental illness.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Commitment to Hospitals; Competency. Amend RSA 135:17, I to read as follows:

I.(a) When a person is charged or indicted for any offense, or is bound over by any district or [municipal] **superior** court to await the action of the grand jury, the district or superior court before which he or she is to be tried, if a plea of insanity is made in court, or said court is notified by either party that there is a question as to the competency or sanity of the person, may make such order for a pre-trial examination of such person by a qualified psychiatrist or psychologist on the staff of any public institution or by a private qualified psychiatrist or psychologist as the circumstances of the case may require, which order may include, though without limitation, examination at the secure psychiatric unit on an out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or the examination of such person, should he or she be incarcerated for any reason, at his or her place of detention by qualified psychiatrists or psychologists assigned to a state or local mental health facility. Such pre-trial examination shall be completed within [60]

45 days in the case of a person being held at a county correctional facility, otherwise 90 days after the date of the order for such examination, unless either party requests an extension of this period. For the purposes of this paragraph and RSA 135:17-a, III, "qualified" means board-eligible or board-certified in forensic psychiatry or psychology, or demonstrated competence and experience in completing court-ordered forensic criminal evaluations. A licensed out-of-state psychiatrist or psychologist who meets the definition of qualified may also conduct evaluations under this paragraph and RSA 135:17-a, III.

(b) In cases where the person is being held at a county correctional facility, the facility may request a pre-trial examination of such person for the purpose of determining if the person is competent to stand trial. Such request shall be reviewed, and a decision rendered by the district or superior court before which he or she is to be tried.

(c) In cases where the person is incarcerated and a pre-trial examination has not been performed within 45 days of the court's order, the court shall, upon request of the person, order an evaluation by a qualified psychiatrist or psychologist. The court shall favorably consider a request that the psychiatrist or psychologist be treated as a defense expert who shall be compensated pursuant to RSA 604-A:6.

(d) In cases where the person is incarcerated and an examination has not been performed, the court before which he or she is to be tried shall review the person's bail status on a monthly basis.

The signatures below attest to the authenticity of this Report on HB 621, an act relative to establishing procedures for identifying criminal defendants who may have a mental illness.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Houde, Dist. 5
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. Cushing, Rock. 15
Rep. Rodd, Merr. 5
Rep. Swinford, Belk. 5
Rep. Gagne, Hills. 13

The question is on the adoption of Committee of Conference Report on HB 621.

Committee of Conference Report on HB 621 adopted.

**May 26, 2010
2010-2258-CofC
03/05**

Committee of Conference Report on HB 629-FN-A, an act relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 New Section; Unified Carrier Registration Required. Amend RSA 261 by inserting after section 40 the following new section:

261:40-a Unified Carrier Registration Required. It is a violation for any person to drive or for the owner or lessee to cause to be driven on the ways of this state a motor vehicle subject to registration under the provisions of the Unified Carrier Registration Act of 2005, 49 U.S.C. section 14504a, as amended, unless the motor vehicle has been registered and the appropriate fee paid. The fine for a violation of this section shall not exceed \$100 plus penalty assessment for a first offense and \$500 plus penalty assessment for a subsequent offense in a 12-month period.

The signatures below attest to the authenticity of this Report on HB 629-FN-A, an act relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

Conferees on the Part of the Senate
 Sen. Gilmour, Dist. 12
 Sen. Kelly, Dist. 10
 Sen. Boutin, Dist. 16

Conferees on the Part of the House
 Rep. Hatch, Coos 3
 Rep. Osgood, Sull. 4
 Rep. Shattuck, Hills. 1
 Rep. Almy, Graf. 11

The question is on the adoption of Committee of Conference Report on HB 629-FN-A.

Committee of Conference Report on HB 629-FN-A adopted.

May 25, 2010
2010-2214-CofC
08/10

Committee of Conference Report on HB 651-FN, an act relative to regulation of private investigative agencies and security services.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 106-F:3-a, I as inserted by section 6 of the bill by replacing it with the following:

I. There is hereby established an advisory board to review complaints and licensing issues relative to private investigative agencies and security services. Each member shall be appointed by the governor and approved by the council. A member shall continue to serve until a successor is appointed by the governor and council. Members of the board shall serve without compensation. Members shall each serve a term of 3 years. No appointed member shall be eligible to serve more than 3 full consecutive terms, provided that for this purpose only a period actually served which exceeds $\frac{1}{2}$ of the 3-year term shall be deemed full term. Initial appointments made by the governor shall be staggered for terms of one, 2, or 3 years.

Amend RSA 106-F:7, I as inserted by section 10 of the bill by replacing it with the following:

I. Following review of the application, the applicant's references, and investigation into the character, competency and integrity of the applicant, the commissioner shall as soon as practicable issue a license or renewal license in the form prescribed by ~~him~~ **the commissioner** to the applicant, or notify the applicant of denial of the application. **Notification of licensure or the denial of a license shall be forwarded to local law enforcement in the community in which the licensee resides.** Prior to approval of any armed ~~[detective]~~ **private investigator, bail enforcement**, or security license issued under this chapter, the applicant shall submit to a fingerprint examination conducted by the Federal Bureau of Investigation, and the department of safety shall be authorized to use the records of the Federal Bureau of Investigation in the screening of applicants. The applicant shall be responsible for the cost of any background investigation or criminal records check required under this section.

Amend RSA 106-F:12, III as inserted by section 14 of the bill by replacing it with the following:

III. Any license holder who is arrested and charged with any felony or misdemeanor or becomes subject to a domestic violence protective order shall notify the commissioner of safety of the charge and the circumstances within one business day of the issuance of the order or the arrest.

Amend RSA 106-F:13-a as inserted by section 16 of the bill by inserting after paragraph II the following new paragraph:

III. A licensee who is employed or contracted and supervised by an attorney shall not be required to report any of his or her work product which would violate the privilege of confidentiality between the attorney and his or her client.

The signatures below attest to the authenticity of this Report on HB 651-FN, an act relative to regulation of private investigative agencies and security services.

Conferees on the Part of the Senate
 Sen. DeVries, Dist. 18
 Sen. Cilley, Dist. 6
 Sen. Downing, Dist. 22

Conferees on the Part of the House
 Rep. Houde-Quimby, Sull. 1
 Rep. Hawkins, Hills. 18
 Rep. McGuire, Merr. 8
 Rep. Stevens, Carr. 4

The question is on the adoption of Committee of Conference Report on HB 651-FN.

Committee of Conference Report on HB 651-FN adopted.

May 25, 2010

2010-2179-CofC

08/09

Committee of Conference Report on HB 1168, an act clarifying the definition of gross misconduct for purposes of unemployment compensation.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 282:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or ~~[dishonesty connected with his or her work]~~ ***theft of an amount greater than \$500, where such conduct is connected with his or her work***, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

The signatures below attest to the authenticity of this Report on HB 1168, an act clarifying the definition of gross misconduct for purposes of unemployment compensation.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Reynolds, Dist. Dist. 2
Sen. Roberge, Dist. Dist. 9

Conferees on the Part of the House
Rep. Goley, Hills. 8
Rep. S. Kelly, Merr. 7
Rep. J. Knowles, Hills. 27
Rep. Davis, Merr. 7

The question is on the adoption of Committee of Conference Report on HB 1168.

Committee of Conference Report on HB 1168 adopted.

May 26, 2010

2010-2245-CofC

05/10

Committee of Conference Report on HB 1171, an act repealing the prohibitions on Sunday business activities.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1171, an act repealing the prohibitions on Sunday business activities.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Hassan, Dist. 23
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Nord, Rock. 1
Rep. DeStefano, Merr. 13
Rep. Meader, Ches. 3
Rep. R. Holden, Hills. 7

The question is on the adoption of Committee of Conference Report on HB 1171.

Committee of Conference Report on HB 1171 adopted.

May 24, 2010

2010-2153-CofC

08/09

Committee of Conference Report on HB 1239, an act relative to department of environmental services field citations and cease and desist orders.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 Time for Rendering Decision on Wetlands Permit Applications. Amend RSA 482-A:3, XIV(a)(3)-(5) to read as follows:

(3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request:

(A) Approve ~~or deny~~ the application, in whole or in part, **and issue a permit**; or

~~[(B) Commence a non-adjudicative proceeding]~~ **(B) Deny the application and issue written findings in support of the denial; or**

(C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or

~~[(C)]~~ **(D) Extend the time for [response] rendering a decision on the application** for good cause and with the written agreement of the applicant~~[-]; or~~

(4) Where no request for additional information is made pursuant to subparagraph ~~[(b)]~~ **(a)(2)**, within 75 days from the issuance of the notice of administrative completeness **for proposed projects under one acre of jurisdictional impact**, or 105 days **for all others** ~~[if the application proposes more than one acre of jurisdictional impact]~~:

(A) Approve ~~or deny~~ the application, in whole or in part, **and issue a permit**; or

~~[(B) Commence a non-adjudicative proceeding]~~ **(B) Deny the application and issue written findings in support of the denial; or**

(C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner~~[-]; or~~

(D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

(5) Where the department has ~~commenced a non-adjudicative~~ **held a public** hearing on an application filed under this chapter, within 60 days following the closure of the hearing record, approve **the application in whole or in part, and issue a permit** or deny the application ~~[either in whole or in part]~~ **and issue written findings in support of the denial.**

2 Time for Rendering Decision on Wetlands Permit Applications; Remedy. Amend RSA 482-A:3, XIV(b) to read as follows:

(b)(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in ~~[subparagraphs (a)(2) and (c)(4), the department shall notify the applicant that a determination was not made within the statutory time requirements. Upon this notice, the department shall reimburse the applicant 25 percent of the application fee. Within 14 days following the date on which action should have been taken pursuant to the applicable time frame established in subparagraphs (a)(2) or (a)(4), the department shall issue an approval or denial of the permit application, or reach a mutually acceptable agreement with the applicant for an extension of the time limit to act upon the application. After 14 days, if the department has not rendered a decision or made an agreement for an extension, an additional 25 percent of the application fee shall be reimbursed to the applicant]~~ **subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.**

(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

(A) *Approve the application, in whole or in part, and issue a permit; or*

(B) *Deny the application and issue written findings in support of the denial.*

(3) *If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter, RSA 485-A relating to water quality, and federal requirements.*

(4) *Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph (b)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter, and RSA 485-A relating to water quality, and federal requirements.*

3 New Subparagraphs; Suspension of Review of Wetlands Permit Applications; Enforcement Action. Amend RSA 482-A:3, XIV by inserting after subparagraph (e) the following new subparagraphs:

(f) The department may extend the time for rendering a decision under subparagraphs (a)(3)(D) and (a)(4)(D), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 482-A:13, RSA 482-A:14, or RSA 482-A:14-b. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, but shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

(g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

4 Administrative Fines. Amend RSA 482-A:13 to read as follows:

482-A:13 Administrative Fine. The commissioner, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to [~~\$2,000~~] **\$5,000** for each [~~offense~~] **violation, irrespective of the duration of violation**, upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

5 Time for Rendering Decision on Shoreland Permit Applications. Amend RSA 483-B:5-b, V(b) and (c) to read as follows:

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve the application, **in whole or in part**, and issue a permit; **or**

(2) Deny the application, [~~with~~] **and issue** written findings in support of the [~~decision, in whole or in part~~] **denial**; or

(3) Extend the time for [~~response~~] **rendering a decision on the application** for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9[;]:

(1) Approve ~~[or deny]~~ the application, ~~[with]~~ ***in whole or in part, and issue a permit; or***

(2) ***Deny the application, and issue*** written findings in support of the ~~[decision in whole or in part:]~~ ***denial; or***

(3) ***Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.***

6 Time for Rendering Decision on Shoreland Permit Applications; Remedy. RSA 483-B:5-b, V(d) is repealed and reenacted to read as follows:

(d)(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

(A) Approve the application, in whole or in part, and issue a permit; or

(B) Deny the application and issue written findings in support of the denial.

(3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph (d)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

7 New Subparagraphs; Suspension of Review of Shoreland Permit Applications; Enforcement Action. Amend RSA 483-B:5-b, V by inserting after subparagraph (e) the following new subparagraphs:

(f) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

(g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

8 Time for Rendering Decision on Terrain Alteration Permit Applications. Amend RSA 485-A:17, II-b (b) and (c) to read as follows:

(b) If the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve *the application in whole or in part* and issue a permit; *or*

(2) Deny the application~~[, in whole or in part]~~ *and issue written findings in support of the denial*; *or*

(3) Extend the time for [response] *rendering a decision on the application* for good cause and with the written agreement of the applicant.

(c) If no request for additional information is made pursuant to subparagraph (b), the department shall, within 50 days of receipt of the application[:]:

(1) *Approve the application, in whole or in part[:]* *and issue a permit; or*

(2) *Deny the application, and issue written findings in support of the denial; or*

(3) *Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.*

9 Time for Rendering Decision on Terrain Alteration Permit Applications; Remedy. RSA 485-A:17, II-b(d) is repealed and reenacted to read as follows:

(d)(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

(2) Within 14 days of the date of receipt of a written request from the applicant to issue the permit, the department shall:

(A) Approve the application, in whole or in part, and issue a permit; *or*

(B) Deny the application and issue written findings in support of the denial.

(3) If the department does not issue either a permit or a written denial within the 14-day period, the applicant shall be deemed to have a permit by default and may proceed with the project as presented in the application. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this section and RSA 485-A relating to water quality.

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph (d)(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this section and RSA 485-A relating to water quality.

10 New Subparagraphs; Suspension of Review of Terrain Alteration Permit Application; Enforcement Action. Amend RSA 485-A:17, II-b by inserting after subparagraph (e) the following new subparagraphs:

(f) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this section or any rule adopted or permit or approval issued under this section, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this section, pursuant to an action initiated under RSA 485-A:22. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

(g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this section, RSA 482-A, RSA 483-B, or RSA 485-A:29-44, or of any rule adopted or permit or approval

issued pursuant to this section, RSA 482-A, RSA 483-B, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

11 Action on Subdivision and On-Site Waste Disposal Permit Applications. Amend RSA 485-A:31 to read as follows:

485-A:31 Action on Applications.

I. Subject to paragraphs II and III, the department shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within 30 days of the date such plans and specifications and the required fees are received by the department and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within 15 working days of the date such plans and specifications and the required fees are received by the department. Unless such written disapproval shall be mailed to the person submitting plans and specifications within 30 days in the case of plans and specifications for subdivision of land and 15 working days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt with the required fees by the department, the plans and specifications shall be deemed to have been approved. The department shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

II. The department may extend the time for rendering a decision under paragraph I, without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with RSA 485-A:29-44, or any rule adopted or permit or approval issued pursuant to RSA 485-A:29-44, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by RSA 485-A:29-44, pursuant to an action initiated under RSA 485-A:42 or RSA 485-A:43. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

III. The department may suspend a review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of RSA 485-A:29-44; RSA 482-A; RSA 483-B; or RSA 485-A:17, or of any rule adopted or permit or approval issued pursuant to RSA 485-A:29-44; RSA 482-A; RSA 483-B; or RSA 485-A:17. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13; RSA 482-A:14; RSA 482-A:14-b; RSA 483-B:18; RSA 485-A:22; RSA 485-A:42; or RSA 485-A:43.

12 Physical Review of Factors Affecting Air Quality. Amend RSA 200:11-a, I to read as follows:

I. The school principal, or designee shall annually investigate the air quality of any schoolhouse or building used for school purposes using a [check-list] checklist provided by the department of education. The checklist shall be established in rules adopted by the state board of education pursuant to RSA 541-A. The purpose of the review shall be to consider physical factors that can influence the air quality within the schoolhouse or building. The review shall require a physical assessment of the facilities, not a measurement of the air quality. The checklist shall allow an evaluation of the following physical conditions that can impact air quality: general cleanliness, ventilation, moisture control, and chemical use and storage. The completed [check-list] checklist shall be filed after the annual inspection with the department of education, the local school board, and the local health officer. Checklists shall remain on file for 5 years. Checklists shall be reviewed during the 5 year school approval process and shall be a factor in the approval process for a public school.

13 Contingency. If HB 1289 of the 2010 legislative session becomes law, section 12 of this act shall take effect January 1, 2011 at 12:01 a.m. If HB 1289 does not become law, section 12 of this act shall not take effect.

14 State Water Pollution Control and Drinking Water Revolving Loan Funds. RSA 486:14, I(b) is repealed and reenacted to read as follows:

(b) A sum equal to 2 percent of all loan principal balances outstanding each year, which shall be an administrative charge, shall be set aside to be used by the department of environmental services to pay the costs of administering the state water pollution control and drinking water revolving loan funds. The funds set aside shall be deposited in nonlapsing water pollution control and drinking water loan administration funds and shall be continually appropriated to the department exclusively for the purposes of this section. If the sum of the administrative charge plus interest charge as established by rules of the department of environmental services based on market rates is less than 2 percent for a loan, then the administrative charge shall be equal to this sum and no interest charge shall be assessed on the loan.

15 Contingency. If HB 1399 of the 2010 legislative session becomes law, section 14 of this act shall take effect at 12:01 a.m. on the effective date of HB 1399. If HB 1399 does not become law, section 14 of this act shall not take effect.

16 Effective Date.

I. Sections 1-11 of this act shall take effect 60 days after its passage.

II. Section 12 of this act shall take effect as provided in section 13 of this act.

III. Section 14 of this act shall take effect as provided in section 15 of this act.

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

The signatures below attest to the authenticity of this Report on HB 1239, an act relative to department of environmental services field citations and cease and desist orders.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Merrill, Dist. 21
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. Spang, Straf. 7
Rep. McClammer, Sull. 5
Rep. Rous, Straf. 7
Rep. C. Christensen, Hills. 19

The question is on the adoption of Committee of Conference Report on HB 1239.

Committee of Conference Report on HB 1239 adopted.

May 25, 2010

2010-2197-CofC

03/05

Committee of Conference Report on HB 1262, an act relative to disabled parking signs.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Parking Signs; Disabled. Amend RSA 265:73-a to read as follows:

265:73-a Parking Signs; Disabled. A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post or a building. Said sign shall be clearly visible to anyone directly approaching that particular space. ***Failure to comply with the sign placement requirements of this section shall subject the property owner to a \$250 fine, provided that the owner shall not be fined more than once in any 120-day period for the same violation.***

The signatures below attest to the authenticity of this Report on HB 1262, an act relative to disabled parking signs.

Conferees on the Part of the Senate
 Sen. Gilmour, Dist. 12
 Sen. Fuller Clark, Dist. 24
 Sen. Boutin, Dist. 16

Conferees on the Part of the House
 Rep. M. O'Brien, Hills. 26
 Rep. R. Williams, Merr. 11
 Rep. L'Heureux, Hills. 19
 Rep. C. Williams, Hills. 14

The question is on the adoption of Committee of Conference Report on HB 1262.

Committee of Conference Report on HB 1262 adopted.

May 27, 2010

2010-2295-CofC

08/10

Committee of Conference Report on HB 1267-LOCAL, an act relative to applications for hawkers and peddlers licenses.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Hawkers and Peddlers Licenses; Penalties. Amend the introductory paragraph of RSA 31:102-a to read as follows:

31:102-a Hawkers, Peddlers and Vendors. The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a [violation] **class B misdemeanor**, and each continuing day of violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

2 New Section; Background Checks for Certain Vendors. Amend RSA 31 by inserting after section 102-a the following new section:

31:102-b Background Checks for Certain Vendors.

I. Any municipality may require persons who go from door to door, place to place within a town, or from town to town, who sell, offer to sell, or take orders for merchandise or offer to perform personal services for household repairs or improvements, to submit to a state records check only, or both a federal and state records check. Municipalities that require a criminal history records check shall have such person submit to the municipality a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. To obtain a federal record check, such person shall also submit to the municipality, with the release form, a complete set of fingerprints.

II. For a state and federal criminal records check, the municipality shall request that such person submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. The municipality shall submit the criminal history records release form and inked fingerprint card to the division of state police which shall conduct a criminal records check through its records and through the Federal Bureau of Investigation. Fingerprints taken digitally by Live Scan or similar device will be transmitted directly to the New Hampshire division of state police. In the event that the first set of fingerprints is invalid due to insufficient pattern, the municipality may, in lieu of

the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 10 years. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the local law enforcement agency of the municipality which shall maintain the confidentiality of all criminal history records information received pursuant to this section. The municipality may charge a fee to recover the costs of such investigation.

III. To obtain a state records check only, the municipality shall submit a state criminal history records release form, completed by such person, to the division of state police.

IV. Such person shall also include the location of all municipalities in which such person seeks to transact business. Such municipalities, in accordance with their licensing requirements, shall have access to the results of the criminal history records check and the New Hampshire division of state police shall release copies of the criminal history records to such municipalities. Such person shall be responsible for any additional fees for any administrative costs incurred by the New Hampshire division of state police under this section.

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

2010-2295-CofC

The signatures below attest to the authenticity of this Report on HB 1267-LOCAL, an act relative to applications for hawkers and peddlers licenses.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Fuller Clark, Dist. 24
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Cooney, Graf. 7
Rep. Sterling, Ches. 7
Rep. Schuett, Merr. 7
Rep. Wheeler, Merr. 6

2010-2295-CofC

AMENDED ANALYSIS

This bill enables municipalities to require hawkers, peddlers, and certain vendors to submit to a state and federal criminal background check.

The question is on the adoption of Committee of Conference Report on HB 1267-L.

Committee of Conference Report on HB 1267-L adopted.

May 26, 2010

2010-2253-CofC

10/01

Committee of Conference Report on HB 1326, an act relative to the use of long-term antibiotics for the treatment of Lyme disease.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1326, an act relative to the use of long-term antibiotics for the treatment of Lyme disease.

Conferees on the Part of the Senate
Sen. Gilmour, Dist. 12
Sen. Kelly, Dist. 10
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. French, Merr. 5
Rep. Merrick, Coos 2
Rep. Case, Rock. 11
Rep. Cebrowski, Hills. 18

The question is on the adoption of Committee of Conference Report on HB 1326.

Committee of Conference Report on HB 1326 adopted.

May 25, 2010

2010-2169-CofC

09/10

Committee of Conference Report on HB 1337, an act relative to requirements for public forums for the assessing standards board and the equalization standards board.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Certification of Persons Making Appraisals. Amend the introductory paragraph of RSA 21-J:14-f, II to read as follows:

II. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, requirements for continuing education, and decertification of, ***suspension of, or other disciplinary actions against*** persons required to be certified in paragraph I. Such rules shall specify the minimum qualifications with respect to education and training required for certification according to the following functional job categories ranked in ascending hierarchical order:

The signatures below attest to the authenticity of this Report on HB 1337, an act relative to requirements for public forums for the assessing standards board and the equalization standards board.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Houde, Dist. 5
Sen. Barnes Jr., Dist. 17

Conferees on the Part of the House
Rep. Schmidt, Straf. 4
Rep. Patten, Carr. 4
Rep. R. Day, Hills. 7
Rep. Hawkins, Hills. 18

The question is on the adoption of Committee of Conference Report on HB 1337.

Committee of Conference Report on HB 1337 adopted.

May 25, 2010
2010-2170-CofC
04/03

Committee of Conference Report on HB 1361, an act relative to procedures for notification of parole hearings.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1361, an act relative to procedures for notification of parole hearings.

Conferees on the Part of the Senate
Sen. Reynolds, Dist. 2
Sen. Houde, Dist. 5
Sen. Letourneau, Dist. 19

Conferees on the Part of the House
Rep. Welch, Rock. 8
Rep. Cushing, Rock. 15
Rep. Stevens, Carr. 4
Rep. Burrige, Ches. 3

The question is on the adoption of Committee of Conference Report on HB 1361.

Committee of Conference Report on HB 1361 adopted.

May 25, 2010
2010-2186-CofC
01/09

Committee of Conference Report on HB 1364, an act relative to Medicare unfair trade practices.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1364, an act relative to Medicare unfair trade practices.

Conferees on the Part of the Senate
Sen. Hassan, Dist. 23
Sen. Reynolds, Dist. 2
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. McEachern, Rock. 16
Rep. Keans, Straf. 1
Rep. Hammond, Hills. 3
Rep. D. Flanders, Belk. 4

The question is on the adoption of Committee of Conference Report on HB 1364.

Committee of Conference Report on HB 1364 adopted.

May 26, 2010

2010-2218-CofC

03/04

Committee of Conference Report on HB 1380-FN, an act relative to assessing fees by zoning boards of adjustment.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1380-FN, an act relative to assessing fees by zoning boards of adjustment.

Conferees on the Part of the Senate
Sen. Houde, Dist. 5
Sen. DeVries, Dist. 18
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. Kidder, Merr. 1
Rep. Walz, Merr. 13
Rep. Stetson, Merr. 10
Rep. Davis, Merr. 7

The question is on the adoption of Committee of Conference Report on HB 1380-FN.

Committee of Conference Report on HB 1380-FN adopted.

May 26, 2010

2010-2259-CofC

08/10

Committee of Conference Report on HB 1393, an act relative to the treatment of New Hampshire investment trusts.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

6 Limitations on Reserves and Administrative Expenses of Pooled Risk Management Programs. The secretary of state, in consultation with the insurance commissioner and by employing the services of an actuary who has experience with pooled risk management programs and is a qualified member of the American Academy of Actuaries shall, no later than January 1, 2011, submit a report to the speaker of the house of representatives, the president of the senate, the senate committee and house committee with jurisdiction over matters of commerce, and the governor, containing specific recommendations concerning the limitation of reserves in pooled risk management programs and the limitation on administrative expenses as a percentage of claims of pooled risk management programs. The secretary of state may use funds from the investor education fund established in RSA 421-B:21, II-c to pay for the services of the actuary.

7 Periodic Reporting. The secretary of state shall provide a report of ongoing investigations of any pooled risk management programs at least every 6 months to the senate committee and house committee with jurisdiction over matters of commerce.

8 Repeal. The following are repealed:

I. 2009, 128:4, relative to the 2011 amendment of the pooled risk management program informational filing fee.

II. 2009, 128:5, I, relative to the effective date of the amendment of pooled risk management program informational filing fee.

III. RSA 5-B:4-a, relative to pooled risk management programs and the secretary of state.

9 Effective Date.

I. Paragraph III of section 8 of this act shall take effect July 1, 2013.

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

The signatures below attest to the authenticity of this Report on HB 1393, an act relative to the treatment of New Hampshire investment trusts.

Conferees on the Part of the Senate
Sen. Reynolds, Dist. 2
Sen. Cilley, Dist. 6
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Butler, Carr. 1
Rep. DeStefano, Merr. 13
Rep. McEachern, Rock. 16
Rep. Quandt, Rock. 13

The question is on the adoption of Committee of Conference Report on HB 1393.

A roll call was requested.

Recess. Out of recess.

(President Larsen acknowledged the birth of Caden Warren Phillips, son of State Police Trooper Scott Phillips and wife Tracey, born May 29, 2010; applause of congratulations was bestowed upon Trooper Phillips briefly in attendance.)

The question is on the adoption of Committee of Conference Report on HB 1393.

A roll call had been requested by Sen. Reynolds, seconded by Sen. Cilley.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Committee of Conference Report on HB 1393 adopted.

**May 27, 2010
2010-2301-CofC
08/10**

Committee of Conference Report on HB 1417, an act allowing companion dogs in certain areas of restaurants.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Dogs; Restaurants and Food Stores. Amend RSA 466:44 to read as follows:

466:44 Restaurants and Food Stores.

I. Except as provided in paragraph II, no person shall bring any animal into any restaurant or any store that sells food; and no person shall allow any animal to enter in any store that sells food, except for guide dogs leading blind persons, and the hearing ear dog and the service dog as provided in RSA 167-D. Whoever violates the provisions of this [section] ***paragraph*** shall be guilty of a violation.

II. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a service dog is present.

The signatures below attest to the authenticity of this Report on HB 1417, an act allowing companion dogs in certain areas of restaurants.

Conferees on the Part of the Senate
Sen. Hassan, Dist. 23
Sen. Cilley, Dist. 6
Sen. Sgambati, Dist. 4

Conferees on the Part of the House
Rep. Butler, Carr. 1
Rep. Hammond, Hills. 3
Rep. Schlachman, Rock. 13
Rep. Nevins, Rock. 15

The question is on the adoption of Committee of Conference Report on HB 1417.

Committee of Conference Report on HB 1417 adopted.

**May 26, 2010
2010-2269-CofC
06/09**

Committee of Conference Report on HB 1448, an act relative to town audits.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 41:31-d, II as inserted by section 1 of the bill by replacing it with the following:

II. Unless otherwise required by law, within 10 days of the acceptance by the governing body of any completed audit, a complete copy of the audit and any accompanying management letter shall be submitted to the commissioner by the governing body. If the governing body has not accepted the audit and any applicable adjustments within 45 days of its receipt, the audit as received or adjusted and any accompanying management letter shall be submitted to the commissioner by the governing body with an explanation for non-acceptance. The governing body may, for good cause, petition the commissioner for an extension of time for submittal.

The signatures below attest to the authenticity of this Report on HB 1448, an act relative to town audits.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Houde, Dist. 5
Sen. Barnes Jr., Dist. 9

Conferees on the Part of the House
Rep. Cooney, Graf. 7
Rep. Gagnon, Sull. 4
Rep. Schuett, Merr. 7
Rep. Patten, Carr. 4

The question is on the adoption of Committee of Conference Report on HB 1448.

Committee of Conference Report on HB 1448 adopted.

Without objection President Larsen moved that HB 1459 be taken up when it returns from Graphic Services at the end of conference committee action.

May 25, 2010
2010-2196-CofC
08/09

Committee of Conference Report on HB 1461, an act relative to the municipal regulation of the sale of martial arts weapons.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 31:39, I(p) as inserted by section 1 of the bill by replacing it with the following:

(p) Regulating the retail display and accessibility of martial arts weapons including throwing stars, throwing darts, nunchaku, blow guns, or any other objects designed for use in the martial arts that are capable of being used as lethal or dangerous weapons.

Amend the bill by replacing section 2 with the following:

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

The signatures below attest to the authenticity of this Report on HB 1461, an act relative to the municipal regulation of the sale of martial arts weapons.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Houde, Dist. 5
Sen. Letourneau, Dist. 19

Conferees on the Part of the House
Rep. Cooney, Graf. 7
Rep. Stiles, Rock. 15
Rep. Wheeler, Merr. 6
Rep. Lauterborn, Straf. 1

2010-2196-CofC

AMENDED ANALYSIS

This bill enables municipalities to regulate the retail display and accessibility of martial arts objects that are capable of being used as lethal or dangerous weapons.

The question is on the adoption of Committee of Conference Report on HB 1461.

Committee of Conference Report on HB 1461 adopted.

May 26, 2010
2010-2264-CofC
06/09

Committee of Conference Report on HB 1462, an act establishing a shoreland advisory committee.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 New Section; Shoreland Advisory Committee Established. Amend RSA 483-B by inserting after section 20 the following new section:

483-B:21 Shoreland Advisory Committee. There is established a shoreland advisory committee. All members shall be New Hampshire residents representing diverse geographic areas of the state. The primary focus of this committee is to address residential shorefront owner input and perspective relating to shoreland development regulated under the comprehensive shoreland protection act under this chapter and the regulation of shoreline structures under RSA 482-A.

I. The advisory committee shall include:

(a) Ten representatives appointed by the governor who own property within the protected shoreland. There shall be 3 representatives for lakes greater than 1,000 acres, 2 representatives for lakes less than 1,000 acres, 2 representatives for rivers designated under RSA 483, 2 representatives for rivers greater than fourth order, and one representative for tidal areas. No body of water shall have more than one representative who owns property within its protected shoreland.

(b) Ten representatives of the following organizations appointed by the commissioner of the department of environmental services:

(1) A representative of a regional planning commission or the office of energy and planning.

(2) A representative of the New Hampshire Association of Natural Resource Scientists.

(3) A representative of the Granite State Designers and Installers.

(4) A representative of the New Hampshire Lakes Association.

(5) A representative of the New Hampshire Rivers Council.

(6) A representative of the New Hampshire Home Builders and Remodelers Association.

(7) A representative of the Granite State Landscape Architects.

(8) A representative from the department of environmental services who shall serve as a nonvoting member of the committee.

(9) A representative of the New Hampshire Marine Trades Association.

(10) A representative of The Nature Conservancy.

II. The committee shall solicit information from other state agencies on an as needed basis.

III. The members shall serve until December 31, 2013.

IV. Any vacancy shall be filled in the same manner as the original appointment.

V. The representative of the department of environmental services shall call the first meeting 90 days after the effective date of this section as long as the majority of appointments have been confirmed. Ten members shall constitute a quorum. At its first meeting the committee shall elect a chairperson, vice chairperson, and secretary. Subsequent meetings shall be at the call of the chair, or at the request of 6 or more committee members.

(a) The committee shall meet 4 times per year.

(b) The committee secretary shall contact the chairman of the senate energy, environment and economic development committee and the chairman of the house resources, recreation and development committee to post scheduled meetings and public hearing times and places in the legislative calendars.

VI. The committee shall make suggestions to the commissioner of the department of environmental services relative to the implementation of the comprehensive shoreland protection act under this chapter and the regulation of shoreline structures under RSA 482-A. In order to accomplish these purposes, the committee may:

(a) Identify issues that need clarification or modification in the rules and statutes.

(b) Prepare written comment for the commissioner to suggest potential rules changes.

(c) Prepare written comment for the commissioner to suggest statutory changes.

(d) Aid in the design and implementation of outreach strategies and guidance documents.

VII. The commissioner of the department of environmental services shall include representation from the committee when a stakeholder group is formed by the department to assist in developing rules relative to shoreline structures under RSA 482-A and the protected shoreland under this chapter. The committee shall present any comments to proposed rules to the commissioner in writing.

2 Repeal. RSA 483-B:21, relative to the shoreland advisory committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2013.

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

The signatures below attest to the authenticity of this Report on HB 1462, an act establishing a shoreland advisory committee.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Lasky, Dist. 13
Sen. Bradley, Dist. 3

Conferees on the Part of the House
Rep. Tupper, Merr. 6
Rep. Moody, Rock. 12
Rep. Gottling, Sull. 3
Rep. Bolster, Belk. 5

2010-2264-CofC

AMENDED ANALYSIS

This bill establishes a shoreland advisory committee.

The question is on the adoption of Committee of Conference Report on HB 1462.

Committee of Conference Report on HB 1462 adopted.

May 26, 2010

2010-2242-CofC

03/10

Committee of Conference Report on HB 1477, an act relative to checklist information.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 New Section; Asserting a Challenge. Amend RSA 659 by inserting after section 27 the following new section:

659:27-a Asserting a Challenge.

I. No challenge may be asserted except in the form of a signed affidavit, under oath administered by an election official, in the following form:

INFORMATION ON THE PERSON MAKING THE CHALLENGE

Name of Person Making the Challenge:

Last Name	First Name	Middle Name/Initial
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Party affiliation

If person making a challenge is a voter: Physical Address – Street Name & Number

If person is a political party or attorney general appointee: mailing address & phone number

The challenger's qualifications to assert the challenge

INFORMATION ON THE VOTER BEING CHALLENGED: The person making the challenge shall complete the following:

Name being used by the voter who you wish to challenge:

Last Name	First Name	Middle Name
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GROUND FOR THE CHALLENGE: The person making the challenge shall indicate the ground on which the challenge is made (check all grounds that apply).

_____ The person seeking to vote is not the individual whose name he or she has given

_____ The person seeking to vote has already voted in the election at (name polling place) _____
at approximately (state time if known) _____

_____ The person seeking to vote is disqualified as a voter by conviction of a willful violation of the elections laws (state offense, court, and date of conviction) _____

_____ The person seeking to vote is under 18 years of age

_____ The person seeking to vote is not a United States Citizen

_____ The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote (state person's true domicile —town/city) _____

_____ The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration (state name of institution person is in) _____

_____ This is a primary and the person seeking to vote in the (state political party name) _____
primary is not a declared member of the party he or she claims to be affiliated with

_____ The person seeking to vote is ineligible to vote pursuant to the following state or federal statute or constitutional provision: _____

BASIS FOR THE CHALLENGE: The person making the challenge shall state the specific source of the information or personal knowledge upon which the challenge of the particular individual is based:

OATH: The person making the challenge shall complete the following:

I hereby swear and affirm, under the penalties of perjury, that to the best of my knowledge and belief the information above is true and correct.

(Signature of challenger)

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

TO BE COMPLETED BY THE MODERATOR: Ruling on the challenge:

If the ground at issue is age, citizenship, or domicile: The supervisors of the checklist have ruled that the challenged voter is: qualified as a voter; not qualified as a voter.

The moderator rules on challenges based on other grounds. The moderator rules that the challenge is: well grounded; not well grounded. If it is ruled that the voter is not qualified or that the challenge is well grounded, the challenged person may vote only if he or she completes and swears to a challenged votes affidavit.

II. A challenge may be asserted only upon personal knowledge or other basis of probable cause that the challenged voter is ineligible to vote. No challenge may be accepted unless one of the following grounds is asserted and specific facts are offered in support of such grounds:

(a) The person seeking to vote is not the individual whose name he or she has given.

(b) The person seeking to vote has already voted in the election at the time and place specified in the challenge.

(c) The person seeking to vote is disqualified as a voter by conviction of a willful violation of the elections laws, such conviction having been for the offense specified in the challenge.

(d) The person seeking to vote is under 18 years of age.

(e) The person seeking to vote is not a United States citizen.

(f) The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote because the person's true domicile is in the town or city specified in the challenge.

(g) The person seeking to vote does not reside at the address listed for that person on the checklist.

(h) The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration in the institution specified in the challenge.

(i) The person is attempting to vote in a primary and the person is not a declared member of the party with which he or she claims to be affiliated.

(j) The person is ineligible to vote pursuant to some other state or federal statute or constitutional provision specified in the challenge.

Amend the bill by replacing section 7 with the following:

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

The signatures below attest to the authenticity of this Report on HB 1477, an act relative to checklist information.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Houde, Dist. 5
Sen. Merrill, Dist. 21

Conferees on the Part of the House
Rep. Pierce, Graf. 9
Rep. Perry, Straf. 3
Rep. Jasper, Hills. 27
Rep. Clemons, Hills. 24

The question is on the adoption of Committee of Conference Report on HB 1477.

Committee of Conference Report on HB 1477 adopted.

May 26, 2010
2010-2248-CofC
03/09

Committee of Conference Report on HB 1486, an act prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential sprinkler requirements.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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

1 State Board of Fire Control; Rules; Sprinkler Systems. Amend RSA 153:5 to read as follows:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation, or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt the most recent edition of the provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in *detached one- or 2-family dwelling units in a*

structure used only for residential purposes, in areas of buildings or additions[,] in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities, or electronic data processing equipment, or in telecommunications or electric utility company equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries, and standby engines or generators, provided that those spaces or areas are equipped throughout with an automatic fire detection system. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures, or equipment. The fire marshal may exempt a building, structure, or equipment from such rules if he **or she** finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

2 Fire Protection and Warning Devices in Dwellings. Amend RSA 153:10-a, III to read as follows:

III. The state fire marshal may adopt such rules pursuant to RSA 541-A as necessary to enforce paragraphs I, II, and II-a; **provided that under no circumstances shall the rules require the installation of a fire sprinkler system in a detached one- or 2-family dwelling unit in a structure used only for residential purposes that otherwise meets the requirements of this section.** The state fire marshal shall either enforce the provisions of this section or appoint the appropriate municipal authority to enforce the provisions of this section.

3 New Paragraph; State Building Code Review Board; Fire Sprinkler Systems. Amend RSA 155-A:10 by inserting after paragraph VI the following new paragraph:

VII. The state building code review board shall not adopt or enforce any rule requiring the installation of fire sprinkler systems in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. This paragraph shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

4 Municipal Sprinkler Requirements.

I. No municipality or local land use board as defined in RSA 672 shall, prior to July 1, 2011, unless such adoption is earlier authorized by law, adopt or enforce any ordinance, regulation, code, or administrative practice requiring the installation of fire sprinkler systems in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. This section shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

II. The prohibition against adoption and enforcement of municipal fire sprinkler requirements in paragraph I shall not apply to any municipal ordinance or regulation adopted prior to the effective date of this section. Such an ordinance or regulation may be amended to effect corrections consistent with the original scope and intent of the ordinance or regulation.

III. The prohibition against adoption and enforcement of municipal fire sprinkler requirements in paragraph I shall not prevent a planning board from finding that particular subdivision applications are scattered or premature, in accordance with RSA 674:36, II(a), for lack of adequate fire protection. In such cases, applicants may propose, and a planning board may accept, the installation of fire sprinkler systems as a means of addressing the planning board's findings.

5 Committee to Study Municipal Residential Fire Sprinkler Requirements.

I. There is established a committee to study municipal residential fire sprinkler requirements.

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

(a) Three members of the house of representatives, one of whom shall be a member of the commerce and consumer affairs committee, one of whom shall be a member of the executive departments and administration committee, and one of whom shall be a member of the municipal and county government committee, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall study existing municipal residential fire sprinkler requirements and whether the interests of safety justify authorizing municipalities to adopt sprinkler requirements for residential structures in the future.

V. 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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

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

The signatures below attest to the authenticity of this Report on HB 1486, an act prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential sprinkler requirements.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Lasky, Dist. 13
Sen. Roberge, Dist. 9

Conferees on the Part of the House
Rep. Nord, Rock. 1
Rep. McEachern, Rock. 16
Rep. Schlachman, Rock. 13
Rep. Nevins, Rock. 15

The question is on the adoption of Committee of Conference Report on HB 1486.

Committee of Conference Report on HB 1486 adopted.

May 27, 2010
2010-2304-CofC
10/04

Committee of Conference Report on HB 1512, an act establishing a deferred retirement option in the judicial retirement plan.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1512, an act establishing a deferred retirement option in the judicial retirement plan.

Conferees on the Part of the Senate
Sen. D'Allesandro, Dist. 20
Sen. DeVries, Dist. 18
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Harding, Graf. 11
Rep. Hawkins, Hills. 18
Rep. P. McMahon, Merr. 3
Rep. Benn, Graf. 9

The question is on the adoption of Committee of Conference Report on HB 1512.

Committee of Conference Report on HB 1512 adopted.

May 26, 2010
2010-2231-CofC
09/04

Committee of Conference Report on HB 1516-FN-A, an act relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1516-FN-A, an act relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

Conferees on the Part of the Senate

Sen. Kelly, Dist. 10

Sen. Janeway, Dist. 7

Sen. Odell, Dist. 8

Conferees on the Part of the House

Rep. Baroody, Hills. 13

Rep. Davis, Merr. 7

Rep. L. Weber, Ches. 2

Rep. Keans, Straf. 1

The question is on the adoption of Committee of Conference Report on HB 1516-FN-A.

Committee of Conference Report on HB 1516-FN-A adopted.

May 26, 2010

2010-2219-CofC

05/04

Committee of Conference Report on HB 1566-FN, an act requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 167:4-a, VI and VII as inserted by section 2 of the bill by replacing them with the following:

VI. The department, in coordination with financial institutions doing business in the state, may develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide, when requested by the department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5 years of information regarding the name, record address, social security number or other taxpayer identification number, monthly account balance, and other identifying information for each applicant or recipient who maintains an account at the financial institution, as identified by the department by name and social security number or other taxpayer identification number. The system shall be based on a cost-effective search algorithm and shall include means to assure compliance with the provisions of this section. The department shall provide a status report regarding the implementation of the data match system to the oversight committee on health and human services, established in RSA 126-A:13, on or before November 1, 2010, and annually thereafter, until implementation has been fully completed. The report shall summarize the department's findings and recommendations to date, including savings generated by both incremental asset identification and the time and labor associated with the process, the feedback and reactions of applicants and recipients, any barriers to implementation, anticipated future actions, and the department's assessment of the relative success of the project.

VII. In this section, "financial institution," except as otherwise provided in 12 U.S.C. section 3414, means any office of a bank, savings bank, card issuer as defined in 15 U.S.C. section 1602(n), industrial loan company, trust company, savings association, building and loan, or homestead association, including cooperative banks, credit union, or consumer finance institution, located in any state or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

The signatures below attest to the authenticity of this Report on HB 1566-FN, an act requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

Conferees on the Part of the Senate

Sen. Gilmour, Dist. 12

Sen. Kelly, Dist. 10

Sen. Downing, Dist. 22

Conferees on the Part of the House

Rep. Bridgham, Carr. 2

Rep. Cebrowski, Hills. 18

Rep. McEachern, Rock. 16

Rep. Mitchell, Ches. 7

The question is on the adoption of Committee of Conference Report on HB 1566-FN.

Committee of Conference Report on HB 1566-FN adopted.

May 25, 2010

2010-2225-CofC

03/04

Committee of Conference Report on HB 1610-FN, an act establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Section 2 of this act shall take effect July 1, 2015.

The signatures below attest to the authenticity of this Report on HB 1610-FN, an act establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Merrill, Dist. 21
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. Cushing, Rock. 15
Rep. P. Garrity, Hills. 14
Rep. K. Roberts, Ches. 3
Rep. Fields, Belk. 2

The question is on the adoption of Committee of Conference Report on HB 1610-FN.

Committee of Conference Report on HB 1610-FN adopted.

May 26, 2010

2010-2270-CofC

08/09

Committee of Conference Report on HB 1613-FN, an act relative to the general banking laws of the state.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1613-FN, an act relative to the general banking laws of the state.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Reynolds, Dist. 2
Sen. Bragdon, Dist. 11

Conferees on the Part of the House
Rep. Keans, Straf. 1
Rep. Winters, Hills. 17
Rep. P. McMahon, Merr. 3
Rep. Hunt, Ches. 7

The question is on the adoption of Committee of Conference Report on HB 1613-FN.

Committee of Conference Report on HB 1613-FN adopted.

May 27, 2010

2010-2293-CofC

04/10

Committee of Conference Report on HB 1620-FN-A, an act establishing state park number plates.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 2011.

The signatures below attest to the authenticity of this Report on HB 1620-FN-A, an act establishing state park number plates.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Kelly, Dist. 10
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. M. O'Brien, Hills. 26
Rep. C.P. Brown, Rock. 9
Rep. Umberger, Carr. 1
Rep. Hinch, Hills. 19

The question is on the adoption of Committee of Conference Report on HB 1620-FN-A.

Committee of Conference Report on HB 1620-FN-A adopted.

May 24, 2010

2010-2144-CofC

10/05

Committee of Conference Report on HB 1623, an act requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1623, an act requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug.

Conferees on the Part of the Senate
Sen. Gilmour, Dist. 12
Sen. Kelly, Dist. 10
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Schulze, Hills. 26
Rep. DiPentima, Rock. 16
Rep. Tilton, Merr. 6
Rep. Case, Rock. 1

The question is on the adoption of Committee of Conference Report on HB 1623.

Committee of Conference Report on HB 1623 adopted.

May 26, 2010

2010-2278-CofC

06/09

Committee of Conference Report on HB 2010, an act relative to the state 10-year transportation improvement program.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Legislative Appropriation of Passenger Railroad Expenditures. Prior to the expenditure of any state or federal moneys by the state of New Hampshire, or its representatives, on the construction or reconstruction of any passenger railroad infrastructure, or the operation of passenger railroad service, the department of transportation and the New Hampshire rail transit authority shall first receive approval from the general court for both the capital and operating budgets related to passenger rail service. Said legislation should, pursuant to house and senate rules, be sent to the public works and highways and finance committees in the house of representatives and the transportation and interstate cooperation and finance committees in the senate, prior to its being acted on by the respective legislative bodies. This section shall not apply to federal money received or expended for planning purposes or studies related to passenger rail service.

Amend the bill by replacing all after section 11 with the following:

12 Study of the F.E. Everett Turnpike. The commissioner of the department of transportation shall study the best location of the southbound and northbound mainline open road toll lanes on the F.E. Everett Turnpike. The study shall include the locations to be tolled, the recommended rate, the feasibility of eliminating one or more tolls at the exit ramps in Merrimack, and the necessity and feasibility of widening the 2-lane segments of the turnpike to 3 lanes in each direction. The department of transportation shall hold 4 public hearings, one in each of the following municipalities: Manchester, Nashua, Bedford, and Merrimack. Said study shall be completed and reported to the governor, GACIT, the president of the senate, the speaker of the house of representatives, the chairmen of the transportation and interstate cooperation committee, the public works and highways committee, the senate finance committee, and the house finance committee on or before November 30, 2010.

13 Issuance of Revenue Bonds; Replacement of Memorial Bridge in Portsmouth. Amend RSA 228-A:2 to read as follows:

228-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "federal highway grant anticipation bonds." The bonds may be issued from time to time for the purpose of financing project costs related to the widening of Interstate 93 from Manchester to the Massachusetts border, ***the replacement or repair of the Memorial Bridge and the Sarah Mildred Long Bridge in Portsmouth, New Hampshire*** and any other federally aided highway project hereafter authorized by the general court to be financed under this chapter. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The bonds shall be issued by the treasurer in such amounts as the governor and council shall determine, not exceeding \$195,000,000 ***for Interstate 93 and \$45,000,000 for the replacement or repair of the Memorial Bridge and the Sarah Mildred Long Bridge. Debt service for federal highway grant anticipation bonds (Garvee bonds) for the bridges shall be paid from a portion of future federal bridge funds.*** Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 15 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, including above or below par value, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

14 Memorial Bridge and Sarah Mildred Long Bridge in Portsmouth.

I. Pursuant to the long standing agreement between New Hampshire and Maine, both states shall remain equally responsible for the costs associated with the replacement, repair, maintenance, and operation of the Memorial and Sarah Mildred Long Bridges.

II. To the extent the state of New Hampshire expends money on the replacement or repair of the Memorial Bridge or the Sarah Mildred Long Bridge before the state of Maine, the state of New Hampshire shall receive a credit with accrued interest towards the total replacement or repair costs of the Memorial and Sarah Mildred Long Bridges. Under no circumstances shall New Hampshire's costs exceed ½ of the total costs to repair or replace both bridges.

III. No money shall be expended by the state of New Hampshire for the replacement or repair of either bridge until the states of New Hampshire and Maine have signed an agreement consistent with paragraphs I and II.

IV. Any funds received from the state of Maine for its share of the cost of replacing or repairing the Memorial Bridge or the Sarah Mildred Long Bridge shall be deposited by the state treasurer into a specially designated account within the federal aid program for bridge replacement and rehabilitation.

15 Study of Franconia Notch Parkway. The commissioner of the department of transportation shall study the general safety and related improvements for Interstate Route 93 known as the Franconia Notch parkway that passes through the towns of Lincoln and Franconia. Such study and its recommendations shall be in accordance with the memorandum of agreement between the department of transportation, the Appalachian

Mountain Club, and the Society for the Protection of New Hampshire Forests, dated November 18, 1977, as amended in 1983 and 1993, and approved and incorporated by order of the U.S. District Court, district of New Hampshire, December 14, 1979, in civil actions 74-208 and 74-219. Said study shall be completed and reported to the governor, GACIT, and the general court on or before November 15, 2011.

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

The signatures below attest to the authenticity of this Report on HB 2010, an act relative to the state 10-year transportation improvement program.

Conferees on the Part of the Senate
Sen. Fuller Clark, Dist. 24
Sen. Kelly, Dist. 10
Sen. Letourneau, Dist. 19

Conferees on the Part of the House
Rep. Campbell, Hills. 24
Rep. Ramsey, Hills. 8
Rep. Bouchard, Merr. 11
Rep. Chandler, Carr. 1

The question is on the adoption of Committee of Conference Report on HB 2010.

Committee of Conference Report on HB 2010 adopted.

May 28, 2010
2010-2350-CofC
10/04

Committee of Conference Report on HB 1490, an act establishing a task force to study state revenues and expenditures.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 21-I:89 as inserted by section 1 of the bill by replacing it with the following:

21-I:89 Reports. On or before March 31, 2011, and every year thereafter, the citizens task force shall make a report of its findings and recommendations, including any recommendations for future legislation, to the governor, the speaker of the house of representatives, president of the senate, and the state library. The task force also may submit recommendations for future legislation during any designated filing period of the general court or as otherwise permitted by legislative rule.

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

2 Notification of Security Breach Required. Amend RSA 359-C:20, V to read as follows:

V. Any person engaged in trade or commerce that is subject to RSA 358-A:3, I which maintains procedures for security breach notification pursuant to the laws, rules, regulations, guidances, or guidelines issued by a state or federal regulator shall be deemed to be in compliance with this subdivision if it acts in accordance with such laws, rules, regulations, guidances, or guidelines. ***In the case of a financial institution, as defined in RSA 359-C:3, it shall file with the bank commissioner a copy of what it is required to file with its state or federal regulator under such laws, rules, regulations, guidances, or guidelines at the same time as it is filed with the regulator. The bank commissioner may adopt rules setting forth the manner of such filing with the bank commissioner.***

3 Annual Audits. Amend RSA 384:43 to read as follows:

384:43 Annual Audits.

I. The board of trustees or directors of every financial institution, except credit unions, under the supervision of the bank commissioner, shall [employ] ***engage*** a certified public accountant or public accountant, at least annually, to serve as its auditor. ***Each financial institution shall give written notice to the bank commissioner of its engagement of an auditor at the time of its engagement and shall require its auditor to confirm the engagement in writing to the commissioner within 30 days of such engagement. Each financial institution shall give written notice to the bank commissioner of the termination of the engagement of an auditor at the time of such termination and shall require the auditor to confirm the termination in writing to the commissioner within 30 days of such termination.***

II. ~~[The auditors selected in]~~ ***Any auditor engaged pursuant to*** paragraph I, shall examine the books, accounts and operating systems of the institution in such a manner as in ~~[their]~~ ***its*** judgment will result in an audit that is in agreement with generally accepted accounting standards.

III. ~~[Institutions subject to this section may satisfy the requirements of paragraphs I and II by:-~~

~~(a) Engaging an independent external accounting firm which renders an audit report and opinion consistent with the duties of the auditor described in paragraph II; or~~

~~(b) Employing an internal audit staff which conducts a continuing internal audit program, provided an independent external auditor reviews the internal audit procedures and reports to the board annually; or~~

~~(c) Entering into an arrangement with the bank commissioner, approved by the directors by duly recorded vote and by the commissioner in writing, under which the commissioner makes one examination each year of the affairs of the institution. The expense of such examination shall be chargeable to and paid by the institution. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. Any such arrangement may be terminated by either party upon at least 30 days notice in writing.~~

~~IV.]~~ Each financial institution shall direct its auditor to provide, ***and the auditor shall provide*** the bank commissioner with a copy of its audit report, within 60 days after each is made available to the financial institution. ~~[Reports on the review of internal audit program shall be submitted in a format prescribed by the commissioner in a rule adopted pursuant to RSA 541-A.]~~ All such reports, memoranda, and correspondence remain the property of the individual financial institution.

~~[V.]~~ **IV.** The bank commissioner shall, in the course of his ***or her*** regular official examination of the institution and at such other times that he ***or she*** considers advisable, review and analyze the work and reports of such ~~[accountants and]~~ auditors. ***The auditors shall provide the commissioner with such work and reports as the commissioner may reasonably request provided such request is limited to matters that relate to the safety and soundness of the institution.*** If the commissioner determines that any audit is inadequate or substantially violates the provisions of this section, he ***or she*** shall report his ***or her*** findings with instructions in writing to the trustees or directors, who shall, within 30 days after receiving such report, cause the institution to comply with the report and instructions.

4 Petition. Amend RSA 386-A:4, I to read as follows:

I. A petition requesting approval of the proposed incorporation shall be filed with the bank commissioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall be annexed a signed duplicate of the articles of agreement. An examination fee of ~~[\$1,500]~~ ***\$10,000*** shall be paid when the petition is filed. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. The bank commissioner shall examine each petition and if he ***or she*** finds that it is duly completed, he ***or she*** shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition as he ***or she*** considers expedient, for the purpose of more fully informing the board. Said board may, upon request of any interested person or corporation or at its own discretion, order a public hearing, or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the board may order. ***Any petition not deemed complete may be rejected by the bank commissioner. A rejected petition may be re-filed with the bank commissioner upon such form and in such manner as prescribed by the bank commissioner and a re-filing fee of up to \$10,000 shall be paid.***

5 Petition. Amend RSA 392:5, I to read as follows:

I. A petition setting forth said organizational instrument or its terms, signed by the organizers and requesting that the board of trust company incorporation grant a charter shall be filed with the bank commissioner in the form prescribed by the commissioner. The commissioner shall designate in such form the questions, requests for information and certifications applicable only to deposit taking or lending institutions that need not be responded to by organizers of a nondepository trust company. An examination fee of ~~[\$5,000]~~ ***\$10,000*** shall be paid when the petition is filed. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. ***A petition may be rejected as incomplete by the bank commissioner. A rejected petition may be re-filed with the bank commissioner upon such form and in such manner as prescribed by the bank commissioner and a re-filing fee of up to \$10,000 shall be paid.***

6 Approval of Voluntary Dissolution; Filing Fee. Amend RSA 392:46, III to read as follows:

III. Upon completion of all actions required under the plan of dissolution and conditions, if any, prescribed by the board of incorporation, necessary to liquidate the trust company or to effect the reorganization, the applicant shall submit a written report of its actions to the board of incorporation and the applicant's board of directors shall certify, under oath, that it is true and correct. Following receipt of the report, the bank commissioner may examine the trust company to determine whether the commissioner is satisfied that all required actions have been taken to liquidate or reorganize the trust company in accordance with the plan of dissolution and any conditions prescribed by the board. ***The cost of the examination shall be paid by the applicant.*** Not later than 60 days after the filing of the report, the board of incorporation shall examine the report and the bank commissioner's findings, and, if it is satisfied, shall so notify the applicant in writing that the dissolution has been completed and is final. Thereupon, the applicant shall surrender its charter to the board, and the board shall issue a certificate of dissolution to be filed with the secretary of state pursuant to RSA 392:47. If the board is not satisfied that all required actions have been taken, it shall notify the applicant in writing what additional actions shall be taken to be eligible for a certificate of dissolution. The board shall establish a deadline for the submission of evidence that the additional actions have been taken. The board may extend the deadline for good cause shown. If the applicant fails to file a supplemental report showing that the additional actions have been taken before the deadline, or submits a report that is found not to be satisfactory by the board of incorporation, the board shall notify the applicant in writing that its application is not approved, and the applicant may appeal the decision pursuant to RSA 541.

7 Election; Oath. Amend RSA 384:5 to read as follows:

384:5 Election; Oath.

I. Officers, directors [and], trustees ***and managers (in the case of a limited liability company)*** shall be elected ***or appointed*** as frequently as the charter or bylaws of the bank or savings association may require, but not less than once every 3 years[~~and they shall hold office until others are elected and qualified~~].

II. All officers, directors [and], trustees ***and managers (in the case of a limited liability company) of any bank, trust company, or savings association*** upon election, ***or appointment*** shall be sworn to the faithful discharge of their duties[~~except that they shall be required to take an oath of office only on the first occasion of their election or appointment and shall not be required to take any such oath thereafter~~]. ***Within 30 days of the oath being administered, a certified statement signed by the director, trustee, or manager of a limited liability company stating that he or she was duly sworn into office shall be forwarded to the bank commissioner. The commissioner may adopt rules under RSA 541-A to effectuate this section.***

8 Organization. Amend RSA 392:14 to read as follows:

392:14 Organization. The organizers shall adopt bylaws which may be incorporated in an operating agreement if the company is a limited liability company, and shall also elect, or cause to be elected, such directors or managers and officers as may be required by the organizational instrument or bylaws. All directors, managers, and officers so elected shall be sworn to the faithful performance of their duties ***in accordance with RSA 384:5***. A temporary clerk or secretary shall make and attest a record of the proceedings until the clerk or secretary has been chosen and sworn, including a record of such choice and qualification.

9 Oath. Amend RSA 394-B:30 to read as follows:

394-B:30 Oath. All directors [and], members of ***the*** supervisory [and] ***or*** credit committees, [as well as] ***and*** all officers [whom such directors may elect] ***upon their election or appointment and at each re-election or re-appointment***, shall be sworn to the faithful performance of their duties. A record of every such qualification shall be filed and preserved with the records of the corporation.

Within 30 days of the oath being administered, a certified statement signed by the director or committee member stating that he or she was duly sworn into office shall be forwarded to the bank commissioner. The commissioner may adopt rules under RSA 541-A to effectuate this section.

10 Duties; Commissioner. Amend RSA 394-B:30 to read as follows:

383:9 Duties.

I. The commissioner shall have general supervision of all banks (except national banks), trust companies, building and loan associations, credit unions, Morris plan banks, small loan companies, and other similar institutions in the state. He ***or she*** shall examine into the condition and management of all such institutions

[at least] every 18 months [with the exception of highly rated institutions provided for in RSA 383:9-d], and more often when necessary in his *or her* judgment or when so directed by the governor. [He] *The commissioner* may regulate the buying or selling of securities by [savings] banks for officers, employees, or customers. He *or she* shall assign to the deputy commissioner and the assistants appointed under RSA 383:7 such of his duties as he *or she* sees fit. *In accordance with RSA 383:9-d, qualified institutions may be examined less often, but at no time shall the commissioner examine into the condition and management of any institution less than every 36 months.*

II. [The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the duties assigned him by paragraph I.] *The commissioner may conduct an examination at any location of the institution's operations, including any place where assets are located or where records are made, posted, or kept. The commissioner shall have the power to conduct such an examination outside the state of New Hampshire and outside the United States and its territories.*

III. The commissioner shall have power to make any special examination, investigation, or visitation of any supervised institution as frequently as the commissioner deems necessary.

IV. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the duties assigned him or her by this section.

11 Examination of Qualified Institutions; Nondepository Trust Companies. Amend RSA 383:9-d to read as follows:

383:9-d Examination of [Highly Rated] *Qualified* Institutions; Nondepository Trust Companies.

I. [The bank commissioner may, at his or her discretion, waive one 18-month examination requirement under RSA 383:9 every 6 years for institutions which have consistently been given high ratings in past examinations. The commissioner may also substitute for an 18-month examination once every 6 years a report of a federal institution examining agency whose reports regularly include a report on New Hampshire institutions.] Within any 6-year period in which 4 18-month examinations are required under RSA 383:9, the commissioner may for [highly rated] institutions *qualified under paragraph II*:

(a) Waive one examination;

(b) Substitute for one examination a report of a federal bank examining agency whose reports regularly include a report on New Hampshire banks; and

(c) Perform 2 examinations as required by 383:9.

II. *An institution qualifies for examination treatment under paragraph I and III if:*

(a) It has consistently been given high ratings in past exams;

(b) It is not currently subject to an enforcement proceeding or order; and

(c) The commissioner has deemed it prudent to apply this provision.

III. The commissioner may, at his or her sole discretion, upon the written request of a [highly-rated] nondepository trust company *qualified under paragraph II*, satisfy the examination requirement of RSA 383:9, including modifications under paragraph I, for such trust company through an off-premises examination of:

(a) An audit report satisfying the requirements of RSA 384:43, I and II [if it is prepared in accordance with RSA 384:43, III(a) and (b),] and a fiduciary audit conforming to applicable generally accepted auditing standards; and

(b) Such other records and information of the institution as may be required by the commissioner.

12 New Section; Affiliates of Institutions. Amend RSA 383 by inserting after section 9-h the following new section:

383:9-i Affiliates of Institutions.

I. For purposes of this section, "affiliate" shall have the same meaning as in the Federal Reserve Act sections 23A(b), as amended from time to time (12 U.S.C. section 371c(a), and the regulations adopted thereunder.

II. In the course of conducting any examination, special examination, investigation, or visitation of any institution under RSA 383:9, the commissioner shall, subject to the limitations of federal law, have the juris-

diction and power to examine any affiliate of such institution. Such an examination is limited to those issues which, in the determination of the commissioner, affect the safe and sound operation of the institution and the relationship between the institution and the affiliate.

13 Petition; Trust Companies; Criminal History Records Check. RSA 392:5, III is repealed and reenacted to read as follows:

III.(a) The department may complete a background investigation and criminal history records check on the petitioner's organizers, officers, and directors or managers, and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners, as defined in RSA 397-A:1, VIII-a.

(b) If required by the department, the persons described in subparagraph (a) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the petitioner to pay the actual costs of each background investigation and criminal history records check.

IV. The failure of a petitioner to furnish required information, data, other material, or the required fee within 30 days after a request may be considered an abandonment of the petition.

14 Petition; Banks' Criminal History Records Check. RSA 386-A:4, II is repealed and reenacted to read as follows:

II.(a) The department may complete a background investigation and criminal history records check on the petitioner's organizers, officers, and directors, trustees or managers and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including individuals, that owns, beneficially own, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

(b) If required by the department, the persons described in subparagraph (a) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the petitioner to pay the actual costs of each background investigation and criminal history records check.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the petition required by paragraph I.

15 New Section; Savings Associations; Criminal History Records Check. Amend RSA 393 by inserting after section 1-b the following new section:

393:1-c Savings Associations; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the incorporators, officers and directors, and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including individuals, that owns, beneficially own, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

16 New Section; Credit Unions. Amend RSA 394-B by inserting after section 4 the following new section:

394-B:4-a Credit Unions; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the persons seeking to form a credit union, the proposed officers and directors of the credit union and any person in a similar position or performing similar functions.

II. If required by the department, the persons described in paragraph I above shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

17 Credit Unions; Use of Funds. Amend RSA 394-B:16, I-II to read as follows:

I. It may deposit its money in any corporate credit union whose shares and deposits are insured by the National Credit Union Administration or other qualified share and deposit insurance fund deemed acceptable by the bank commissioner, and may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association or national bank in New England that is **federally** insured [~~by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation~~].

II. It may invest up to the insured amount in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in the United States, [~~which~~] **that is federally** insured [~~by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation~~].

18 Minimum Capital Requirements; Investment of Capital; Liquidity Requirements. Amend RSA 392:25, I to read as follows:

I. The initial capital required to organize a trust company shall be not less than \$500,000. The board of trust company incorporation may require, in the exercise of its discretion based on safety and soundness factors, as set forth in paragraph IV, additional capital at such levels as it determines is necessary to protect against the risks inherent in the business of the trust company. Once organized, a nondepository trust company shall maintain a minimum level of capital required by the commissioner to operate in a safe and sound manner based upon his or her examination of the company, provided that the level of capital shall not be less than \$500,000. **The commissioner may, by rule, order, or declaratory ruling set liquidity requirements for such capital.**

19 New Paragraph; Minimum Capital Requirements; Investment of Capital; Liquidity Requirements. Amend RSA 392:25 by inserting after paragraph X the following new paragraph:

XI. In addition to the capital required by paragraph I, the commissioner may by rule, order, or declaratory ruling set minimum liquidity requirements.

20 Consumer Complaints and Restitution. Amend RSA 383:10-d to read as follows:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate **and enjoin** conduct that is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that may violate any of the provisions of Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. **The commissioner may issue, amend or rescind such orders as are reasonably necessary to carry out provisions of this section and chapter RSA 358-A.** The commissioner may request the assistance and services of the consumer protection and antitrust bureau of the department of justice. In the instance of conduct involving an alleged criminal offense, the commissioner shall refer to the department of justice all aspects relevant to the criminal investigation and prosecution of such matter.

21 New Section; Nondepositories; Criminal History Records Check. Amend RSA 383 by inserting after paragraph 9-i the following new section:

383:9-j Nondepository Financial Institutions; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the person or group of persons acting in concert who acquire directly or indirectly 10 percent or more of the beneficial ownership or control of the voting shares of a nondepository financial institution, new officers, and directors and any person in a similar position or performing similar functions. If the acquirer is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

22 New Section; Merchant Banks; Criminal History Records Check. Amend RSA 392-A by inserting after section 6 the following new section:

392-A:6-a Merchant Bank; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the person or group of persons acting in concert who acquire directly or indirectly 10 percent or more of the beneficial ownership or control of the voting shares, new officers, and directors and any person in a similar position or performing similar functions. If the acquirer is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

23 New Paragraph; PDIP Advisory Committee; Defense and Indemnity. Amend RSA 383:24 by inserting after paragraph II the following new paragraph:

III. Any person who serves on the advisory committee shall be considered a state employee solely for the purpose of defense and indemnification from civil suits under RSA 99-D for claims arising from the performance of his or her duties under this section; provided, however, that such person shall not be indemnified from any civil suit arising out of a criminal act.

24 Public Deposit Investment Pool; Advisory Committee Membership. Amend RSA 383:24, I(a) to read as follows:

(a) The state treasurer, *or designee*.

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

The signatures below attest to the authenticity of this Report on HB 1490, an act establishing a task force to study state revenues and expenditures.

Conferees on the Part of the Senate
Sen. Hassan, Dist. 23
Sen. Odell, Dist. 8
Sen. Reynolds, Dist. 2

Conferees on the Part of the House
Rep. Almy, Graf. 11
Rep. Bergin, Hills. 6
Rep. Hatch, Coos 3
Rep. Foose, Merr. 1

2010-2350-CofC**AMENDED ANALYSIS**

This bill:

- I. Establishes a citizens task force to study state revenues and expenditures.
- II. Increases certain bank fees.
- III. Allows the banking commissioner to examine certain financial institutions.
- IV. Requires a statement be sent to the bank commissioner when new officers are sworn in.
- V. Requires background and criminal history records checks for persons seeking to form a trust company or other banking institution.

The question is on the adoption of Committee of Conference Report on HB 1490.

A roll call was requested.

Recess. Out of recess.

The question is on the adoption of Committee of Conference Report on HB 1490.

A roll call was requested by Sen. Hassan, seconded by Sen. Bradley.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Barnes, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Committee of Conference Report on HB 1490 adopted.

May 28, 2010

2010-2337-CofC

07/03

Committee of Conference Report on HB 1607-FN-A, an act relative to the reasonable compensation deduction under the business profits tax.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Findings. The general court finds that amending RSA 77-A:4, III, as inserted by section 2 of this act, is necessary for the following reasons:

I. Good tax policy requires clear tax law that treats similarly situated business organizations equally, responds to changing business practices, provides taxpayers with clear and simple guidance, encourages compliance, and enhances the growth of jobs and income in our state.

II. Small business in particular is both a major part of our economy and the basis of our future prosperity.

III. The interest and dividends tax statute, RSA 77, was put in place in 1923 to tax unearned income, that is, income from investments of capital, excluding income earned from the provision of personal services by natural persons.

IV. The business profits tax statute, RSA 77-A, was put in place in 1970 to tax the profits of businesses, excluding income earned by their owners through the provision of personal services, when natural persons. This exclusion, called reasonable compensation, has always been one of the expenses that a business can deduct when calculating its business profits tax.

V. There is a major body of federal law, as well as judicial and administrative decisions surrounding the definition of reasonable compensation, but this is not referenced in current state law, creating needless confusion among taxpayers.

VI. Requiring every small business owner to provide the specific records of their personal services to their business organization would place an intolerable burden on small businesses and on our economy.

VII. On the other hand, allowing every business owner to designate whatever they take from their business organization as either earned or investment income, without possibility of review or challenge by the department, would shift the burden of taxation to those who report honestly, laying the tax open to constitutional challenge.

VIII. A balance is struck by providing small business owners with a record-keeping safe harbor for taking the deduction, that is a simple test of reasonable compensation below which the commissioner shall not review or challenge the taxpayer's assertion, except to verify that some personal service was provided by the natural person named. If the business organization takes a deduction for personal compensation of an owner above the record-keeping safe harbor, it will be required to provide proof that the claimed deduction is indeed reasonable.

IX. This proof shall be based, to the extent applicable to the tax structure of the state of New Hampshire, on the standards set forth in the Internal Revenue Code section 162(a)(1), as those standards have been interpreted by the decisions of the United States Tax Court and other courts, as well as United States Treasury regulations and rulings by the Internal Revenue Service.

X. The provision in current law, last updated in 1991, which provides a minimum deduction for compensation of \$6,000 per partner or proprietor is unreasonably restrictive, and needs to be updated with a record-keeping safe harbor that reflects the realities of today's business environment.

XI. The enactment of a balanced approach with an updated safe harbor provision will simplify the business profits and interest and dividends tax rules for all businesses, eliminate costly and inefficient audits, and relieve small businesses in particular of unnecessary uncertainty and burdensome paperwork related to taking the deduction for personal compensation.

2 Reasonable Compensation. RSA 77-A:4, III is repealed and reenacted to read as follows:

III. In the case of any business organization filing a business profits tax return as a proprietorship or partnership, a deduction for an amount equal to a fair and reasonable compensation for the personal services of the proprietor, partners, or members who are natural persons actually devoting time and effort in the operation of the business organization; provided, however, that nothing contained in this section shall permit the deduction of amounts that are attributable to an owner's return on investment of capital in the business organization in determining taxable business profits. The business organization shall bear the burden of proof in demonstrating the reasonableness of any compensation deduction taken under this paragraph.

(a) The purpose of this paragraph is to permit a deduction from gross business profits of a business organization filing as a proprietorship or partnership, only of such amounts as are fairly attributable to the personal services of a proprietor, partner, or member and which such individual or individuals might reasonably earn in total compensation if performing like services as an employee or employee-owner of a corporation so that amounts attributable to the provision of personal services are determined in the same manner regardless of the form of entity through which the business activities are conducted.

(b) Reasonable compensation deductions may reduce a business organization's taxable business profits below zero for any taxable period only if such compensation has actually been paid.

(c) The amount of the deduction allowed under this paragraph shall be determined, as applicable to the tax structure of the state of New Hampshire, using the standards set forth in section 162(a)(1) of the United States Internal Revenue Code, as it may be amended from time to time, and the Treasury Regulations, administrative rulings, and judicial cases issued thereunder.

(d) The amount of any deduction claimed for reasonable compensation under this section may also include an amount not to exceed 15 percent of the gross selling price as commission on the sale of business assets.

(e) Each business organization claiming a compensation deduction under RSA 77-A:4, III shall provide on a schedule attached to its annual return setting forth the following information:

(1) The total reasonable compensation deduction claimed by the business organization for the tax year; and

(2) The amount of such deduction allocated to each proprietor, partner, or member actually devoting time and effort in the operation of the business organizations entitled to the deduction.

(f) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe-harbor, to deduct up to \$50,000 as total compensation for the tax year;

(g)(1) In this paragraph, "record-keeping safe harbor" means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (h) of this section.

(2) Notwithstanding subparagraph III(g)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(h) A business organization or group of related business organizations may elect the record-keeping safe-harbor option in subparagraph III(f) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed personal services for the business organization or group of related business organizations.

(i) Related business organizations electing not to substantiate the extent of the personal services of their proprietors, partners, and members, shall be limited to the safe harbor deduction, less any owners' compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, "related business organizations" are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

3 Applicability.

I. RSA 77-A:4, III(f)-(i) as inserted by section 2 of this act shall apply for taxable periods beginning on or after January 1, 2011.

II. The remainder of section 2 of this act shall apply for taxable periods beginning on or after January 1, 2010.

4 New Section; Committee to Study the Record-Keeping Safe Harbors for the Compensation Deduction and the Taxation of Investment Organizations. Amend RSA 77-A by inserting after section 4-a the following new section:

77-A:4-b Committee to Study Safe Harbors and Taxation of Investment Organizations.

I. There is established a committee to study the record-keeping safe harbors for the compensation deduction and taxation of investment organizations. The committee shall consist of the following individuals:

(a) Three members from the house of representatives, 2 of whom shall be members of the ways and means committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. The committee shall:

(a) Study whether the burden of proof for safe harbors should be revised.

(b) Consider the provision of additional safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory, or the percentage of gross revenues, or the percentage of gross business profits using the independent investor return test, or any other issue related to the reasonable compensation deduction.

(c) Study the taxation of distributions received from investment organizations under the Interest and Dividends Tax.

(d) Consider any other issue which the committee deems relevant to the study of safe harbors and taxation of investment organizations.

III. The committee may solicit testimony from any individual or organization with information or expertise which the committee deems relevant to its objective.

IV. Three members of the committee shall constitute a quorum. The committee shall select a chairperson from among its members. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. No later than November 1, 2011 and annually thereafter, the committee shall submit a report of its findings and any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate standing committees with jurisdiction over business taxation.

6 Income Accumulations; Taxation. Amend RSA 77:11 to read as follows:

77:11 Accumulations.

~~[I. Income accumulated in trust for the benefit of unborn or unascertained persons shall be taxed as if accumulated for the benefit of inhabitants of this state.~~

H.] Income accumulated in an employee benefit plan, as defined by the Employment Retirement Income Security Act of 1974, section 3, 29 United States Code § 1002(3), as amended, or in a trust comprising a part of such a plan, shall not be subject to taxation under RSA 77:1.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 2011.

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

2010-2337-CofC

The signatures below attest to the authenticity of this Report on HB 1607-FN-A, an act relative to the reasonable compensation deduction under the business profits tax.

Conferees on the Part of the Senate
Sen. Reynolds, Dist. 2
Sen. D'Allesandro, Dist. 20
Sen. Hassan, Dist. 23

Conferees on the Part of the House
Rep. Hatch, Coos 3
Rep. Vachon, Straf. 3
Rep. Walsh, Hills. 11
Rep. Lockwood, Merr. 6

2010-2337-CofC

AMENDED ANALYSIS

This bill establishes certain requirements for the reasonable compensation deduction under the business profits tax. The bill creates a committee to study safe harbors and taxation of investment organizations.

This bill also deletes a provision subjecting to taxation certain income accumulated in trust for the benefit of unborn or unascertained persons.

The question is on the adoption of Committee of Conference Report on HB 1607-FN-A.

A roll call was requested by Sen. Hassan, seconded by Sen. Reynolds.

The following Senators voted Yes: Gallus, Reynolds, Bradley, Sgambati, Houde, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, DeVries, Letourneau, D'Allesandro, Merrill, Downing, Hassan, Fuller Clark.

The following Senators voted No: Barnes.

Yeas: 23 - Nays: 1

Committee of Conference Report on HB 1607-FN-A adopted.

Recess. Out of recess.

AFTERNOON SESSION
COMMITTEE OF CONFERENCE REPORTS, RESUMED
HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

SB 59, relative to the renovation and replacement of school buildings.

SB 73-FN, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

SB 150, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

SB 181-FN-A, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

SB 205-FN, making various changes to the criminal statutes.

SB 302, relative to notice of driver's license expiration.

SB 313, extending the repeal date of the state park system advisory council and relative to field purchases and transfers of funds for the state park system and the bureau of trails.

SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

SB 320, relative to occupational exposure to the human immunodeficiency virus.

SB 357-FN, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

SB 358-FN, relative to whistleblower protection and waste prevention in state government.

SB 383-FN, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

SB 402-FN, relative to state-owned vehicles.

SB 408, relative to purchasing alliances.

SB 411, relative to permitting of large groundwater withdrawals.

SB 420, relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

SB 428, establishing a committee to study dispatch times within the enhanced 911 system.

SB 440, relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

SB 442, relative to the grant program to administer exotic aquatic plant prevention.

SB 478, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

SB 480, relative to appeals of decisions by the department of environmental services.

SB 485-FN-A, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

SB 486-FN, relative to the school building aid program.

SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

SB 503, relative to unique pupil identification.

SB 520-FN-L, relative to school district liability for special education costs.

May 26, 2010
2010-2238-CofC
04/05

Committee of Conference Report on SB 59, an act relative to the renovation and replacement of school buildings.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 School Building Aid; Approval of Plans. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning *pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B*. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive an annual grant as provided herein.

The signatures below attest to the authenticity of this Report on SB 59, an act relative to the renovation and replacement of school buildings.

Conferees on the Part of the Senate
 Sen. Fuller Clark, Dist. 24
 Sen. Merrill, Dist. 21
 Sen. Letourneau, Dist. 19

Conferees on the Part of the House
 Rep. Rous, Straf. 7
 Rep. Yeaton, Merr. 8
 Rep. J. Day, Rock. 13
 Rep. Stiles, Rock. 15

The question is on the adoption of Committee of Conference Report on SB 59.

Committee of Conference Report on SB 59 adopted.

May 26, 2010
2010-2226-CofC
09/03

Committee of Conference Report on SB 73-FN, an act requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 73-FN, an act requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

Conferees on the Part of the Senate
Sen. Merrill, Dist. 21
Sen. Fuller Clark, Dist. 24
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. R. Read, Rock. 16
Rep. Townsend, Graf. 10
Rep. Pastor, Graf. 9
Rep. F. Holden, Hills. 4

The question is on the adoption of Committee of Conference Report on SB 73-FN.

Committee of Conference Report on SB 73-FN adopted.

May 25, 2010

2010-2192-CofC

06/09

Committee of Conference Report on SB 150, an act relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Special Number Plates for Certain Veterans. RSA 261:86, II is repealed and reenacted to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued without the \$4 per plate fees under RSA 261:75 but shall require payment of the regular registration fee. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

The signatures below attest to the authenticity of this Report on SB 150, an act relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

Conferees on the Part of the Senate
Sen. Letourneau, Dist. 19
Sen. Gilmour, Dist. 12
Sen. Boutin, Dist. 16

Conferees on the Part of the House
Rep. M. O'Brien, Hills. 26
Rep. C.P. Brown, Rock. 9
Rep. R. Williams, Merr. 11
Rep. Hinch, Hills. 19

The question is on the adoption of Committee of Conference Report on SB 150.

Committee of Conference Report on SB 150 adopted.

May 26, 2010

2010-2262-CofC

03/01

Committee of Conference Report on SB 157, an act relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of section 9 of the bill by replacing it with the following:

9 Rotation of Party Columns; 2010 General Election. Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall publicly select by lot the actual party columns to be positioned on the 2010 general election ballot according to the generic column rotation plan established in this section. The first actual party column drawn by lot shall occupy all positions corresponding to the generic party column "1" designation; the second actual party column drawn by lot shall occupy all positions corresponding to the generic party column "2" designation and so forth until all actual party columns are assigned positions on all ballots. If more party columns are required, the secretary of state shall establish such generic party column.

Amend the bill by replacing all after section 9 with the following:

10 Preparation of State General Election Voting Materials; Party Columns. Amend RSA 656:5 to read as follows:

656:5 Party Columns.

I. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The party columns that list the names of candidates for offices that elect more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The left-most column shall begin one line below the column to its right. The secretary of state shall determine the *vertical* location of any additional columns that may appear on the ballot.

II. *The position of party columns shall be rotated on the ballots used so that each party column shall appear thereon, to the extent practicable, an approximately equal number of times in the first, last, and each intermediate column position across the state, without requiring more than one unique column order or ballot format for each town, ward, or unincorporated place. Starting with the general election for 2012 and following each new apportionment of representative districts, but before the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state shall develop as many generic column rotation plans for use in general elections as he or she might reasonably expect to be needed for different possible numbers of party columns on the general election ballot. If the number of party columns expected on the general election ballot changes such that one or more additional generic column rotation plans are needed, the secretary of state shall, from time to time, prepare such additional plans as are needed for any general election.*

III. *The generic column rotation plans shall be based on a reasonably balanced rotation of party columns within and across all non-floterial state representative districts, those being the smallest representative districts to which each voting place is apportioned pursuant to part I, article 11 of the New Hampshire constitution. Consideration shall also be given to reasonably minimize any obvious, substantial, and avoidable imbalances in column rotation within senate districts. The average deviation from equal rotation for the first party column position, measured across the state as a whole and based on population according to the last decennial federal census, shall be as close to 0 percent as is practicable but in no event greater than 1 percent. Once generic column rotation plans are established the secretary of state shall publish such plans to the department's website.*

IV. *Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall publicly select by lot the actual party columns to be positioned according to the generic column rotation plan established pursuant to paragraphs II and III. No party shall be assigned the same generic party column designation for 2 consecutive general elections.*

11 Contingency. Unless HB 1535-FN of the 2010 regular legislative session becomes law after the effective date of this section, section 2 of this act shall take effect upon its passage. If HB 1535-FN of the 2010 regular legislative session becomes law after the effective date of this section, section 2 of this act shall take effect at 12:01 a.m. on the effective date of section 11 of HB 1535-FN.

12 Effective Date.

I. Section 2 of this act shall take effect as provided in section 11 of this act.

II. Section 10 of this act shall take effect January 1, 2011.

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

The signatures below attest to the authenticity of this Report on SB 157, an act relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

Conferees on the Part of the Senate
Sen. Houde, Dist. 5
Sen. Lasky, Dist. 13
Sen. Barnes, Jr, Dist. 17

Conferees on the Part of the House
Rep. Pierce, Graf. 9
Rep. Perry, Straf. 3
Rep. Clemons, Hills. 24
Rep. Jasper, Hills. 27

2010-2262-CofC

AMENDED ANALYSIS

This bill:

- I. Establishes a procedure for the ordering of names on the ballots.
- II. Changes the limitations on a candidate designating a name to be placed on the ballot.
- III. Establishes a party column ordering procedure for general elections.

The question is on the adoption of Committee of Conference Report on SB 157.

Committee of Conference Report on SB 157 adopted.

May 27, 2010

2010-2297-CofC

01/09

Committee of Conference Report on SB 181-FN-A, an act repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

IV.(a) The committee shall study:

- (1) Whether the liquor commission should have an executive director rather than a full-time 3-member commission;
- (2) How best to ensure impartial review of appeals of licensing and enforcement decisions;
- (3) How best to ensure that the enforcement division is properly supervised, contains its function to that of a regulatory authority, and guards against overly broad interpretation of its function; and
- (4) Whether a liquor commission ombudsman should be appointed and the duties and responsibilities of that office.

(b) The committee shall also identify the appropriate statutory changes required to be made for the transfer pursuant to section 3 of this act and shall include such recommendation in its report.

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

VI. The committee shall submit a report on or before November 1, 2010 of 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.

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

3 Liquor Licensing and Education; Transfer. Notwithstanding any provision of law or rule to the contrary, all functions relating to liquor licensing and liquor education shall be transferred to the department of safety in the same manner that the functions relating to enforcement have been transferred pursuant to 2009, 144.

The signatures below attest to the authenticity of this Report on SB 181-FN-A, an act repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

Conferees on the Part of the Senate
Sen. D'Allesandro, Dist. 20
Sen. Gilmour, Dist. 12
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. Foster, Hills. 4
Rep. Pantelakos, Rock. 16
Rep. Kurk, Hills. 7
Rep. Foose, Merr. 1

2010-2297-CofC

AMENDED ANALYSIS

This bill delays the transfer of liquor enforcement to the department of safety from July 1, 2010 until July 1, 2011. This bill transfers liquor licensing and liquor education to the department of safety in the same manner that liquor enforcement was transferred under 2009, 144. This bill also establishes a committee to study the administrative structure and adjudicative process at the liquor commission. The committee shall also identify statutory changes that are required to be made for the transfer of liquor licensing and liquor education.

The question is on the adoption of Committee of Conference Report on SB 181-FN-A.

Committee of Conference Report on SB 181-FN-A adopted.

May 25, 2010

2010-2162-CofC

04/03

Committee of Conference Report on SB 205-FN, an act making various changes to the criminal statutes.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 205-FN, an act making various changes to the criminal statutes.

Conferees on the Part of the Senate
Sen. Hassan, Dist. 23
Sen. Reynolds, Dist. 2
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Welch, Rock. 8
Rep. Chandley, Hills. 6
Rep. Shurtleff, Merr. 10
Rep. Mack, Hills. 1

The question is on the adoption of Committee of Conference Report on SB 205-FN.

Committee of Conference Report on SB 205-FN adopted.

May 25, 2010

2010-2184-CofC

03/01

Committee of Conference Report on SB 302, an act relative to notice of driver's license expiration.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 302, an act relative to notice of driver's license expiration.

Conferees on the Part of the Senate
 Sen. Letourneau, Dist. 19
 Sen. Fuller Clark, Dist. 24
 Sen. Kelly, Dist. 10

Conferees on the Part of the House
 Rep. Rhodes, Hills. 22
 Rep. LaPlante, Hills. 26
 Rep. Rokas, Hills. 12
 Rep. Nedeau, Belk. 3

The question is on the adoption of Committee of Conference Report on SB 302.

Committee of Conference Report on SB 302 adopted.

May 26, 2010

2010-2237-CofC

04/09

Committee of Conference Report on SB 313, an act extending the repeal date of the state park advisory council and relative to field purchases and transfers of funds for the state park system and bureau of trails.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 State Park System Advisory Council; Repeal Date Extended. Amend 2007, 359:5 to read as follows:

359:5 Repeal. Section 4 of this act is repealed effective June 30, [2010] **2012**.

2 New Section; State Park System; Field Purchases and Transfer of Funds. Amend RSA 216-A by inserting after section 3-k the following new section:

216-A:3-l Field Purchases and Transfer of Funds.

I. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the state park system and facilities through June 30, 2012.

II. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the operation of the state park system through June 30, 2012. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

3 New Paragraphs; Bureau of Trails; Responsibilities. Amend RSA 215-A:3 by inserting after paragraph II the following new paragraphs:

II-a. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the state trail system and facilities through June 30, 2012.

II-b. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the bureau of trails through June 30, 2012. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

4 New Paragraphs; Snowmobiles; Bureau Responsibilities. Amend RSA 215-C:2 by inserting after paragraph VIII the following new paragraphs:

VIII-a. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the state trail system and facilities through June 30, 2012.

VIII-b. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the bureau of trails through June 30, 2012. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

5 State Historic Sites Fund. Amend RSA 12-A:10-f, I to read as follows:

I. There is hereby established in the office of the state treasurer a fund to be known as the state historic sites fund which shall be kept separate and distinct from all other funds. Such fund shall be the depository of all **fees, rentals, revenue from operations, retail sales, net profit from concession operations**, donations, gifts, and grants received from the bureau of historic sites pursuant to RSA 12-A:10-e. All moneys in such fund shall be nonlapsing and continually appropriated to the bureau of historic sites for the purposes set forth in RSA 12-A:10-e, including the principal and interest on any bonds which may be issued in the name of the state for the purpose of capital improvements to the state historic sites properties under the administration of department of resources and economic development.

6 New Paragraph; Fees for State Park System; Fees at Jericho Mountain State Park. Amend RSA 216-A:3-g by inserting after paragraph V the following new paragraph:

VI.(a) The commissioner shall periodically review all fees paid for entrance into and use of state parks.

(b) The commissioner may immediately begin to accept donations for the use and maintenance of Jericho Mountain state park and shall require fees for the entrance into and use of Jericho Mountain state park beginning on or before January 1, 2011. All fees generated by Jericho Mountain state park shall be deposited into the state park fund established in RSA 216-A:3-i. Such fees shall be based on revenue projected in the master plan and shall be in addition to registration fees for vehicles, all terrain vehicles as defined in RSA 251-A:1, I-b, and off highway recreational vehicles as defined in RSA 215-A:1, VI.

(c) Utility terrain vehicles may be permitted in Jericho Mountain state park, provided such vehicles do not exceed the weight limit of 1,200 pounds and width limit of 60 inches in accordance with RSA 215-A:43, VII(c).

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

The signatures below attest to the authenticity of this Report on SB 313, an act extending the repeal date of the state park advisory council and relative to field purchases and transfers of funds for the state park system and bureau of trails.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 5
Sen. Fuller Clark, Dist. 24
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. P. McMahon, Merr. 3
Rep. Harding, Graf. 11
Rep. Gottling, Sull. 3
Rep. McGuire, Merr. 8

2010-2237-CofC

AMENDED ANALYSIS

This bill:

I. Extends the repeal date of the state park system advisory council to June 30, 2012.

II. Authorizes the director of the division of parks and recreation to make field purchases of up to \$2,000 for the state park system and facilities and the state trail system and facilities.

III. Authorizes the commissioner of the department of resources and economic development to transfer funds between and among appropriations for the operations of the state park system and the bureau of trails.

IV. Requires additional fees and revenues from operation of the historic sites to be deposited into the state historic sites fund.

V. Requires fees to be imposed for the use of Jericho Mountain state park beginning on or before January 1, 2011, and establishes restrictions on certain vehicles using that state park.

The question is on the adoption of Committee of Conference Report on SB 313.

Committee of Conference Report on SB 313 adopted.

May 25, 2010

2010-2164-CofC

03/05

Committee of Conference Report on SB 319, an act relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 319, an act relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Fuller Clark, Dist. 24
Sen. DeVries, Dist. 18

Conferees on the Part of the House
Rep. Butler, Carr. 1
Rep. Meader, Ches. 3
Rep. Gidge, Hills. 24
Rep. Hunt, Ches. 7

The question is on the adoption of Committee of Conference Report on SB 319.

Committee of Conference Report on SB 319 adopted.

May 24, 2010

2010-2148-CofC

01/09

Committee of Conference Report on SB 320, an act relative to occupational exposure to the human immunodeficiency virus.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 141-F:5, V as inserted by section 1 of the bill by replacing it with the following:

V.(a) A physician licensed to practice in this state, or a person authorized by the physician, may, without obtaining consent to the testing, test for the presence of an antibody or antigen to a human immunodeficiency virus:

(1) When the person being tested is incapable of giving informed consent; and

(2) When a test for the presence of an antibody or antigen to a human immunodeficiency virus is immediately necessary to protect the health of:

(A) The person; *or*

(B) *An individual who has had an occupational exposure to the person's blood or bodily fluids.*

(b) *When the test is performed under subparagraph (a) on a person who is incapable of giving informed consent, and when the reason for the test is to protect the health of another individual who has had an occupational exposure to that person's blood or bodily fluids, neither the person who is incapable of giving informed consent nor that person's insurer shall be billed for the cost of the test.*

2010-2148-CofC

The signatures below attest to the authenticity of this Report on SB 320, an act relative to occupational exposure the human immunodeficiency virus.

Conferees on the Part of the Senate
Sen. Gilmour, Dist. 12
Sen. Downing, Dist. 22
Sen. Kelly, Dist. 10

Conferees on the Part of the House
Rep. Rosenwald, Hills. 22
Rep. Miller, Belk. 3
Rep. Batula, Hills. 19
Rep. Butcher, Ches. 3

The question is on the adoption of Committee of Conference Report on SB 320.

Committee of Conference Report on SB 320 adopted.

May 25, 2010

2010-2173-CofC

10/09

Committee of Conference Report on SB 357-FN, an act authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 100-C:11-a as inserted by section 1 of the bill by replacing it with the following:

100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. Retired judges and spouses under the age of 65 years receiving medical and surgical benefits shall be responsible for payment of a premium contribution amount of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. The judicial retirement plan shall deduct the payment required under this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

The signatures below attest to the authenticity of this Report on SB 357-FN , an act authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. Fuller Clark, Dist. 24
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. P. McMahon, Merr. 3
Rep. D Sullivan, Hills. 8
Rep. Harding, Graf. 11
Rep. Reagan, Rock. 1

The question is on the adoption of Committee of Conference Report on SB 357-FN.

Committee of Conference Report on SB 357-FN adopted.

May 25, 2010

2010-2203-CofC

05/10

Committee of Conference Report on SB 358-FN, an act relative to whistleblower protection and waste prevention in state government.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 275-E:8, III as inserted by section 1 of the bill by replacing it with the following:

III. If the labor commissioner undertakes further investigation of the complaint, the commissioner shall have access to all records, confidential or otherwise, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information or data that is deemed necessary by the commissioner to carry out the investigation. The labor commissioner may request such information, cooperation, and assistance from any state, county, or local governmental agency and may coordinate activities with the attorney general's office. In carrying out his or her duties and responsibilities, the labor commissioner shall immediately report to the attorney general and either the United States Attorney or local enforcement agency any suspected violation of state or federal criminal law.

Amend RSA 275-E:9 as inserted by section 1 of the bill by replacing it with the following:

275-E:9 Protection of Public Employees. No governmental entity shall threaten, discipline, demote, fire, transfer, reassign, or discriminate against a public employee who files a complaint with the department of labor under RSA 275-E:8 or otherwise discloses or threatens to disclose activities or information that the employee reasonably believes violates RSA 275-E:2, represents a gross mismanagement or waste of public funds, property, or manpower, or evidences an abuse of authority or a danger to the public health and safety. Notwithstanding this provision of law, public employers may discipline, demote, fire, transfer, or reassign an employee so long as the action is not arbitrary or capricious and is not in retaliation for the filing of a complaint under this chapter. Any public employee who files such a complaint or makes such a disclosure shall be entitled to all rights and remedies provided by this chapter.

The signatures below attest to the authenticity of this Report on SB 358-FN, an act relative to whistleblower protection and waste prevention in state government.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. DeVries, Dist. 18
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. S. Kelley, Merr. 7
Rep. Weed, Ches. 3
Rep. Goley, Hills. 8
Rep. Daniels, Hills. 6

The question is on the adoption of Committee of Conference Report on SB 358-FN.

Committee of Conference Report on SB 358-FN adopted.

May 26, 2010
2010-2221-CofC
09/10

Committee of Conference Report on SB 383-FN, an act relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Economic Revitalization Zone Tax Credit Agreement. Amend RSA 162-N:4, II to read as follows:

II. A certified copy of each agreement signed by the commissioner of resources and economic development and the taxpayer ***and a certified copy of each determination of the final amount of the credit awarded under the agreement*** shall be provided to the commissioner of revenue administration ***and the taxpayer claiming the credit no later than March 10 of each year.***

4 Limit on Total Economic Revitalization Zone Credits. RSA 162-N:5 is repealed and reenacted to read as follows.

162-N:5 Limit on Total Economic Revitalization Zone Credits. The aggregate of tax credits issued by the commissioner of resources and economic development to all taxpayers claiming the credit shall not exceed \$825,000 for any calendar year. Amounts carried forward pursuant to RSA 162-N:7 shall not be counted

against this limit in any year in which they are applied. Notwithstanding RSA 162-N:6, the maximum credit which may be utilized by a taxpayer in any calendar year shall not exceed \$40,000. In the case in which the aggregate credits requested during the calendar year exceed \$825,000, each taxpayer shall receive a credit for the proportional share of the maximum aggregate credit amount.

5 Determination of Economic Revitalization Zone Tax Credits Eligible Amount. Amend RSA 162-N:6, II to read as follows:

II. The sum of the following:

(a) 4 percent of the salary for each new job created in the calendar year with a wage less than or equal to 1.75 times the then current state minimum wage.

(b) 5 percent of the salary for each new job created in the calendar year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.

(c) 6 percent of the salary for each new job created in the calendar year with a wage greater than 2.5 times the then current state minimum wage.

(d) 4 percent of the lesser of the following:

(1) The actual cost incurred in the calendar year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.

(2) \$20,000 for each new job created in the calendar year.

6 Applicability. This act shall apply for taxable periods ending on or after January 1, 2010.

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

The signatures below attest to the authenticity of this Report on SB 383-FN , an act relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

Conferees on the Part of the Senate
Sen. Lasky, Dist. 13
Sen. Reynolds, Dist. 2
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. Hatch, Coos 3
Rep. Vachon, Straf. 3
Rep. Walsh, Hills. 11
Rep. Lockwood, Merr. 6

The question is on the adoption of Committee of Conference Report on SB 383-FN.

Committee of Conference Report on SB 383-FN adopted.

May 25, 2010
2010-2175-CofC
09/10

Committee of Conference Report on SB 408, an act relative to purchasing alliances.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 Insurance Bulletin Suspended. The department of insurance bulletin INS NO. 10-008-AB is hereby suspended until July 1, 2012.

The signatures below attest to the authenticity of this Report on SB 408, an act relative to purchasing alliances.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. DeVries, Dist. 18
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. DeStefano, Merr. 13
Rep. Butler, Carr. 1
Rep. Schlachman, Rock. 13
Rep. D. Flanders, Belk. 4

2010-2175-CofC

AMENDED ANALYSIS

This bill establishes a law governing purchasing alliances which may be formed for the purposes of purchasing health insurance.

This bill also establishes a study committee on the procurement of health insurance by employee leasing companies.

This bill also suspends an insurance department bulletin until July 1, 2012.

The question is on the adoption of Committee of Conference Report on SB 408.

Committee of Conference Report on SB 408 adopted.

May 25, 2010

2010-2177-CofC

06/09

Committee of Conference Report on SB 411, an act relative to permitting of large groundwater withdrawals.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Preemption. Amend RSA 485-C:20 to read as follows:

485-C:20 Effect on Local Ordinances.

I. Nothing in this chapter shall be deemed to preempt the authority of municipalities, under other statutes, to enact local ordinances or regulations affecting groundwater, other than groundwater withdrawals; provided, however, that requirements imposed under this chapter shall be considered as minimum.

II. No regulatory decision made by the department shall abrogate or affect any applicant's obligation to comply with or obtain all applicable and lawful local ordinances, codes, regulations, and approvals not otherwise prohibited by this chapter.

Amend RSA 485-C:2, XIII-b as inserted by section 4 of the bill by replacing it with the following:

XIII-b. "Short-term use" means the temporary, non-routine withdrawal of groundwater at a specific geographical location over a period of one year or less, and withdrawal of groundwater for contaminated site remediation where the duration of the withdrawal may exceed one year and corresponds with the objectives of the remediation.

Amend RSA 485-C:24 as inserted by section 5 of the bill by replacing it with the following:

485-C:24 Short-Term Use Groundwater Withdrawals. The department shall require a short-term use, *large* groundwater withdrawal to cease and desist if such withdrawal causes unmitigated impacts as described in RSA 485-A:21, V-c.

2010-2177-CofC

The signatures below attest to the authenticity of this Report on SB 411, an act relative to permitting of large groundwater withdrawals.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. Lasky, Dist. 13
Sen. Bradley, Dist. 3

Conferees on the Part of the House
Rep. Spang, Straf. 7
Rep. Moody, Rock. 12
Rep. Spaulding, Hills. 18
Rep. Gottling, Sull. 3

The question is on the adoption of Committee of Conference Report on SB 411.

Committee of Conference Report on SB 411 adopted.**May 25, 2010****2010-2180-CofC****10/05**

Committee of Conference Report on SB 420, an act relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by workers' compensation law.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

Amend the bill by replacing section 2 with the following:

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

The signatures below attest to the authenticity of this Report on SB 420, an act relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by workers' compensation law.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. DeVries, Dist. 18
Sen. Bragdon, Dist. 11

Conferees on the Part of the House
Rep. S. Kelly, Merr. 7
Rep. Goley, Hills. 8
Rep. J. Knowles, Hills. 27
Rep. Daniels, Hills. 6

2010-2180-CofC**AMENDED ANALYSIS**

The bill establishes a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

The question is on the adoption of Committee of Conference Report on SB 420.

Committee of Conference Report on SB 420 adopted.

May 24, 2010**2010-2145-CofC****05/10**

Committee of Conference Report on SB 428, an act establishing a committee to study dispatch times within the enhanced 911 system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance on scene and all call transfers in between.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance on scene and all call transfers in between.

2010-2145-CofC

The signatures below attest to the authenticity of this Report on SB 428, an act establishing a committee to study dispatch times within the enhanced 911 system.

Conferees on the Part of the Senate
Sen. DeVries, Dist. 18
Sen. Carson, Dist. 14
Sen. Cilley, Dist. 6

Conferees on the Part of the House
Rep. S. Harvey, Hills. 21
Rep. Friedrich, Graf. 6
Rep. Devine, Rock. 7
Rep. Kaen, Straf. 7

2010-2145-CofC

AMENDED ANALYSIS

This bill establishes a committee to review dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance on scene and all call transfers in between.

The question is on the adoption of Committee of Conference Report on SB 428.

Committee of Conference Report on SB 428 adopted.

May 25, 2010

2010-2190-CofC

05/03

Committee of Conference Report on SB 440, an act relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Executive Branch Ethics; Complaints. Amend the introductory paragraph of RSA 21-G:31, I and RSA 21-G:31, I(a) to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. ***After first examination by the committee, and unless the complaint is discharged under subparagraph (a),*** before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint [~~and a copy shall be sent to each member of the committee for review~~]. ***All information identifying the complainant shall be removed before it is furnished to the executive branch official complained against.*** The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote ***of all members present for the meeting,*** it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

The signatures below attest to the authenticity of this Report on SB 440, an act relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

Conferees on the Part of the Senate
 Sen. Merrill, Dist. 21
 Sen. Cilley, Dist. 6
 Sen. Carson, Dist. 14

Conferees on the Part of the House
 Rep. Harding, Graf. 11
 Rep. P. McMahon, Merr. 3
 Rep. Schmidt, Straf. 4
 Rep. Reagan, Rock. 1

The question is on the adoption of Committee of Conference Report on SB 440.

Committee of Conference Report on SB 440 adoped.

May 26, 2010
2010-2234-CofC
06/09

Committee of Conference Report on SB 442, an act relative to the grant program to administer exotic aquatic plant prevention.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 487:26 as inserted by section 1 of the bill by replacing it with the following:

487:26 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and to institutions of higher learning which seek to conduct research on milfoil and other exotic aquatic plants remediation techniques. The grant program shall be funded by the portion of the lake restoration and preservation fund, established in RSA 487:25, and allocated to the milfoil and other exotic aquatic plants prevention program. [Up to 2/3] **Approximately 3/4** of the moneys distributed from the fund to the milfoil and other exotic aquatic plants prevention program shall be allocated for the purposes of milfoil and other exotic aquatic plants prevention and the remainder shall be allocated to milfoil and other exotic aquatic plants remediation research, **as appropriate, based on grant requests**. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of the milfoil and other exotic aquatic plants prevention shall be distributed upon approval of the commissioner of the department of environmental services and the commissioner of safety. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of milfoil and other exotic aquatic plants remediation research shall be distributed upon approval of the commissioner of the department of environmental services.

The signatures below attest to the authenticity of this Report on SB 442, an act relative to the grant program to administer exotic aquatic plant prevention.

Conferees on the Part of the Senate
 Sen. Merrill, Dist. 21
 Sen. Odell, Dist. 8
 Sen. Lasky, Dist. 13

Conferees on the Part of the House
 Rep. Almy, Graf. 11
 Rep. Mack, Hills. 1
 Rep. Osgood, Sull. 4
 Rep. Tupper, Merr. 6

The question is on the adoption of Committee of Conference Report on SB 442.

Committee of Conference Report on SB 442 adopted.

May 25, 2010
2010-2183-CofC
10/01

Committee of Conference Report on SB 478, an act relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 478, an act relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. Carson, Dist. 14
Sen. Downing, Dist. 22

Conferees on the Part of the House
Rep. Houde-Quimby, Sull. 1
Rep. Beck, Hills. 2
Rep. Flurey, Hills. 16
Rep. McGuire, Merr. 8

The question is on the adoption of Committee of Conference Report on SB 478.**Committee of Conference Report on SB 478 adopted.**

May 26, 2010

2010-2244-CofC

09/04

Committee of Conference Report on SB 480, an act relative to appeals of decisions by the department of environmental services.**Recommendation:**

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 21-M:3, X as inserted by section 1 of the bill by replacing it with the following:

X. The hearing officer may issue a subpoena, upon the request of any party to an appeal filed after the effective date of this paragraph, and only to the extent the information or testimony sought is reasonably necessary for the determination of matters within the council's jurisdiction. A subpoena may be requested for purposes of discovery as may be allowed by the council's rules or to provide testimony at any hearing conducted in the proceeding, or both. All costs associated with the issuance of any subpoena issued by the hearing officer shall be paid by the party requesting the subpoena.

Amend RSA 21-M:3, IX(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Prepare and issue written decisions on all motions and on the merits of the appeal within 90 days of the conclusion of the hearing on the merits. The hearing officer shall provide the council with a proposed written decision on the merits within 45 days of the conclusion of the hearing on the merits. If requested to do so by the members of the council participating in the discussion, the hearing officer shall meet with those members within the 90 day period to discuss the decision.

Amend the bill by replacing section 8 with the following:

8 Report Required. No later than April 1, 2011, the attorney general shall submit a report, including any recommendations that the attorney general may deem appropriate for consideration as legislation in the 2012 legislative session to modify or otherwise alter current processes of appeals from administrative decisions issued by executive branch agencies to the president of the senate, the

speaker of the house of representatives and to the chairpersons of the senate and house committees with jurisdiction over the subject matter contained in RSA 21-M:3 and RSA 21-O.

2010-2244-CofC

The signatures below attest to the authenticity of this Report on SB 480, an act relative to appeals of decisions by the department of environmental services.

Conferees on the Part of the Senate
 Sen. Fuller Clark, Dist. 24
 Sen. Merrill, Dist. 21
 Sen. Bradley, Dist. 3

Conferees on the Part of the House
 Rep. G. Richardson, Merr. 4
 Rep. Wall, Straf. 7
 Rep. L. Weber, Ches. 2
 Rep. Cote, Hills. 23

The question is on the adoption of Committee of Conference Report on SB 480.

Committee of Conference Report on SB 480 adopted.

May 25, 2010
2010-2187-CofC
09/10

Committee of Conference Report on SB 485-FN-A, an act relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect July 1, 2010.

The signatures below attest to the authenticity of this Report on SB 485-FN-A, an act relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

Conferees on the Part of the Senate
 Sen. Cilley, Dist. 6
 Sen. Reynolds, Dist. 2
 Sen. Downing, Dist. 22

Conferees on the Part of the House
 Rep. Benn, Graf. 9
 Rep. Baroody, Hills. 13
 Rep. Keans, Straf. 1
 Rep. L. Ober, Hills. 27

The question is on the adoption of Committee of Conference Report on SB 485-FN-A.

Committee of Conference Report on SB 485-FN-A adopted.

May 27, 2010
2010-2282-CofC
04/09

Committee of Conference Report on SB 486-FN, an act relative to the school building aid program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 2-3 with the following:

2 School Building Aid; Alternative School Building Aid.

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, and notwithstanding the school building aid funding provisions of 2009, 144:11, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved on or after June 30, 2010 through June 30, 2011.

II.(a) The commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the state fire marshal or designee determines, based on reasonable information and belief, that:

(1) The condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons, and requires remediation prior to July 1, 2011; or

(2) A structural deficiency in the function or operation of a school building or portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more than a technical violation of the fire code, and requires remediation prior to July 1, 2011.

(b) Any school building aid provided under a waiver granted pursuant to this paragraph shall be limited to the costs associated with the remediation of the conditions or structural deficiencies set forth in this paragraph.

III. Paragraph I of this section shall not apply to a school district which, as of the effective date of this section, has an interest in the outcome of legal proceedings relating to school building aid or to a petition filed by a school district under RSA 197:3, provided that not more than 90 days after the court issues a final order which has the effect of allowing a special school district meeting, such school district shall be subject to the provisions of paragraph I. In this paragraph, "interest in the outcome of legal proceedings" means a school district which was a party to legal proceedings relating to school building aid during the fiscal year ending June 30, 2010, or is involved in such legal proceedings as of the effective date of this paragraph.

3 Committee to Study the School Building Aid Grant Program; Membership. Amend 2009, 144:13, I(a)-(b) to read as follows:

(a) ~~[Two]~~ **Three** members of the senate, ***one of whom shall be a member of the senate education committee***, appointed by the president of the senate.

(b) ~~[Three]~~ **Four** members of the house of representatives, ***2 of whom shall be members of the house education committee***, appointed by the speaker of the house of representatives.

The signatures below attest to the authenticity of this Report on SB 486-FN, an act relative to the school building aid program.

Conferees on the Part of the Senate
Sen. Kelly, Dist. 10
Sen. Lasky, Dist. 13
Sen. Bragdon, Dist. 11

Conferees on the Part of the House
Rep. Rous, Straf. 7
Rep. P. Harvey, Hills. 1
Rep. Burke, Straf. 3
Rep. Ladd, Graf. 5

2010-2282-CofC

AMENDED ANALYSIS

This bill:

I. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2010 through June 30, 2011.

II. Provides that the commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under circumstances involving danger or risk to the life or safety of a building's occupants or other persons.

III. Amends the membership and duties of the committee to study the school building aid grant program established in 2009, 144:13.

The question is on the adoption of Committee of Conference Report on SB 486-FN.

Committee of Conference Report on SB 486-FN adopted.

May 25, 2010

2010-2188-CofC

05/04

Committee of Conference Report on SB 491, an act relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 21-I:11-c, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) All individuals or business entities submitting a bid, proposal, or quotation in response to a request for a bid, proposal, or quotation issued by the division of plant and property management shall, as part of their response, provide an affidavit signed under oath before a duly authorized notary public that all conditions listed in subparagraphs (a)(1)-(10) have been met. Failure to submit such an affidavit or, should the affidavit be false or signed by an unauthorized person, the bid, proposal, or quotation shall be automatically rejected and the resulting contract, if any, shall be deemed to be in breach. The commissioner of the department of administrative services shall adopt rules under RSA 541-A relative to the affidavit required under this subparagraph.

The signatures below attest to the authenticity of this Report on SB 491, an act relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

Conferees on the Part of the Senate
Sen. Cilley, Dist. 6
Sen. DeVries, Dist. 18
Sen. Carson, Dist. 14

Conferees on the Part of the House
Rep. Schmidt, Straf. 4
Rep. Harding, Graf. 11
Rep. P. McMahon, Merr. 3
Rep. McGuire, Merr. 8

The question is on the adoption of Committee of Conference Report on SB 491.

Committee of Conference Report on SB 491 adopted.

May 25, 2010
2010-2159-CofC
04/09

Committee of Conference Report on SB 503, an act relative to unique pupil identification.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Delivery of an Adequate Education. Amend RSA 193-E:3 to read as follows:

193-E:3 Delivery of an Adequate Education.

I. Annually, beginning with the 2002-2003 school year, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. ***The report shall not contain personally identifiable information including but not limited to name, gender, or social security number.*** The department of education shall develop a reasonable schedule to phase-in the reporting of new data required by federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

(a) Attendance rates.

(b) Annual and cumulative drop-out rates of high school pupils and annual drop-out rates for pupils in grades 7 and 8.

(c) School environment indicators, such as safe-schools data.

(d) Number and percentage of graduating pupils going on to post-secondary education, military service, and advanced placement participation.

(e) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(f) Expulsion and suspension rates, including in-school and out-of-school suspensions, which shall be reported for each school year.

(g) Number and percentage of classes taught by highly qualified teachers.

(h) Teacher and administrative turnover rates at the school and district levels.

(i) Pupil course information.

II.(a) The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

(b) The department of education shall enter into an agreement with the board of trustees of the university system of New Hampshire or the community college system of New Hampshire, or both, if necessary, to determine additional indicators applicable to postsecondary institutions within their respective jurisdictions which are not required under paragraph VI.

III.(a) Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available at every school administrative unit for public review. It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own statewide improvement and assessment performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

(b) Beginning with the annual report issued in 2013, the department of education shall include data provided by early childhood programs, districts, and postsecondary institutions.

IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major *ethnic*, racial, and multi-racial groups.

V. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in [paragraph] ***paragraphs I, VI, and VII*** [and all enrollment and cost data related to determining the cost of an adequate education].

VI.(a) Annually, beginning with the 2011-2012 school year, each postsecondary institution as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the department of education containing information on indicators in the following areas:

(1) Remedial education courses.

(2) Entry, withdrawal, and transfers.

(3) Degrees and certificates granted.

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve postsecondary readiness, retention, and articulation between educational institutions.

(c) The state board of education, in consultation with the university system of New Hampshire board of trustees and the community college system of New Hampshire board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

VII.(a) Annually, beginning with the 2011-2012 school year, each early childhood program as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the department of education containing information on indicators in the following areas:

(1) Program participation.

(2) Entry, exit, and type of program.

(3) Participant demographics as identified in RSA 193-E:3, IV.

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve education programs.

(c) The state board of education, in consultation with the department of health and human services, shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as follows:

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Data warehouse" means the electronic system operated by the department of education that maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data warehouse shall not contain the name, address, telephone number, e-mail address, social security number, or any other personally identifiable information about any pupil.

III. "District" means a New Hampshire public school district or a district outside of New Hampshire educating publicly funded New Hampshire pupils.

IV. "District of origin" means the district in which the pupil resides at the point at which the pupil first enters the New Hampshire educational system, whether in an early childhood program, district, or postsecondary education level.

V. "Early childhood program" means a preschool or childcare program receiving Head Start or child care scholarship funds, whether licensed or exempt from licensing, or a preschool program operated by a district. Early childhood programs not operated by a district shall report data only for pupils for which Head Start or child care scholarship funds are received.

VI. "Postsecondary institution" means the university system of New Hampshire or the community college system of New Hampshire.

VII. "Random number generator" means the electronic system that creates unique pupil identification numbers and assigns a unique pupil identification number to a pupil when an early childhood program, a district, or a postsecondary institution enters a pupil's name, date of birth, town of birth, and gender. The system shall maintain that information and the name of the district of origin, and no other information. This system shall not retain the unique pupil identification number.

VIII. "Unique pupil identifier" means a randomly generated number assigned to an early childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather pupil level data.

IX. "Unique pupil identification system" means an electronic system comprised of the data warehouse and the random number generator.

3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

193-E:5 Unique Pupil Identification.

I. The department of education shall, using federal funds only, implement and maintain a unique pupil identification system on a statewide basis that complies with the following requirements:

(a) No personally identifiable information about a pupil including ~~[but not limited to] name[, date of birth, gender, or]~~ **and** social security number, shall be collected or maintained by the state in such a manner as to allow such information to be connected with the unique pupil identifier. Under no circumstances shall the department of education obtain or use a social security number as an identifier for any pupil~~[, or]~~. **The department shall not** use unique pupil identifiers except in connection with the data warehouse and such use shall not be accessible to the public.

(b) The random number generator shall make available to each [school] **early childhood program, district, or postsecondary institution** a unique pupil identifier for each pupil [enrolled] **pursuing an education** in a New Hampshire [public-school] **early childhood program, district, or postsecondary institution**. The unique pupil identifier itself shall not permit pupil identification within a sub-category including, but not limited to, **early childhood program, [school] district, postsecondary institution**, sex, age, grade, or county of residence.

(c) The unique pupil identifier shall be requested and maintained by the **early childhood program, [local-school] district, or postsecondary institution**. The unique pupil identifier shall remain in the pupil's file throughout his or her [elementary and secondary] academic career in New Hampshire.

(d) Access to the random number generator shall be limited to **an early childhood program director or designee, a district superintendent or designee, or a postsecondary institution registrar or designee**, and only for pupils [enrolled] **pursuing an education** in that **early childhood program, [school-administrative-unit], district, or postsecondary institution**. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(e) The random number generator shall create and maintain a comprehensive audit trail for all users accessing the [system] **random number generator**.

(f) The data warehouse shall create and maintain an audit trail for all users accessing secure information.

(g) No person, including an individual, business, government, or governmental entity, shall require an individual to provide a unique pupil identifier as a condition of doing business, providing a service, or receiving a benefit of any kind, **except as provided in RSA 193-E:5, I(c)**. Any person or entity [violating] **who knowingly violates** the provisions of this [paragraph] **subparagraph** shall be liable for actual damages or \$25,000, whichever is greater, for each violation. Each denial of services or benefits shall constitute a separate offense under this [paragraph] **subparagraph**.

(h) If a pupil's records become part of an administrative action outside of the pupil's [school] **early childhood program, district, or postsecondary institution**, or a part of any judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil identifier shall be redacted by the [school] **early childhood program, district, or postsecondary institution** prior to release.

(i) The information maintained in the data warehouse[~~, except for the unique pupil identifier,~~] shall be available to the department of education and to the public using the [same database] **data** maintained by the department of education. No personally identifiable information shall be required as a condition of access or usage under this subparagraph, nor shall such access or usage be tracked. Under no circumstances shall the unique pupil identifier be made available to [the department of education or to] the public.

(j) Information maintained in the random number generator shall be exempt from the provisions of RSA 91-A.

(k) Authorized personnel at the department of education shall administer and maintain the unique pupil identification system.

(l) **The department of education shall provide** no personally identifiable information **collected pursuant to this chapter**, including but not limited to name, date of birth, [gender,] or social security number[~~, shall be provided~~] to any person or entity, **other than an early childhood program, district, or postsecondary institution authorized to access this data**, absent a court order[~~, and~~]. Under no circumstances shall personally identifiable information **or the unique pupil identifier** be provided to any person or entity outside of New Hampshire. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(m) **Early childhood programs not receiving Head Start or Child Care scholarship funds, private schools comprised of kindergarten through grade 12, and all private postsecondary institutions may participate in the data warehouse and random number generator. Participating early childhood programs may volunteer to include data for pupils for which Head Start or Child Care scholarship funds are not received. Permission of a parent or legal guardian of a pupil enrolled in an early childhood program shall be obtained before a pupil may participate in the data warehouse and random number generator. For the purposes of this section, such voluntary participating early childhood programs shall be included in the definition set forth in RSA 193-E:4.**

(n) Notwithstanding subparagraphs (a)-(m), to enable the department of education to ensure the accuracy of the data, the commissioner of the department of education may, in writing, grant individuals access to the data warehouse, including but not limited to, access to the unique pupil identifier for the purpose of connecting information in the warehouse with the random number generator.

(o) At the request of an early childhood program, district, or postsecondary institution, the department of education shall provide pupil-level data from the unique pupil identification system to an early childhood program, district, or postsecondary institution for pupils pursuing an education in that entity. The department shall not provide any personally identifiable pupil-level data to an entity not directly involved with the pupil's education.

(p) New Hampshire home educated pupils pursuing an education in a postsecondary institution who have not been assigned a unique pupil identifier may, without penalty, opt out of being included in the unique pupil identification system for postsecondary pupils.

(q) Nothing in this chapter shall prohibit institutions in the university system of New Hampshire and the community college system of New Hampshire from exchanging data between themselves without the consent or involvement of the department of education.

II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in RSA 193-C:7 shall perform any revisions to this section through legislation filed for that purpose.

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

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

The signatures below attest to the authenticity of this Report on SB 503, an act relative to unique pupil identification.

Conferees on the Part of the Senate
Sen. Kelly, Dist. 10
Sen. Merrill, Dist. 21
Sen. Bragdon, Dist. 11

Conferees on the Part of the House
Rep. Rous, Straf. 7
Rep. B. Ward, Graf. 1
Rep. Yeaton, Merr. 8
Rep. Casey, Rock. 11

The question is on the adoption of Committee of Conference Report on SB 503.

Committee of Conference Report on SB 503 adopted.

May 25, 2010
2010-2182-CofC
04/09

Committee of Conference Report on SB 520-FN-LOCAL, an act relative to school district liability for special education costs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 520-FN-LOCAL, an act relative to school district liability for special education costs.

Conferees on the Part of the Senate
Sen. Kelly, Dist. 10
Sen. Merrill, Dist. 21
Sen. Bragdon, Dist. 11

Conferees on the Part of the House
Rep. Casey, Rock. 11
Rep. B. Shaw, Hills. 16
Rep. Stiles, Rock. 15
Rep. B. Ward, Graf. 1

The question is on the adoption of Committee of Conference Report on SB 520-FN-L.

Committee of Conference Report on SB 520-FN-L adopted.

May 27, 2010
2010-2300-CofC
09/01

Committee of Conference Report on SB 402-FN, an act relative to state-owned vehicles.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II(a) of section 2 of the bill by replacing it with the following:

II.(a) Each state agency shall reduce its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for the fiscal year ending June 30, 2012, unless the vehicle utilization committee established in RSA 21-I:19-h, VII concludes that to do so would not be in the best interests of the state. By September 1, 2010, each agency shall review and determine its in-state travel reimbursement costs and light duty truck and passenger vehicle fleet operations costs for the prior 12 months. By October 1, 2010, each agency shall submit to the commissioner, in writing, an action plan that contains a proposed reduction of its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for the fiscal year ending June 30, 2012. Such action plan shall include sufficient detail to demonstrate how costs savings will be realized in each fiscal year.

Amend subparagraph II(d) of section 2 of the bill by replacing it with the following:

(d) If the commissioner does not concur that the action plan would be likely to reduce the combined costs by the required amount, he or she shall, by November 1, 2010, so advise the agency and the agency shall, by December 1, 2010, submit to the vehicle utilization committee established in RSA 21-I:19-h, VII either a revised plan, a request for an alteration of the reduction percentage, or a waiver of the fleet cost reduction requirement. If the committee concurs that an agency's revised plan would be likely to reduce the combined costs by the required amount or that an alteration of the reduction percentage or waiver of the fleet cost reduction requirement is appropriate, the committee shall, by December 15, 2010, so advise the agency in writing of its recommendation and the agency shall take such action as the committee specifies. If the committee does not concur that a revised plan submitted by an agency would be likely to reduce combined costs by the required amounts, or that a request for an alteration of the reduction percentage or a waiver of the fleet cost reduction requirement is appropriate, the committee shall, by December 15, 2010, so inform the agency and the agency shall institute such fleet cost reductions or alterations as are specified by the committee. The commissioner shall by December 31, 2010, provide the governor and council and the fiscal committee of the general court a report specifying the status of all action, plans, revised plans, waiver requests, and recommendations submitted under this section.

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

3 New Paragraph; Records and Certification. Amend RSA 260:14 by inserting after paragraph II the following new paragraph:

II-a. The accident report, the technical accident reconstruction report, any repair estimate, or any similar document that constitutes a motor vehicle record that is created or received as a result of any accident or collision involving a state-owned or state-leased vehicle shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A.

2010-2300-CofC

The signatures below attest to the authenticity of this Report on SB 402-FN, an act relative to state-owned vehicles.

Conferees on the Part of the Senate
Sen. D'Allesandro, Dist. 20
Sen. Sgambati, Dist. 4
Sen. Gallus, Dist. 1

Conferees on the Part of the House
Rep. Benn, Graf. 9
Rep. Eaton, Ches. 2
Rep. Buco, Carr. 1
Rep. Bergin, Hills. 6

2010-2300-CofC**AMENDED ANALYSIS**

This bill requires that each state agency reduce its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for fiscal year ending June 30, 2012. This bill requires the disposal or reassignment of a state-owned vehicle if the nonbusiness use miles traveled by the vehicle exceeds a specified percentage of total miles traveled and establishes a procedure for the purchase or lease of vehicles by state agencies.

This bill also makes motor vehicle records of accidents or collisions involving state-owned or state-leased vehicles governmental records subject to the right-to-know law.

The question is on the adoption of Committee of Conference Report on SB 402-FN.

Committee of Conference Report on SB 402-FN adopted.

Recess. Out of recess.

CORRECTED REPORT

June 2, 2010

2010-2356-CofC

03/01

CORRECTED REPORT

Committee of Conference Report on HB 1459, an act relative to the board of trust company incorporation.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 47 with the following:

48 New Subdivision; Corporate Approval for Political and Advocacy Advertising. Amend RSA 293-A by inserting after section 7.47 the following new subdivision:

Corporate Approval for Political and Advocacy Advertising

293-A:7.48 Political Advertising and Advocacy Advertising. In this subdivision:

(a) "Advocacy advertising" shall mean any communication during an election cycle that clearly identifies by name, image, or voice of, any candidate for elective office.

(b) "Candidate" means any person who has filed a declaration of candidacy pursuant to RSA 655.

(c) "Commencement of political advertising and/or advocacy advertising" means the first dissemination during an election cycle by an organization of a communication containing a political advertisement or advocacy advertisement.

(d) "Communication" means any publication in any newspaper or other periodical, broadcasting on radio or television, placement on any billboards, automated telephone calls, or postcards or other direct mailing sent to the general public. "Communication" shall exclude:

(1) Any direct contact by or on behalf of a corporation to an elected official who is a candidate, including, but not limited to, contact by telephone, letter, or email;

(2) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(3) Communication made in a speech or other public forum;

(4) Free communication by a corporation, including but not limited to letters to the editor, opinion columns, press releases, any internet communication, including emails and websites, except internet content placed for a fee on a website not owned by the corporation, or other forums available to the public at large at no charge;

(5) Communications by a corporation during an election cycle which, excluding normal costs of operating overhead and salaries and benefits paid to employees of the corporation, cost less than \$10,000 in the aggregate;

(6) Any direct communication by a corporation made only to shareholders and/or current or former employees of the corporation, and/or their family members by direct mail, email, telephone, or an internet site maintained by a corporation in the ordinary course of business;

(7) Print or electronic newsletters sent in the regular course of business to shareholders and/or current or former employees of the corporation, and/or their family members, or otherwise not distributed to the public at large; and

(8) Holding public or private events, including events attended by a candidate, the distribution of printed material at events, and the printing and distribution of invitations for such an event.

(e) "Election cycle" shall mean that period commencing 60 days prior to the holding of a primary and ending at midnight of the day of the next general election, unless in the event of a special election, in which event "election cycle" shall mean that period commencing 21 days prior to the special general election and ending at midnight of the day of the special general election.

(f) "Political advertising" means any communication which expressly or implicitly advocates the success or defeat of any party, measure, or person at any election.

293-A:7.49 Identification and Filing with New Hampshire Secretary of State. All political advertising and/or advocacy advertising shall indicate the name of the corporation and the president or chief executive officer shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. No later than 3 business days after commencing any political advertising or advocacy advertising, except, if such advertising commences within 4 days before the day of an election, then no later than one business day after such commencement, any corporation, domestic or foreign, engaging in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the corporation is engaging in either political advertising or advocacy advertising. The corporation shall attach to the statement a vote of the board of directors of the corporation, certified as true and complete by the secretary of the corporation, authorizing the president of the corporation to expend corporate funds or other corporate assets for the purpose of paying for political advertising and/or advocacy advertising. Only one statement needs to be filed in each election cycle. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, is engaging in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a vote of the board of directors of the corporation authorizing the president of the corporation to expend corporate funds or other assets for political advertising or advocacy advertising.

[Duly Authorized Secretary of _____]

293-A:7.50 Filing Fee. There shall be no filing fee required by the secretary of state with any registration hereunder; provided, however, that the corporation shall pay any other fees required to do business in the state of New Hampshire.

293-A:7.51 Penalties. A violation of RSA 293-A:7.49 shall result in a civil penalty of up to \$250 per violation. Any candidate or voter may make a complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

(a) Issue an order requiring the violator to cease and desist from its violation.

(b) If the attorney general's order is not obeyed, petition to the Merrimack County superior court for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

(c) Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

293-A:7.52 Private Right of Action. Any candidate or opposing candidate of a candidate who is referred to in advocacy advertising or political advertising, may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack County superior court requesting an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state, corporate division. Upon a finding by the superior court that the required statements have not been filed, and the ordering of injunctive relief, the complaining candidate shall be entitled to attorney's fees and costs. Upon a finding by the superior court that the complaint by the candidate was frivolous, or not filed in good faith, the corporation shall be entitled to its attorney's fees and costs.

49 New Subdivision; Management Approval for Political and Advocacy Advertising. Amend RSA 304-C by inserting after section 85 the following new subdivision:

Political Advertising and Advocacy Advertising

304-C:86 Political Advertising and Advocacy Advertising. In this subdivision:

I. "Advocacy advertising" means any communication during an election cycle that clearly identifies by name, image, or voice of, any candidate for elective office.

II. "Candidate" means any person who has filed a declaration of candidacy pursuant to RSA 655.

III. "Commencement of political advertising and/or advocacy advertising" means the first dissemination during an election cycle by an organization of a communication containing political advertisement or advocacy advertisement.

IV. "Communication" means any publication in any newspaper or other periodical, broadcasting on radio or television, placement on any billboards, automated telephone calls, or postcards or other direct mailing sent to the general public. "Communication" shall exclude:

(a) Any direct contact by or on behalf of a limited liability company to an elected official who is a candidate, including, but not limited to, contact by telephone, letter, or email;

(b) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(c) Communication made in a speech or other public forum;

(d) Free communication by a limited liability company, including but not limited to letters to the editor, opinion columns, press releases, any internet communication, including emails and websites, except internet content placed for a fee on a website not owned by the limited liability company, or other forums generally available to the public at large at no charge;

(e) Communications by a limited liability company during an election cycle which, excluding normal costs of operating overhead and salaries and benefits paid employees of the limited liability company, costs less than \$10,000 in the aggregate;

(f) Any direct communication by a limited liability company made only to its members and/or current or former employees of the limited liability company, and/or their family members, by direct mail, email, telephone, or an internet site maintained by a limited liability company in the ordinary course of business;

(g) Print or electronic newsletters sent in the regular course of business to members and/or current or former employees of the limited liability company, and/or their family members, or otherwise not distributed to the public; and

(h) Holding public or private events, including events attended by a candidate, the distribution of printed materials at such an event, and the printing and distribution of invitations for such an event.

V. "Election cycle" shall mean that period commencing 60 days prior to the holding of a primary and ending at midnight of the day of the next general election, unless in the event of a special election, in which event "election cycle" shall mean that period commencing 21 days prior to the special general election and ending at midnight of the day of the special general election.

VI. "Political advertising" means any communication which expressly or implicitly advocates the success or defeat of any party, measure, or person at any election.

304-C:87 Identification and Filing with New Hampshire Secretary of State. All political advertising and/or advocacy advertising shall indicate the name of the limited liability company and the manager or a member shall sign his or her name and address. If the manager or member is not a natural person, then a natural person who has an ownership interest in a manager or member shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. No later than 3 business days after commencing any political advertising or advocacy advertising, except, if such advertising commences within 4 days before the day of an election, then no later than one business day after such commencement, any limited liability company, domestic or foreign, engaging in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the limited liability company is engaging in either political advertising or advocacy advertising. The limited liability company shall attach to the statement a vote of the members of the limited liability company, certified as true and complete by the manager of the limited liability company, or, if member managed, a vote of the members of the limited liability company certified by a member as true and complete, authorizing the limited liability company to engage in political advertising or advocacy advertising in the state of New Hampshire. The vote shall also authorize a manager or, if member managed, a member, of the limited liability company to expend company funds or other company assets for the purpose of paying for political advertising and/or advocacy advertising in the state of New Hampshire. Only one statement needs to be filed in each election cycle. The manager vote or member vote, as applicable, shall be dated no more than 12 months prior to the date of filing with the secretary of state. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, is engaging in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a vote of the limited liability company authorizing the limited liability company to engage in political advertising or advocacy advertising, and authorizing the limited liability company to expend company funds or other assets for political advertising or advocacy advertising.

[Duly Authorized Secretary of _____]

304-C:88 Filing Fee. There shall be no filing fee required by the secretary of state with any registration hereunder; provided, however, that the limited liability company shall pay any other fees required to do business in the state of New Hampshire.

304-C:89 Penalties. A violation of this subdivision shall result in a civil penalty of up to \$250 per violation. Any candidate or voter may make a complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

I. Issue an order requiring the violator to cease and desist from its violation.

II. If the attorney general's order is not obeyed, petition to the Merrimack County superior court for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

III. Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

304-C:90 Private Right of Action. Any candidate or opposing candidate of a candidate who is referred to in advocacy advertising or political advertising, may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack county superior court requesting an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state. Upon a finding by the superior court that the required statements have not been filed, and the ordering of any enforcement or injunctive relief, the complaining candidate shall be entitled to attorney's fees and costs. Upon a finding by the superior court that the complaint by the candidate was frivolous or not filed in good faith, the limited liability company shall be entitled to its attorney's fees and costs.

50 Political Advertising and Advocacy Advertising. Amend RSA 304-B by inserting after section 64 the following new subdivision:

Political Advertising and Advocacy Advertising

304-B:65 Political Advertising and Advocacy Advertising. As used in this subdivision:

I. "Advocacy advertising" shall mean any communication during an election cycle that clearly identifies by name, image, or voice of, a candidate for elective office.

II. "Candidate" means any person who has filed a declaration of candidacy, pursuant to RSA 655.

III. "Commencement of political advertising and/or advocacy advertising" shall mean the first dissemination during an election cycle by an organization of a communication containing political advertisement or advocacy advertisement.

IV. "Communication" means any publication in any newspaper or other periodical, broadcasting on radio or television, placement on any billboards, automated telephone calls, or postcards or other direct mailing sent to the general public. "Communication" shall exclude:

(a) Any direct contact by or on behalf of a limited partnership to an elected official who is a candidate, including, but not limited to, contact by telephone, letter, or email;

(b) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(c) Communication made in a speech or other public forum;

(d) Communication by a limited partnership during an election cycle which, excluding normal costs of operating overhead and salaries and benefits paid to employees of the limited partnership, costs less than \$10,000 in the aggregate;

(e) Free communication by a limited partnership, including but not limited to letters to the editor, opinion columns, press releases, any internet communication, including emails and websites, except internet content placed for a fee on a website not owned by the limited partnership, or other forums generally available to the public at large at no charge;

(f) Any direct communication by a limited partnership made only to its partners and/or current or former employees of the limited partnership, and/or their family members by direct mail, email, telephone, or an internet site maintained by a limited partnership in the ordinary course of business;

(g) Print or electronic newsletters sent in the regular course of business to partners and/or current or former employees of the limited partnership, and/or their family members, or otherwise not distributed to the public at large; and

(h) Holding public or private events, including events attended by a candidate, the distribution of printed materials at such an event, and the printing and distribution of invitations for such an event.

V. "Election cycle" shall mean that period commencing 60 days prior to the holding of a primary and ending at midnight of the day of the next general election, unless in the event of a special election, in which event "election cycle" shall mean that period commencing 21 days prior to the special general election and ending at midnight of the day of the special general election.

VI. "Political advertising" means any communication which expressly or implicitly advocates the success or defeat of any party, measure, or person at any election.

304-B:66 Identification and Filing with New Hampshire Secretary of State. All political advertising and/or advocacy advertising shall indicate the name of the limited partnership and a general partner shall sign his or her name and address. If the general partner is not a natural person, then a natural person who has an ownership interest in a general partner shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. No later than 3 business days after commencing any political advertising or advocacy advertising, except, if such advertising commences within 4 days before the day of an election, then no later than one business day after such commencement, any limited partnership, domestic or foreign, engaging in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the

limited partnership is engaging in either political advertising or advocacy advertising. The limited partnership shall attach to the statement a vote of the general partners of the limited partnership, certified as true and complete by one of the general partners of the limited partnership, authorizing the limited partnership to engage in political advertising or advocacy advertising in the state of New Hampshire. The limited partnership vote shall be dated no more than 12 months prior to the date of filing with the secretary of state. Only one statement needs to be filed in each election cycle. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, is engaging in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a partnership vote of the general partners of the limited partnership authorizing the general partner or general partners of the limited partnership to expend partnership funds or other assets for political advertising or advocacy advertising.

[Duly Authorized Secretary of _____]

304-B:67 Filing Fee. There shall be no filing fee required by the secretary of state with any registration hereunder; provided, however, that the limited partnership shall pay any other fees required to do business in the state of New Hampshire.

304-B:68 Penalties. A violation of this subdivision shall result in a civil penalty of up to \$250 per violation. Any candidate or voter may make a complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

I. Issue an order requiring the violator to cease and desist from its violation.

II. If the attorney general's order is not obeyed, petition to the Merrimack County superior court for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

III. Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

304-B:69 Private Right of Action. Any candidate or opposing candidate of a candidate who is referred to in advocacy advertising or political advertising, may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack county superior court requesting an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state, corporate division. Upon a finding by the superior court that the required statements have not been filed, and the ordering of any enforcement or injunctive relief, the complaining candidate shall be entitled to attorney's fees and costs. Upon a finding by the superior court that the complaint by the candidate was frivolous or not filed in good faith, the limited partnership shall be entitled to attorney's fees and costs.

51 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect any other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

52 New Subdivision; Authority for Political and Advocacy Advertising. Amend RSA 292 by inserting after section 31 the following new subdivision:

Authority for Political and Advocacy Advertising

292:32 Political Advertising and Advocacy Advertising. In this subdivision:

I. "Advocacy advertising" shall mean any communication during an election cycle that clearly identifies by name, image, or voice of, a candidate for elective office.

II. "Candidate" means any person who has filed a declaration of candidacy pursuant to RSA 655.

III. "Commencement of political advertising and/or advocacy advertising" means the first dissemination during an election cycle by an organization of a communication containing political advertisement or advocacy advertisement.

IV. "Communication" means any publication in any newspaper or other periodical, broadcasting on radio or television, placement on any billboards, automated telephone calls, or postcards or other direct mailing sent to the general public. "Communication" shall exclude:

(a) Any direct contact by an organization or on behalf of an organization to an elected official who is a candidate, including, but not limited to, contact by telephone, letter, or email;

(b) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(c) Communication made in a speech or other public forum;

(d) Political advertising and/or advocacy advertising by an organization during an election cycle which, excluding normal costs of operating overhead and salaries and benefits paid to employees of the organization, costs less than \$10,000 in the aggregate;

(e) Free communication by an organization, including but not limited to letters to the editor, opinion columns, press releases, any internet communication, including emails and websites, except internet content placed for a fee on a website not owned by the organization, or other forums generally available to the public at large at no charge;

(f) Any direct communication by an organization made only to its members and/or current or former employees of the organization and/or their family members by direct mail, email, telephone, or an internet site maintained by an organization in the ordinary course of business;

(g) Print or electronic newsletters sent in the regular course of business to members and/or current or former employees of the organization, and/or their family members, or otherwise not distributed to the public at large; and

(h) Holding public or private events, including events attended by a candidate, the distribution of printed materials at such an event, and the printing and distribution of invitations for such an event.

V. "Election cycle" shall mean that period commencing 60 days prior to the holding of a primary and ending at midnight of the day of the next general election, unless in the event of a special election, in which event "election cycle" shall mean that period commencing 21 days prior to the special general election and ending at midnight of the day of the special general election.

VI. "Political advertising" means any communication which expressly or implicitly advocates the success or defeat of any party, measure, or person at any election.

292:33 Identification and Filing with New Hampshire Secretary of State.

I. All political advertising and/or advocacy advertising by an organization shall indicate the name of the organization and the president or chief executive officer shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. No later than 3 business days after commencing any political advertising or advocacy advertising, except, if such advertising commences within 4 days before the day of an election, then no later than one business day after such commencement, any voluntary corporation or association, domestic or foreign engaging in political advertising or advocacy advertising, or any other organization that claims exemption from federal taxation under section 501 or any other section of the Internal Revenue Code, and any amendments thereto, excluding any organization which has obtained an exemption under section 501(c)(3) of the Internal Revenue Code and also excluding any political committee registered with the secretary of state pursuant to RSA 664, shall file a statement with the New Hampshire secretary of state, corporate division, that the organization is engaging in political advertising and/or advocacy advertising. The organization shall attach to the statement a vote of the board of directors or board of trustees of the organization, as applicable, certified as true and complete by the secretary of the organization, authorizing:

(a) The organization to engage in political advertising and/or advocacy advertising in the state of New Hampshire; and

(b) The president or the executive director of the organization to expend the organization's funds or other assets on political advertising and/or advocacy advertising.

II. Only one statement needs to be filed in each election cycle. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, is engaging in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a vote of the board of (choose one) directors/trustees of _____ authorizing it to engage in political advertising or advocacy advertising in the state of New Hampshire, and further authorizing the organization's president or executive director to expend the organization's funds or other assets for political advertising or advocacy advertising.

[Duly Authorized Secretary of _____]

292:34 Filing Fee. There shall be no filing fee required by the secretary of state with any registration hereunder; provided, however, that the organization shall pay any other fees required to do business in the state of New Hampshire.

292:35 Penalties. A violation of this subdivision shall result in a civil penalty of up to \$250 per violation. Any person may make complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

I. Issue an order requiring the violator to cease and desist from its violation.

II. If the attorney general's order is not obeyed, the attorney general or designee may petition to the Merrimack County superior court for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

III. Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

292:36 Private Right of Action. Any candidate or opposing candidate of a candidate who is referred to in advocacy advertising or political advertising may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack County superior court requesting an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state, corporate division. Upon a finding by the superior court that the required statements have not been filed, and the ordering of any enforcement or injunctive relief, the complaining candidate shall be entitled to attorney's fees and costs. Upon a finding by the superior court that the complaint by the candidate was frivolous or not filed in good faith, the organization shall be entitled to its attorney's fees and costs.

292:37 Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, the invalidity does not affect any other provisions or applications of the subdivision which can be given effect without the invalid provisions or applications, and to this end the provisions of this subdivision are severable.

53 Income Accumulations; Taxation. Amend RSA 77:11 to read as follows:

77:11 Accumulations.

~~[I. Income accumulated in trust for the benefit of unborn or unascertained persons shall be taxed as if accumulated for the benefit of inhabitants of this state.~~

H.] Income accumulated in an employee benefit plan, as defined by the Employment Retirement Income Security Act of 1974, section 3, 29 United States Code § 1002(3), as amended, or in a trust comprising a part of such a plan, shall not be subject to taxation under RSA 77:1.

54 New Chapter; Committee to Review the Effects of the *Citizens United* Decision on New Hampshire Elections. Amend RSA by inserting after chapter 664 the following new chapter:

CHAPTER 664-A
COMMITTEE TO REVIEW THE EFFECTS OF THE CITIZENS UNITED DECISION
ON NEW HAMPSHIRE ELECTIONS

664-A:1 Committee to Review the Effects of the *Citizens United* Decision on New Hampshire Elections.

I. There is established a committee to review the effects of the *Citizens United* decision on New Hampshire elections.

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

(a) Two 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.

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

IV. The committee shall review the effects of the decision of the United States Supreme Court in Citizens United v. Federal Election Commission, 558 U.S. _____ (decided January 21, 2010) on New Hampshire elections and recommend legislative changes in response to the decision.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

55 Repeal. The following are repealed:

I. RSA 384-B:1,VII-a, relative to the definition of "board."

II. RSA 392:1, relative to the board for the incorporation of trust companies.

III. RSA 293-A:7.48 through 293-A:7.52, relative to corporate approval.

IV. RSA 304-C:86 through 304-C:90, relative to management approval.

V. RSA 304-B:65 through 304-B:69, relative to partnership authorization.

VI. RSA 292:32 through 292:37, relative to organizational advertising.

VII. RSA 664-A, relative to the *Citizens United* review committee.

56 Effective Date.

I. Sections 1–47 and paragraphs I and II of section 55 of this act shall take effect January 1, 2011.

II. Sections 48-52 of this act shall take effect July 1, 2010.

III. Paragraphs III-VI of section 55 of this act shall take effect December 31, 2012.

IV. Paragraph VII of section 55 of this act shall take effect December 1, 2011.

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

2010-2356-CofC

The signatures below attest to the authenticity of this Report on HB 1459, an act relative to the board of trust company incorporation.

Conferees on the Part of the Senate
Sen. Hassan, Dist. 23
Sen. Lasky, Dist. 13
Sen. DeVries, Dist. 18

Conferees on the Part of the House
Rep. Butler, Carr. 1
Rep. Pierce, Graf. 9
Rep. Clemons, Hills. 24
Rep. R. Holden, Hills. 7

2010-2356-CofC

AMENDED ANALYSIS

This bill:

I. Reallocates the duties of the board of trust company incorporation to the banking commissioner.

II. Requires the filing of a statement with the secretary of state before a corporation, limited liability company, or limited partnership engages in political advertising or advocacy advertising in this state.

III. Deletes a provision subjecting to taxation certain income accumulated in trust for the benefit of unborn or unascertained persons.

IV. Establishes a committee to review the effects of the *Citizens United* decision on New Hampshire elections.

Sen. Sgambati called the question.

Without objection President Larsen closed debate with remaining speakers.

Sen. Bragdon moved to suspend Rule 28 to allow voting on the issue of there having been no Republican member on the Committee of Conference on HB 1459.

Recess. Out of recess.

The Chair ruled that Rule 28 was properly observed and followed as nearly as possible, and that the motion to suspend the rule is not necessary.

Sen. Bragdon called for a vote on the ruling of the Chair that suspension of Rule 28 is not in order.

Recess. Out of recess.

Without objection the motion to challenge the Chair's ruling on the suspension of Rule 28 was withdrawn.

The question is on the adoption of Committee of Conference Report on HB 1459.

A roll call was requested by Sen. Barnes, seconded by Sen. Bragdon.

Recess. Out of recess.

The question is on the adoption of Committee of Conference Report on HB 1459.

A roll call had been requested.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Committee of Conference Report on HB 1459 adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

HB 230, relative to the definition of abuse in domestic violence cases.

HB 431, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

HB 621, relative to establishing procedures for identifying criminal defendants who may have a mental illness.

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

HB 651-FN, relative to regulation of private investigative agencies and security services.

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation.

HB 1171, repealing the prohibitions on Sunday business activities.

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements, relative to air quality in public schools, and drinking water revolving loan funds.

HB 1262, relative to disabled parking signs.

HB 1267-L, relative to applications for hawkers and peddlers licenses.

HB 1326, establishing a committee to investigate and assess access to viable and credible alternative medical practices and protocols to Lyme disease.

HB 1337, relative to requirement for public forums for the assessing standards board and the equalization standards board and relative to disciplinary sanctions for assessing officials.

HB 1361, relative to procedures for notification of parole hearings.

HB 1364, relative to Medicare unfair trade practices.

HB 1380-FN, relative to assessing fees by zoning boards of adjustment.

HB 1393, relative to the treatment of New Hampshire investment trusts, and relative to pooled risk management programs.

HB 1417, allowing the companion dogs of restaurant owners in certain areas of restaurants.

HB 1448, relative to town audits.

HB 1461, relative to the municipal regulation of the sale of martial arts weapons.

HB 1462, establishing a shoreland advisory council.

HB 1477, relative to checklist information and relative to challenges of voters.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

HB 1490, establishing a citizens task force to study state revenues and expenditures.

HB 1512, establishing a deferred retirement option in the judicial retirement plan.

HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax.

HB 1610-FN, establishing a New Hampshire commission on Native American affairs.

HB 1613-FN, relative to the general banking laws of the state.

HB 1620-FN-A, establishing a special registration plate symbol for the purpose of benefitting the state park system.

HB 1623, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug.

HB 2010, relative to the state 10-year transportation improvement program, authorizing the issuance of federal highway grant anticipation bonds to finance the replacement of the Memorial Bridge in Portsmouth, New Hampshire, and establishing a commission to study the F.E. Everett Turnpike.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Motion adopted.

Adjournment from the Early Session.

LATE SESSION

SENATOR BARNES: Thank you, Madam President. I think at this time I would like to say a couple of words, and I promise it won't be long, for three of our Senators who have, we know are not going to be back here next year. I'll start with the Dean of the Senate, actually the Deaness [sic] of the Senate, Sen. Roberge, who has been here for 26 years, serving the people of her district as well as the State of New Hampshire in upholding the honor of this chamber. Then I will look at my good friend, Bob Letourneau. Bob Letourneau is moving on, he's been in the House and now he's over here for a number of years, I've served with Bob. Bob, once again, has done a tremendous job with his constituency and with the folks here in the State of New Hampshire, and he's made this chamber proud on more than one occasion. And of course we have my friend, the sheriff-to-be, from the Rockingham County, Mr. Downing, Mike Downing. Mike, it's been a pleasure working with you here

in this chamber. I know you were over in the House, I served on a committee with you, what the heck was it; yeah, one of those nice committees. But Mike has been a tremendous asset, and I know he's going to make a great, a great sheriff. He's promised me a big hat and blue lights on my car. (Laughter)

Now, having said that, as I look around this room and look around this chamber, there might be some others, from the other party, from the majority party, and there might even be some from the minority party, that might not belly up a week from Friday at 4 o'clock, 5 o'clock. We don't know that and we're not asking you. But if there's anyone here who doesn't seek re-election, or if there's anyone here who might lose the election in November, including myself, I want to say it's been great working with all of you. I think you're all a bunch of "good doobies," and any of you can come to my house any time and have a Schlitz and watch the ballgame. And I don't care what party you're from; you're all doing what you think, and what you have thought was best for your constituents. Constituent service is why we're here. I'm not going to bang on my desk; I'll let my good friend, Sen. D'Allesandro, do that later, perhaps. However, it's been a pleasure working with all of you, and I wish everyone here, those who aren't running and those of you who are running, good luck. The Senate President up there, I've served with her a long time. You took the lady-from-Concord's place and I served with her for two years before you got here, and she would be looking down on you and be very proud of you, Sylvia, I know she would. She was an interesting individual; she and I sparred a couple of times, and it was fun sparring with her. So, with that I'm going to sit down and just say this chamber means an awful lot to all of us. And this chamber, remember, is more important than any damn one of us sitting in it; please don't forget that. Sometimes we get bigheaded. Well, when you get a big head, remember what Jack is going to say right now: If you're so damn smart, how come you're making 92 bucks a year? (Laughter) With that, I'll sit down.

SENATOR D'ALLESANDRO: Thank you, Madam President. Madam President, I guess I'm not as smart as Jack, Sen. Barnes, 'cause I only make \$86 a year. But it's 86 reasonable dollars. I might say that I knew Sheila Skeffington a long, long time ago, and her delightful, delightful former husband, Roland, was just one of the truly wonderful guys. Roland and I taught together at New Hampshire College and I enjoyed a wonderful relationship with him. Although we're not on the same side on many issues, I have great respect for Sheila, I think she's done a great job representing her constituency. And the Senate is always enhanced by good people, and Sheila has been a wonderful Senator, and I appreciate all she's done and thank her very much for her service.

Mike Downing was my seatmate in the House of Representatives. Not a better guy. There is not a better guy than Mike Downing: loyal, honest, hard-working individual; a quality member of the House, a quality member of the Senate. Whatever his plans are, and we know that he might seek other office, he'll do a good job at it, because he's that kind of guy. He's the kind of guy who you want with you when you go into battle because you know he'll be there at the final hour. His service in the Senate has been really something that he can be very proud of, and his family can be very proud of. And remember, he was pre-ordained to be in the Senate 'cause his dad was in the Senate; Delbert Downing was a wonderful Senator when I first started in the House of Representatives, and Del Downing went on to be a state employee and just did a great job. And it's with great pride that I say I served with Mike.

Bob Letourneau, who's been my seatmate for a number of years, just a terrific guy; has a wife who's the most charming and ingratiating individual I think my wife and I have ever met, just a wonderful, wonderful human being: warm, friendly, willing to take you along and do anything for you. So, the virtues of this Senate are the relationships that you create in the Senate. Life's about additions, it's about additions, and we should always be adding to our relationships. I think all of us are better off because of the people that have served here. We have three who are leaving, some others are coming back, but again, it's been our honor to serve with these three individuals and I certainly appreciate the time I spent with them, and I know all of us appreciate that. Thank you, Madam President.

SENATOR LETOURNEAU: Madam President and my fellow colleagues: It has been my privilege and honor to serve my communities for 14 years, the last six as State Senator, the previous eight as State Representative for my home community of Derry. For all these years, I've tried my best to balance the commitments of both serving the public, serving my family, and I'm proud to say that I've been able to do both. Yet, today it's clear to me that my family needs more and more of my time and attention these days. And because of that, the decision is clear; that decision tells me that I cannot run for re-election. I'm proud of my service and when I go through those doors for the last time I will hold my head high with the knowledge that I've been a consistent and reliable advocate for my constituents in fighting to keep taxes low and spending low, and fighting for the widening of I-93 and infrastructure improvements; for ensuring that my constituents

had the resources they needed to be safe and educate our children. I am proud of the many people that I've worked with side-by-side here in Concord, you, my colleagues; both parties, all across the state agencies, and particularly our staff who work endless hours to satisfy our needs. I walk away with the gratitude for the opportunity to have served my constituents, and I am grateful that they have always honored me with their continued confidence to represent them. Lastly, I want my constituents to know that every day I worked my hardest to ensure their voice was heard. It's clear to me that the spirit, determination and values that make New Hampshire such a special place remains intact. It is just my time and attention is fully needed at home, and at home I will be. Thank you.

PRESIDENT LARSEN: I would just like to thank everyone for the honor of serving as Senate President and for serving with each and every one of you. People call us "politicians," but I believe we're public servants, and I know each of you have served to the best of your ability. And if you are coming back, it will be wonderful to work with you, and if you are not, I wanted to recognize the time you've given to make this state a better place. We planned an end-of-session gathering this afternoon, which is still on, and I would encourage friends to – you don't need to wait an hour, 'cause I understand there are some folks up there helping me get ready. But come when you're ready and it's just meant to celebrate all of the wonderful work you've done over these years and your service to this state, and the many acquaintances and friendships we've made through this process. So I look forward to seeing all of you, and as it's not the end of Session I don't believe in goodbyes, and so we are about to conclude, unless there are any more announcements.

SENATOR ROBERGE: I have to thank everybody for the kind remarks, and I really appreciate it. It's been my pleasure to be here. And regarding my plans, I would like to be on the beach in Florida by this time next year, and particularly next winter. So that's why I'm leaving you. I think I'm going to a really pretty good place, and you're all welcome to join me. And sometime maybe you will, when you get to be a little older (laughter), but thank you. (Standing ovation)

ANNOUNCEMENTS

Without objection President Larsen moved that all statements are accepted as Rule 44's and entered into the permanent *Journal of the Senate*.

MOTION TO ADJOURN TO CALL OF THE CHAIR

Sen. Hassan moved that the business of the day being completed, that the Senate recess for the purposes of sending and receiving messages, processing enrolled bill reports and amendments, after which the Senate will stand adjourned to the call of the Chair.

Motion adopted.

The Senate is adjourned to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 1459, relative to the board of trust company incorporation.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Joint Committee on Address that the following Bills of Address Ought Not to Pass:

HA 1, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia, Belknap county, from his said office.

HA 3, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill of Address:

HA 2, for the removal of Lucinda Sadler, district court judge, from her said office.

June 9, 2010
2010-2414-EBA
05/10

Enrolled Bill Amendment to SB 150

The Committee on Enrolled Bills to which was referred SB 150

AN ACT relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 150

This enrolled bill amendment inserts a renumbering contingency.

Enrolled Bill Amendment to SB 150

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

6 New Subdivision; Low-Speed Utility Vehicles. Amend RSA 266 by inserting after section 115 the following new subdivision:

Low-Speed Utility Vehicles

266:116 Equipment Required for Low-Speed Utility Vehicles. A low-speed utility vehicle as defined in RSA 259:108, II shall be equipped in accordance with 49 C.F.R. section 571.500. This equipment shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, a parking brake, a rearview exterior mirror, a windshield, windshield wiper, brakes, seat belts, a vehicle identification number, and such other equipment as is required by federal regulations. Such vehicle may also use a flashing amber warning light when operating on a way.

7 Contingency. If SB 457 of the 2010 general legislative session becomes law, section 6 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If SB 457 does not become law, section 2 of this act shall take effect 60 days after its passage and section 6 of this act shall not take effect.

8 Effective Date.

I. Sections 1 and 3 of this act shall take effect 60 days after its passage.

II. Sections 2 and 6 of this act shall take effect as provided in section 7 of this act.

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

Adopted.

June 15, 2010
2010-2427-EBA
08/09

Enrolled Bill Amendment to SB 157

The Committee on Enrolled Bills to which was referred SB 157

AN ACT relative to the procedure for listing candidates on election ballots.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 157

This enrolled bill amendment inserts a contingency to avoid a conflict between section 8 of this bill and HB 1513-FN of the 2010 regular legislative session.

Enrolled Bill Amendment to SB 157

Amend the bill by replacing all after section 11 with the following:

12 Election Fund. RSA 5:6-d, III is repealed and reenacted 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, 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.

13 Contingency. If HB 1513-FN of the 2010 regular legislative session becomes law, section 12 of this act shall take effect at 12:01 a.m. on the effective date of HB 1513-FN and section 8 of this act shall not take effect. If HB 1513-FN of the 2010 regular legislative session does not become law, section 8 of this act shall take effect upon passage of this act and section 12 of this act shall not take effect.

14 Effective Date.

I. Section 2 of this act shall take effect as provided in section 11 of this act.

II. Section 10 of this act shall take effect January 1, 2011.

III. Section 12 of this act shall take effect as provided in section 13 of this act.

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

Adopted.

May 25, 2010
2010-2181-EBA
06/10

Enrolled Bill Amendment to SB 166-FN

The Committee on Enrolled Bills to which was referred SB 166-FN

AN ACT relative to mineral extraction, mining, and reclamation in New Hampshire.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 166-FN

This enrolled bill amendment makes a grammatical correction and corrects an RSA reference.

Enrolled Bill Amendment to SB 166-FN

Amend RSA 12-E:4, II as inserted by section 5 of the bill by replacing line 2 with the following:

conditionally approved by the commissioner and whose financial assurance plan is approved, upon

Amend RSA 12-E:7, I(f) as inserted by section 8 of the bill by replacing line 9 with the following:

as the standard of RSA 12-E:4, VIII(a) is met during 3 successive growing seasons. Reclaimed

Adopted.

June 15, 2010
2010-2428-EBA
10/03

Enrolled Bill Amendment to SB 205-FN

The Committee on Enrolled Bills to which was referred SB 205-FN

AN ACT making various changes to the criminal statutes.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 205-FN

This enrolled bill amendment makes a grammatical correction and inserts the corrected text of an RSA amended by the bill.

Enrolled Bill Amendment to SB 205-FN

Amend RSA 637:11, II(e) as inserted by section 3 of the bill by replacing line 2 with the following:

facie evidence that the offense constitutes theft with intent to resell or distribute when

Amend RSA 651:4, I as inserted by section 12 of the bill by replacing line 1 with the following:

~~I. [No person convicted of a felony and no person convicted of a felony or misdemeanor who is a member or veteran of the armed forces, shall be sentenced before a written report of a presentence~~

Adopted.

**June 15, 2010
2010-2429-EBA
08/03**

Enrolled Bill Amendment to SB 313

The Committee on Enrolled Bills to which was referred SB 313

AN ACT extending the repeal date of the state park system advisory council, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and imposing fees for the use of Jericho Mountain state park.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 313

This enrolled bill amendment renumbers an RSA section to avoid conflict with HB 1378-FN and contingently renumbers a new RSA paragraph to avoid a conflict with HB 1620-FN-A. This enrolled bill amendment also corrects certain references in the bill and makes technical corrections.

Enrolled Bill Amendment to SB 313

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

by inserting after section 3-l the following new section:

216-A:3-m Field Purchases and Transfer of Funds.

Amend RSA 216-A:3-m, II as inserted by section 2 of the bill by replacing line 6 with the following:
and development committee, and the chairman of the wildlife, fish and game and

Amend RSA 215-A:3, II-b as inserted by section 3 of the bill by replacing line 5 with the following:
and administration committees, the chairman of the resources, recreation and development

Amend RSA 215-C:2, VIII-b as inserted by section 4 of the bill by replacing line 5 with the following:
and administration committees, the chairman of the resources, recreation and development

Amend RSA 12-A:10-f, I as inserted by section 5 of the bill by replacing line 3 with the following:
shall be the depository of all ***fees, rentals, revenue from operations and retail sales, net profit***

Amend RSA 12-A:10-f, I as inserted by section 5 of the bill by replacing line 8 with the following:
capital improvements to the state historic sites properties under the administration of the department of

Amend RSA 216-A:3-g, VI(b) as inserted by section 6 of the bill by replacing line 6 with the following:
fees for vehicles, all terrain vehicles as defined in RSA 215-A:1, I-b, and off highway recreational

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

7 Contingency. If HB 1620-FN-A of the 2010 regular legislative session becomes law, RSA 216-A:3-g, VI as inserted by section 6 of this act shall be renumbered as RSA 216-A:3-g, VII.

Adopted.

June 4, 2010
2010-2361-EBA
01/04

Enrolled Bill Amendment to SB 319

The Committee on Enrolled Bills to which was referred SB 319

AN ACT relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 319

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 319

Amend RSA 178:2-a as inserted by section 2 of the bill by replacing line 3 with the following:

license, which shall not exceed 90 days. Temporary licenses may not be renewed. Persons seeking a

Adopted.

June 11, 2010
2010-2425-EBA
06/10

Enrolled Bill Amendment to SB 358-FN

The Committee on Enrolled Bills to which was referred SB 358-FN

AN ACT relative to whistleblower protection and waste prevention in state government.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 358-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 358-FN

Amend RSA 275-E:8, I as inserted by section 1 of the bill by replacing lines 3 and 4 with the following:

fraud, waste, or abuse in the expenditure of any public funds, whether state or local, or relating to programs and operations involving the procurement of any supplies, services, or construction by

Amend RSA 275-E:8, III as inserted by section 1 of the bill by replacing line 3 with the following:

papers, books, documents, recommendations, and correspondence, including information or data that is

Adopted.

June 1, 2010
2010-2354-EBA
05/10

Enrolled Bill Amendment to SB 370

The Committee on Enrolled Bills to which was referred SB 370

AN ACT relative to sewage disposal systems.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 370

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 370

Amend RSA485-A:36, I as inserted by section 3 of the bill by replacing line 4 with the following:
disposal system in *strict* accordance with ~~[the intent of]~~ the approved plan. The department shall

Adopted.

May 27, 2010
2010-2306-EBA
05/01

Enrolled Bill Amendment to SB 382

The Committee on Enrolled Bills to which was referred SB 382

AN ACT relative to The New Hampshire Native Plant Protection Act of 1987.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 382

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 382

Amend RSA 217-A:3, X(i) as inserted by section 2 of the bill by replacing it with the following:

(i) The Society for the Protection of New Hampshire Forests.

Adopted.

June 9, 2010
2010-2416-EBA
03/09

Enrolled Bill Amendment to SB 383-FN

The Committee on Enrolled Bills to which was referred SB 383-FN

AN ACT relative to economic revitalization zone tax credits.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 383-FN

This enrolled bill amendment corrects the amending language of a bill section.

Enrolled Bill Amendment to SB 383-FN

Amend section 5 of the bill by replacing lines 1-2 with the following:

5 Determination of Economic Revitalization Zone Tax Credits Eligible Amount. RSA 162-N:6, II is repealed and reenacted to read as follows:

Adopted.

May 25, 2010
2010-2199-EBA
04/10

Enrolled Bill Amendment to SB 394-FN

The Committee on Enrolled Bills to which was referred SB 394-FN

AN ACT relative to dealing in counterfeit goods.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 394-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 394-FN

Amend section 1 of the bill by replacing lines 9-10 with the following:

~~the United States Patent and Trademark Office]~~***a spurious mark that:***

(a) Is applied to, or attached to, or used in connection with in any way, any goods,

Amend RSA 638:6-b, V(e) as inserted by section 1 of the bill by replacing line 6 with the following:

making this determination, the court shall consider whether in addition to any pertinent
Adopted.

June 11, 2010
2001-2423-EBA
08/10

Enrolled Bill Amendment to SB 396-FN

The Committee on Enrolled Bills to which was referred SB 396-FN

AN ACT limiting the use of child restraint practices in schools and treatment facilities.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 396-FN

This enrolled bill amendment makes technical corrections to RSA references and adds a renumbering contingency.

Enrolled Bill Amendment to SB 396-FN

Amend RSA 126-T:1, I as inserted by section 2 of the bill by replacing line 4 with the following:

criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26.

Amend RSA 126-T:1, III(a) as inserted by section 2 of the bill by replacing line 3 with the following:

RSA 169-B, RSA 169-C, or RSA 169-D.

Amend RSA 126-T:1, III(c) as inserted by section 2 of the bill by replacing line 2 with the following:

placement of children at any stage of proceedings under RSA 169-B, RSA 169-C, or RSA 169-D or following

Amend RSA 126-T:1, III(d) as inserted by section 2 of the bill by replacing line 2 with the following:

state services systems established under RSA 135-C:3 and RSA 171-A:4, including but not limited to:

Amend RSA 126-T:13 as inserted by section 2 of the bill by replacing line 2 with the following:

RSA 169-B, RSA 169-C, or RSA 169-D, the judge may subject a child to mechanical restraint in the courtroom

Amend the bill by replacing all after section 2 with the following.

3 Contingency. If HB 1692 of the 2010 regular legislative session becomes law, then all references to RSA 126-T in section 2 of this act shall be renumbered as RSA 126-U.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect September 1, 2010.

Adopted.

May 28, 2010
2010-2341-EBA
09/03

Enrolled Bill Amendment to SB 404

The Committee on Enrolled Bills to which was referred SB 404

AN ACT relative to towing and disposal of abandoned vehicles.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 404

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 404

Amend RSA 262:40-c, II as inserted by section 10 of the bill by replacing line 2 with the following:

such vehicle after complying with the notice requirements of RSA 262:36-a or RSA 262:38, as Adopted.

June 14, 2010
2010-2426-EBA
04/10

Enrolled Bill Amendment to SB 408

The Committee on Enrolled Bills to which was referred SB 408

AN ACT relative to purchasing alliances and establishing a study committee on the procurement of health insurance by employee leasing companies.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 408

This enrolled bill amendment inserts a contingency provision to avoid a conflict with SB 455-FN of the 2010 legislative session.

Enrolled Bill Amendment to SB 408

Amend the bill by replacing all after section 9 with the following:

10 Insurance; Qualified Associated Trust. Amend RSA 420-G:10 to read as follows:

420-G:10 Qualified Association Trust ***and Qualified Purchasing Alliance.***

I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV, ***and a qualified purchasing alliance, as defined in RSA 420-M:2, X,*** shall:

(a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer members with 50 or fewer employees based upon the association's ***or alliance's*** group experience, except that ***for a qualified association trust,*** no rating factor shall be utilized without the express written consent of the association.

(b) Offer all eligible members, as defined under the applicable trust or other documents, coverage and rates on a guaranteed issue and renewable basis.

(c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

(d) Comply with the preexisting conditions provision of RSA 420-G:7.

(e) Prohibit any employer that voluntarily discontinues participation in either a qualified association trust or a qualified purchasing alliance from rejoining for a period of at least 24 months.

II. Nothing in this chapter shall be interpreted to limit the size of employers who may participate in coverage with a qualified association trust *or a qualified purchasing alliance*.

11 Contingency.

I. If SB 455-FN of the 2010 legislative session becomes law, then section 10 of this act shall take effect upon the passage of this act and section 2 of this act shall not take effect. If SB 455-FN does not become law, then section 2 of this act shall take effect upon the passage of this act and section 10 of this act shall not take effect.

II. If SB 455-FN of the 2010 legislative session becomes law, then all references to RSA 420-L in section 1 of this act shall be renumbered as RSA 420-M.

12 Effective Date.

I. Sections 2 and 10 of this act shall take effect as provided in section 11 of this act.

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

Adopted.

May 24, 2010
2010-2152-EBA
10/05

Enrolled Bill Amendment to SB 409

The Committee on Enrolled Bills to which was referred SB 409

AN ACT requiring buildings or structures constructed or renovated using state funding to adhere to certain energy efficiency and building standards.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 409

This enrolled bill amendment corrects an RSA reference.

Enrolled Bill Amendment to SB 409

Amend RSA 155-A:13, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Public school facilities that are subject to RSA 198:15-c.

Adopted.

June 4, 2010
2010-2362-EBA
10/05

Enrolled Bill Amendment to SB 420

The Committee on Enrolled Bills to which was referred SB 420

AN ACT relative to the use of pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 420

This enrolled bill amendment amends the title of the bill to reflect its contents.

Enrolled Bill Amendment to SB 420

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

AN ACT establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

Adopted.

June 3, 2010
2010-2360-EBA
08/01

Enrolled Bill Amendment to SB 435

The Committee on Enrolled Bills to which was referred SB 435

AN ACT relative to the provision of caller locations in emergency situations.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 435

This enrolled bill amendment inserts a contingency provision to avoid a conflict with HB 213-FN of the 2010 regular legislative session.

Enrolled Bill Amendment to SB 435

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

3 Contingency. If HB 213-FN of the 2010 regular session of the general court becomes law, then RSA 106-H:16 as inserted by this act shall be renumbered to read as 106-H:17.

Adopted.

May 26, 2010
2010-2250-EBA
06/10

Enrolled Bill Amendment to SB 457-FN

The Committee on Enrolled Bills to which was referred SB 457-FN

AN ACT authorizing identifying decals for custom vehicles.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 457-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 457-FN

Amend 261:89-d as inserted by section 3 of the bill by replacing line 3 with the following:

identifying decals to be placed on the windshield of a custom vehicle at the time of registration

Adopted.

May 26, 2010
2010-2223-EBA
03/04

Enrolled Bill Amendment to SB 463-FN

The Committee on Enrolled Bills to which was referred 463-FN

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 463-FN

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 463-FN

Amend RSA 330-A:19, I as inserted by section 14 of the bill by replacing line 3 with the following:
institution or its equivalent which has received regional accreditation from the Association of

Amend RSA 330-A:19, II as inserted by section 14 of the bill by replacing line 2 with the following:
Board for Certified Counselors, Inc.

Amend RSA 330-A:21, II as inserted by section 15 of the bill by replacing line 1 with the following:

II. Has passed the national *proctored* examination of the Association [for Marriage] *of Marital* and
Adopted.

June 11, 2010
2010-2424-EBA
06/10

Enrolled Bill Amendment to SB 480

The Committee on Enrolled Bills to which was referred SB 480

AN ACT relative to appeals of decisions by the department of environmental services.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 480

This enrolled bill amendment makes a technical correction and rennumbers certain paragraphs.

Enrolled Bill Amendment to SB 480

Amend RSA 21-O:7, IV as inserted by section 4 of the bill by replacing line 2 with the following:
decisions relative to the functions and responsibilities *within the expertise* of the division of

Amend RSA 21-O:14, II as inserted by section 7 of the bill by replacing line 1 with the following:

I-a. Any person aggrieved by a department decision may, in addition to any other

Amend RSA 21-O:14, III as inserted by section 7 of the bill by replacing line 1 with the following:

II. *Appeal* hearings before [all] *any* [councils] *council* established by this chapter

Amend RSA 21-O:14, IV as inserted by section 7 of the bill by replacing line 1 with the following:

III. Persons aggrieved by the disposition of administrative appeals before any council

Amend RSA 21-O:14, V as inserted by section 7 of the bill by replacing line 1 with the following:

IV. The councils established under this chapter [may] *shall* adopt rules under RSA 541-

Adopted.

June 11, 2010
2010-2422-EBA
08/09

Enrolled Bill Amendment to SB 485-FN-A

The Committee on Enrolled Bills to which was referred SB 485-FN-A

AN ACT relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch, and relative to state reimbursement of county sheriffs costs.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 485-FN-A

This enrolled bill amendment inserts a contingent section to avoid a conflict between section 3 of this bill and SB 346-FN-LOCAL of the 2010 regular legislative session.

Enrolled Bill Amendment to SB 485-FN-A

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

6 Reimbursement for Court Security. RSA 104:31, X is repealed and reenacted to read as follows:

X. The state shall reimburse the sheriff's office for court security, within available funds appropriated by the legislature, \$80 for each full day and \$40 for each half day, plus traveling expenses to attend any official business, for any person employed as a bailiff by the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a bailiff works 4 hours or less. The state shall reimburse the counties, within available funds appropriated by the legislature, for all costs associated with employing court bailiffs, if those costs are the result of job requirements imposed by federal and state governments.

7 Contingency. If SB 346-FN-LOCAL of the 2010 regular legislative session takes effect, section 6 of this bill shall take effect at 12:01 a.m. on the effective date of SB 346-GN-LOCAL. If SB 346-FN-LOCAL does not take effect, section 6 of this act shall not take effect.

8 Effective Date.

I. Section 6 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect July 1, 2010.

Adopted.

June 1, 2010
2010-2355-EBA
06/10

Enrolled Bill Amendment to SB 495-FN

The Committee on Enrolled Bills to which was referred SB 495-FN

AN ACT establishing a task force on state procurement policies and procedures, and authorizing pilot projects using best value procurement.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 495-FN

This enrolled bill amendment makes a technical change to amending language and inserts a contingency provision to avoid duplicate RSA chapter numbering.

Enrolled Bill Amendment to SB 495-FN

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

1 New Chapter; State Procurement Policies and Procedures. Amend RSA by inserting after chapter 21-S the following new chapter:

CHAPTER 21-T

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

4 Contingent Renumbering. If SB 505-FN-A of the 2010 legislative session becomes law, then all references to RSA 21-S in sections 1, 2, and 3 of this act shall be renumbered as RSA 21-T.

Adopted.

May 24, 2010
2010-2150-EBA
04/01

Enrolled Bill Amendment to SB 514

The Committee on Enrolled Bills to which was referred SB 514

AN ACT relative to commercial weighing or measuring devices and rulemaking authority for the commissioner of the department of agriculture markets and food.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 514

This enrolled bill amendment corrects references to the department of agriculture, markets, and food in the bill.

Enrolled Bill Amendment to SB 514

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

AN ACT relative to commercial weighing or measuring devices and rulemaking authority for the commissioner of the department of agriculture, markets, and food.

Amend section 1 of the bill by replacing line 4 with the following:

registration from the department of agriculture, markets, and food who, for hire, installs, services,

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

the department of agriculture, markets, and food, is repealed.

Adopted.

May 25, 2010
2010-2160-EBA
10/04

Enrolled Bill Amendment to SB 518

The Committee on Enrolled Bills to which was referred SB 518

AN ACT relative to the participation of youth a adjunct members of task forces of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 518

This enrolled bill amendment corrects the title of the bill.

Enrolled Bill Amendment to SB 518

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

AN ACT relative to the participation of youth as adjunct members of task forces of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

Adopted.

June 8, 2010
2010-2394-EBA
06/01

Enrolled Bill Amendment to HB 230

The Committee on Enrolled Bills to which was referred HB 230

AN ACT relative to the definition of abuse in domestic violence cases.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 230

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 230

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

1 Protection of Persons From Domestic Violence; Definitions. Amend the introductory paragraph of RSA 173-B:1, I to read as

Amend RSA 173-B:1, I as inserted by section 1 of the bill by replacing line 8 with the following:

her safety or well-being:

Adopted.

June 11, 2010
2010-2421-EBA
03/01

Enrolled Bill Amendment to HB 598-FN

The Committee on Enrolled Bills to which was referred HB 598-FN

AN ACT relative to the regulation of auctioneers by the state board of auctioneers.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 598-FN

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 598-FN

Amend RSA 311-B:4, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. It shall be unlawful for any person physically located in the state of New Hampshire to:

Amend RSA 311-B:10, II as inserted by section 8 of the bill by replacing line 3 with the following:
renewal of licensure, and paid the renewal fee.

Amend RSA 311-B:11, III(g) as inserted by section 9 of the bill by replacing line 2 with the following:
area or areas in which he or she has been found deficient or requiring the person to retake the

Amend RSA 311-B:11, V as inserted by section 9 of the bill by replacing line 4 with the following:
supervision of the attorney general, employ an attorney for assistance and

Amend the bill by replacing section 15 with the following:

15 Effective Date. This act shall take effect January 1, 2011.

Adopted.

June 17, 2010
2010-2431-EBA
03/04

Enrolled Bill Amendment to HB 651-FN

The Committee on Enrolled Bills to which was referred HB 651-FN

AN ACT relative to regulation of private investigative agencies and security services.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 651-FN

This enrolled bill amendment makes technical, grammatical, and gender-neutral corrections and inserts omitted text from current law.

Enrolled Bill Amendment to HB 651-FN

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

1 Title Change; Detective Agency; Private Investigative Agency. Amend the chapter heading of RSA Amend RSA 106-F:2, IX as inserted by section 3 of the bill by replacing line 5 with the following:

to voter preference polls, demographic surveys, or business or academic research.

Amend RSA 106-F:2, XIV as inserted by section 3 of the bill by replacing lines 3-4 with the following:

with, or hired by, the financial institution with respect to the investigation of the identity, identifying information, financial condition, and background of customers, employees, or service

Amend RSA 106-F:2-a as inserted by section 4 of the bill by replacing line 4 with the following:

investigator license or agency license, under this chapter.

Amend RSA 106-F:3, I(d)-(e) as inserted by section 5 of the bill by replacing it with the following:

(d) Use of fees for administration and enforcement of this chapter; ~~and~~

(e) Revocation of licenses~~[-]; and~~

Amend RSA 106-F:3-a, I as inserted by section 6 of the bill by replacing line 7 with the following:

exceeds ½ of the 3-year term shall be deemed a full term. Initial appointments made by the governor

Amend RSA 106-F:3-a, II(a) as inserted by section 6 of the bill by replacing line 1 with the following:

(a) Three members licensed in New Hampshire as investigators and who have been so

Amend RSA 106-F:3-a, II(b) as inserted by section 6 of the bill by replacing line 5 with the following:

of the board or profession for a fee at any time during the 5 years preceding their appointments.

Amend RSA 106-F:4, II as inserted by section 7 of the bill by replacing line 5 with the following:

firearm for his or her personal protection as otherwise provided by law, except as subject to the provisions

Amend RSA 106-F:4, XIV as inserted by section 7 of the bill by replacing line 5 with the following:

plants. Such service may use the terms “security,” “safety,” “control” or like terms leading the public to

Amend RSA 106-F:5, II as inserted by section 8 of the bill by replacing lines 1-2 with the following:

II. No person shall become an employee of a private ~~[detective]~~ ***investigative*** agency ~~[or]~~, a security guard agency, ***or a bail enforcement agency*** without first obtaining a license to do so from

Amend RSA 106-F:6, VII(c) as inserted by section 9 of the bill by replacing line 5 with the following:

behavior, domestic violence, or abuse of any type, or an active domestic violence protective

Amend RSA 106-F:6, VII(d)(1) as inserted by section 9 of the bill by replacing line 4 with the following:

adjuster, risk manager, or claims investigator for an insurance carrier or adjusting

Amend RSA 106-F:6, VII(d)(2) as inserted by section 9 of the bill by replacing line 2 with the following:

fire service from an accredited college or university, ***certification from the American Society for***

Amend RSA 106-F:6, VII(d)(5)-(6) as inserted by section 9 of the bill by replacing it with the following:

(5) Certification by the American Society for Industrial Security in security operations, and 2 years experience providing such services; or

(6) Certification by the American Society for Industrial Security in executive protection, and 2 years experience providing such services.

Amend RSA 106-F:7, I as inserted by section 10 of the bill by replacing lines 1-2 with the following:

I. Following review of the application~~[-]~~ ***and*** the applicant’s references, and investigation into the character, competency, and integrity of the applicant, the commissioner shall as soon as practicable

Amend RSA 106-F:13, I as inserted by section 15 of the bill by replacing lines 2-5 with the following:

municipal, county, state, or federal government or agency thereof. No licensee shall use a badge of any kind for identification purposes, except a security guard, who, if he *or she* wears any type of badge, shall wear one badge on the left breast of his *or her* uniform and one on his *or her* cap while on duty as a security guard. The word "police" shall not be used in any way, on any seal, card, badge, or

Amend RSA 106-F:13-a, I as inserted by section 16 of the bill by replacing line 4 with the following:

having jurisdiction, or the attorney general's office.

Amend RSA 106-F:13-a, II as inserted by section 16 of the bill by replacing line 1 with the following:

II. A licensee who reports criminal activity to state or local police or a county sheriff

Amend RSA 106-F:13-b, I as inserted by section 17 of the bill by replacing lines 1-3 with the following:

I. Except as permitted under RSA 173-B:5-a and RSA 633:3-a, III-d, no licensee or license holder shall engage in activity or stand in the stead or as agent or representative of a person or legal entity that is judicially or statutorily prohibited from making inquiry or having contact, or otherwise

Amend the bill by renumbering the second section 17 to read as section 18.

Amend RSA 106-F:14, I(b) as inserted by section 18 of the bill by replacing lines 1-3 with the following:

(b) Is convicted of fraud, deceit, or misrepresentation, ***or a felony of any type, or a misdemeanor associated with theft, dishonesty, physical assault, violation of a protective order, abuse of any type, or use of or sale of illegal drugs in New Hampshire or any other***

Amend RSA 106-F:16 as inserted by section 19 of the bill by replacing line 2 with the following:

investigative agency, ***bail enforcement agency***, or security guard service without first having obtained a license therefor or

Adopted.

**May 24, 2010
2010-2138-EBA
09/05**

Enrolled Bill Amendment to HB 1164

The Committee on Enrolled Bills to which was referred HB 1164

AN ACT relative to newborn screening tests.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1164

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1164

Amend RSA 132:10-a, III-a as inserted by section 1 of the bill by replacing line 2 with the following:

under paragraph I destroys any samples no later than 6 months following the completion of

Adopted.

**June 15, 2010
2010-2430-EBA
09/03**

Enrolled Bill Amendment to HB 1267-LOCAL

The Committee on Enrolled Bills to which was referred HB 1267-LOCAL

AN ACT relative to applications for hawkers and peddlers licenses.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1267-LOCAL

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1267-LOCAL

Amend RSA 31:102-b, I as inserted by section 2 of the bill by replacing line 2 with the following:

town, or town to town, who sell, offer to sell, or take orders for merchandise or offer to perform

Amend RSA 31:102-b, I as inserted by section 2 of the bill by replacing line 7 with the following:

records, if any. To obtain a federal records check, such person shall also submit to the municipality,

Amend RSA 31:102-b, II as inserted by section 2 of the bill by replacing line 6 with the following:

Bureau of Investigation. Fingerprints taken digitally by Live Scan or similar device shall be

Adopted.

May 27, 2010

2010-2287-EBA

08/09

Enrolled Bill Amendment to HB 1271

The Committee on Enrolled Bills to which was referred HB 1271

AN ACT establishing a task force on work and family.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1271

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1271

Amend RSA 276-F:5 as inserted by section 1 of the bill by replacing line 2 with the following

submit an annual report of its activities and findings, including any recommendations for proposed

Adopted.

May 24, 2010

2010-2154-EBA

04/05

Enrolled Bill Amendment to HB 1279-FN-A

The Committee on Enrolled Bills to which was referred HB 1279-FN-A

AN ACT relative to the licenses of mortgage bankers and mortgage brokers.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1279-FN-A

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 1279-FN-A

Amend section 1 of the bill by replacing line 6 with the following:

manager *of a location required to be licensed as a branch office under this chapter*, and any

Amend section 2 of the bill by replacing line 20 with the following:

abandoned the application. A mortgage originator's license may be transferred during a

Amend section 3 of the bill by replacing line 8 with the following:

required to be licensed as a branch office under this chapter shall be licensed as a

Amend section 6 of the bill by replacing line 1 with the following:

6 New Paragraph; Principal Office; Definitions. Amend RSA 397-B:1 by inserting after

Amend section 8 of the bill by replacing line 8 with the following:

required to be registered as a branch office under this chapter shall be licensed under

Adopted.

June 2, 2010

2010-2357-EBA

01/09

Enrolled Bill Amendment to HB 1286

The Committee on Enrolled Bills to which was referred HB 1286

AN ACT requiring public academies to obtain a criminal history records check on employees and volunteers and permitting nonpublic schools to obtain criminal history records checks on employees and volunteers.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1286

This enrolled bill amendment inserts text adopted in 2010, 138 (HB 1224) into section 1 of the bill.

Enrolled Bill Amendment to HB 1286

Amend RSA 189:13-a, II-V as inserted by section 1 of the bill by replacing them with the following:

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, [or] chartered public school, ***or public academy*** shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of charges pending disposition for or convictions of the applicant of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, [or] chartered public school, ***or public academy***. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, [or] chartered public school, ***or public academy*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, [or] chartered public school, ***or public academy*** shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. ~~[Upon completion of the background investigation,]~~ The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, [or] chartered public school, ***or public academy***, and shall report the presence or absence of any such crime to the school administrative unit, school district, [or] chartered public school, ***or public academy***. Under no circumstances shall the criminal records be released to the school administrative unit, school district, [or] chartered public school, ***or public academy***. The school administrative unit, school district, [or] chartered public school, ***or public academy*** shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, [or] chartered public school, ***or public academy*** shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or has

been charged pending disposition for or convicted of a crime listed in paragraph V, the school administrative unit, school district, ~~or~~ chartered public school, **or public academy** shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The school administrative unit, school district, ~~or~~ chartered public school, **or public academy** shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, ~~or charter~~ **chartered public school, or public academy** may require the selected applicant for employment or designated volunteer to pay the actual costs of the ~~[background investigation and a]~~ criminal history records check.

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, ~~or~~ chartered public school, **or public academy**. By decision of the appropriate governing body, a school administrative unit, school district, ~~or~~ chartered public school, **or public academy** may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

Adopted.

**May 28, 2010
2010-2340-EBA
09/03**

Enrolled Bill Amendment to HB 1318

The Committee on Enrolled Bills to which was referred HB 1318

AN ACT relative to post-conviction DNA testing, eligibility for victim's compensation for a victim of a crime in which a petition for post-conviction DNA testing was filed, and relative to victim services while the court is considering post-conviction DNA testing.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1318

This enrolled bill amendment makes a correction to the title and contingently renumbers a paragraph to avoid a conflict with HB 1441 of the 2010 legislative session.

Enrolled Bill Amendment to HB 1318

Amend the bill by replacing the title with the following:

AN ACT relative to post-conviction DNA testing, eligibility for victim's compensation for a victim of a crime in which a petition for post-conviction DNA testing was filed, and victim services while the court is considering post-conviction DNA testing.

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

7 Contingency. If HB 1441 of the 2010 regular legislative session becomes law, RSA 21-M:8-h, VIII as inserted by section 5 of this act shall be renumbered as RSA 21-M:8-h, IX.

Adopted.

**May 25, 2010
2010-2166-EBA
06/04**

Enrolled Bill Amendment to HB 1334

The Committee on Enrolled Bills to which was referred HB 1334

AN ACT relative to penalties for unpaid fines concerning hazardous materials accidents.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1334

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1334

Amend RSA 154:8-a, II-a(f) as inserted by section 3 of the bill by replacing line 5 with the following:

subparagraph (h) in the case of nonpayment.

Adopted.

May 25, 2010

2010-2165-EBA

01/04

Enrolled Bill Amendment to HB 1376

The Committee on Enrolled Bills to which was referred HB 1376

AN ACT relative to the regulation of pharmacies and pharmacists.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1376

This enrolled bill amendment makes a technical correction and inserts a contingency to avoid a conflict with HB 1435-FN of the 2010 legislative session.

Enrolled Bill Amendment to HB 1376

Amend section 6 of the bill by replacing line 1 with the following:

6 Disciplinary Action; Licenses. Amend the introductory paragraph and subparagraphs (a)-(f) of RSA 318:29, V to read as follows:

Amend the bill by replacing all after section 11 with the following:

12 Prescriptions; Fraud or Deceit. Amend RSA 318:52-a to read as follows:

318:52-a Fraud or Deceit. It is unlawful to obtain or attempt to obtain a drug or device sold by prescription of a physician, dentist, optometrist, podiatrist, veterinarian, naturopathic doctor, physician assistant, or advanced practice registered nurse that bears a statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist, optometrist, podiatrist, veterinarian, naturopathic doctor, physician assistant, or advanced practice registered nurse by:

~~[(a)]~~ **I.** Fraud, deceit, misrepresentation or subterfuge;

~~[(b) by]~~ **II.** The forgery or alteration of a prescription or of any written order;

~~[or (c) by]~~ **III.** The concealment of a material fact;

~~[or (d)]~~ **IV.** The use of a false name or the giving of a false address[-]; **or**

V. Submission of an electronic or on-line medical history form that fails to establish a valid practitioner-patient relationship.

13 Contingency. If HB 1435-FN of the 2010 legislative session becomes law, section 12 of this act shall take effect on January 1, 2011 at 12:01 a.m. If HB 1435-FN of the 2010 legislative session does not become law, section 12 of this act shall not take effect.

14 Effective Date.

I. Section 12 of this act shall take effect as provided in section 13 of this act.

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

Adopted.

June 3, 2010
2010-2359-EBA
05/09

Enrolled Bill Amendment to HB 1393

The Committee on Enrolled Bills to which was referred HB 1393

AN ACT relative to the treatment of New Hampshire investment trusts, and relative to pooled risk management programs.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1393

This enrolled bill amendment inserts a statutory reference and makes technical corrections.

Enrolled Bill Amendment to HB 1393

Amend RSA 293-B:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "New Hampshire investment trust" means a "qualified investment company" as defined in RSA 77-A:1, XXI.

Amend RSA 293-B:8, IV(a)(1) as inserted by section 2 of the bill by replacing line 4 with the following:

or take such action at a meeting at which all trustees entitled to vote thereon were present and voted;

Amend RSA 293-B:8, IV(b) as inserted by section 2 of the bill by replacing line 4 with the following:

paragraph. For purposes of this paragraph, the term "electronic transmission" means any form of

Amend RSA 293-B:8, VII(c) as inserted by section 2 of the bill by replacing lines 1 and 2 with the following:

(c) The specified penalties or specified consequences under subparagraphs (a) and (b) may include and take the form of any penalty or consequence set forth in

Amend RSA 293-B:9, II as inserted by section 2 of the bill by replacing lines 2 and 3 with the following:

or becomes a registered investment company under the Investment Company Act of 1940, (15 U.S.C. section 80a-1 et seq.), as amended, such New Hampshire investment trust shall not be

Amend RSA 293-B:16, II as inserted by section 2 of the bill by replacing line 5 with the following:

expenses paid. The governor is authorized to draw a warrant for the sums authorized by this

Adopted.

June 10, 2010
2010-2419-EBA
03/10

Enrolled Bill Amendment to HB 1417

The Committee on Enrolled Bills to which was referred HB 1417

AN ACT allowing the companion dogs of restaurant owners in certain areas of restaurants.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1417

This enrolled bill amendment inserts the correct text of the RSA section amended by the bill.

Enrolled Bill Amendment to HB 1417

Amend RSA 466:44, I as inserted by section 1 of the bill by replacing lines 2-3 with the following:

restaurant or any store that sells food; and no person shall allow any animal to enter ~~[or remain]~~ in any ~~[restaurant or in any]~~ store that sells food, except for guide dogs leading blind persons, and the hearing ear dog and the service

Adopted.

May 26, 2010
2010-2271-EBA
05/01

Enrolled Bill Amendment to HB 1436

The Committee on Enrolled Bills to which was referred HB 1436

AN ACT requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System and relative to legislative security staff.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1436

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1436

Amend section 1 of the bill by replacing line 6 with the following:
date of this section.

Adopted.

June 10, 2010
2010-2420-EBA
10/03

Enrolled Bill Amendment to HB 1462

The Committee on Enrolled Bills to which was referred HB 1462

AN ACT establishing a shoreland advisory council.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1462

This enrolled bill amendment amends the title of the bill to reflect its contents.

Enrolled Bill Amendment to HB 1462

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

AN ACT establishing a shoreland advisory committee.

Adopted.

July 7, 2010
2010-2435-EBA
08/03

Enrolled Bill Amendment to HB 1477

The Committee on Enrolled Bills to which was referred HB 1477

AN ACT relative to checklist information and relative to challenges of voters.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1477

This enrolled bill amendment makes a technical correction, nullifies a section of HB 1528 of the 2010 regular legislative session which has the same effect as a section of this bill, incorporates changes to an RSA provision enacted in HB 1529 of the 2010 regular legislative session, and inserts a contingent provision to avoid a conflict with HB 1535-FN of the 2010 regular legislative session.

Enrolled Bill Amendment to HB 1477

Amend RSA 659:27-a, I as inserted by section 5 of the bill by replacing line 62 with the following:
a challenged voter affidavit.

Amend 659:51 as inserted by section 6 by replacing it with the following:

659:51 Challenges.

I. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter, ***except for voters provided for in RSA 7:46***, but not after the ballot is removed from the envelope. ~~[A person who makes a challenge shall state the reason for the challenge.]~~ ***No challenge to an absentee ballot may be asserted except in conformity with the requirements of RSA 659:27-a.***

II. If the ballot is challenged, the moderator shall write on the affidavit envelope containing the ballot the word “challenged” and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot “Challenged Ballot No. 1.”

III. The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk’s list of absentee voter applicants prepared pursuant to RSA 657:15 the word “challenged” and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the affidavit envelope so the affidavit thereon is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.

Amend the bill by replacing all after section 6 with the following:

7 Nullification. Section 2 of HB 1528 of the 2010 regular legislative session shall not take effect.

8 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges.

I. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter, ***except for voters provided for in RSA 7:46***, but not after the ballot is removed from the envelope. ~~[A person who makes a challenge shall state the reason for the challenge.]~~ ***No challenge to an absentee ballot may be asserted except in conformity with the requirements of RSA 659:27-a.***

II. If the ballot is challenged, the moderator shall write on the envelope containing the ballot the word “challenged” and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot “Challenged Ballot No. 1.”

III. The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk’s list of absentee voters prepared pursuant to RSA 657:15 the word “challenged” and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the envelope so the affidavit is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.

9 Contingency. If HB 1535-FN if the 2010 regular legislative session of the general court becomes law, section 6 of this act shall not take effect and section 8 of this act shall take effect upon its passage; provided

that, if HB 1535-FN becomes law after this act, section 8 of this act shall take effect at 12:01 a.m. on the effective date of HB 1535-FN. If HB 1535-FN does not become law, section 8 of this act shall not take effect and section 6 of this act shall take effect upon its passage.

10 Effective Date.

I. Sections 6 and 8 shall take effect as provided in section 9 of this act.

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

Adopted.

June 9, 2010

2010-2415-EBA

06/04

Enrolled Bill Amendment to HB 1490

The Committee on Enrolled Bills to which was referred HB 1490

AN ACT establishing a citizens task force to study state revenues and expenditures.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1490

This enrolled bill amendment changes the title of the bill to accurately reflect the contents of the bill and makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1490

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

AN ACT establishing a citizens task force to study state revenues and expenditures and relative to the regulation of financial institutions.

Amend RSA 21-I:89 as inserted by section 1 of the bill by replacing line 3 with the following:

legislation, to the governor, the speaker of the house of representatives, the president of the senate, and

Amend section 10 of the bill by replacing line 1 with the following:

10 Duties; Commissioner. Amend RSA 383:9 to read as follows:

Amend RSA 383:9-d, I(c) as inserted by section 11 of the bill by replacing it with the following:

(c) Perform 2 examinations as required by **RSA** 383:9.

Amend RSA 383:9-d, II as inserted by section 11 of the bill by replacing line 1 with the following:

II. *An institution qualifies for examination treatment under paragraphs I and III if:*

Amend RSA 383:9-d, III(a) as inserted by section 11 of the bill by replacing lines 1 and 2 with the following:

(a) An audit report satisfying the requirements of RSA 384:43, I and II ~~if it is prepared in accordance with RSA 384:43, III(a) and (b),~~ and a fiduciary audit conforming to applicable

Amend RSA 383:9-i, I as inserted by section 12 of the bill by replacing line 2 with the following:

Reserve Act section 23A(b), (12 U.S.C. section 371c(a)), as amended from time to time, and the

Amend RSA 392:5, III(a) as inserted by section 13 of the bill by replacing line 2 with the following:

records check on the petitioner's organizers, officers, directors, or managers, and on any person in a

Amend RSA 386-A:4, II(a) as inserted by section 14 of the bill by replacing line 2 with the following:

records check on the petitioner's organizers, officers, directors, trustees, or managers and on any

Amend RSA 386-A:4, II(a) as inserted by section 14 of the bill by replacing line 5 with the following:

that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10

Amend RSA 393:1-c, I as inserted by section 15 of the bill by replacing line 2 with the following:

check on the incorporators, officers, directors, and on any person in a similar position or performing

Amend RSA 393:1-c, I as inserted by section 15 of the bill by replacing line 4 with the following:

history records check on any person, including individuals, that owns, beneficially owns, has the right

Amend RSA 394-B:4-a, I as inserted by section 16 of the bill by replacing line 3 with the following:

union, and on any person in a similar position or performing similar functions.

Amend RSA 394-B:4-a, II as inserted by section 16 of the bill by replacing line 1 with the following:

II. If required by the department, the persons described in paragraph I shall submit to

Amend RSA 392:25, I as inserted by section 18 of the bill by replacing line 8 with the following:

may by rule, order, or declaratory ruling set liquidity requirements for such capital.

Amend RSA 383:10-d as inserted by section 20 of the bill by replacing lines 6 and 7 with the following:

persons adversely affected by such conduct. ***The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this section and***

Amend RSA 383:9-j, I as inserted by section 21 of the bill by replacing line 4 with the following:

financial institution, new officers, and directors, and on any person in a similar position or performing

Amend RSA 392-A:6-a, I as inserted by section 22 of the bill by replacing lines 3 and 4 with the following:

percent or more of the beneficial ownership or control of the voting shares, new officers, and directors, and on any person in a similar position or performing similar functions. If the acquirer is a subsidiary,

Adopted.

May 26, 2010

2010-2229-EBA

03/10

Enrolled Bill Amendment to HB 1533

The Committee on Enrolled Bills to which was referred HB 1533

AN ACT establishing a committee to study the statute governing annulment of criminal records.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1533

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1533

Amend subparagraph I(d) of section 3 of the bill by replacing line 1 with the following:

(d) Study whether the current use of the annulment process is working effectively, is in

Adopted.

June 3, 2010

2010-2358-EBA

06/04

Enrolled Bill Amendment to HB 1535-FN

The Committee on Enrolled Bills to which was referred HB 1535-FN

AN ACT relative to absentee voting, special elections, election returns, preservation of ballots, recounts, the ballot law commission, and electronic ballot counting devices.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1535-FN

This enrolled bill amendment makes grammatical and technical corrections, and inserts provisions to incorporate changes contingent on HB 1529 and HB 1574-FN of the 2010 legislative session becoming law.

Enrolled Bill Amendment to HB 1535-FN

Amend RSA 657:8 as inserted by section 22 of the bill by replacing line 10 with the following:

1. A member of the Uniformed Services or Merchant Marine on active duty; or, an eligible spouse or

Amend RSA 657:10-a as inserted by section 24 of the bill by replacing line 8 with the following:

UOCAVA voter requesting such ballot without delay for any request received up to 45 days before an

Amend RSA 657:23 as inserted by section 39 of the bill by replacing line 4 with the following:

applicants compiled pursuant to RSA 657:15 to the moderators in the several voting precincts

Amend the bill by replacing all after section 71 with the following:

72 Absentee Voting; Provisions for General Election. Amend RSA 657:12 to read as follows:

657:12 Provisions for General Election. Upon receipt of a properly executed application for an official absentee ballot ***for a general election***, whether the form supplied by the secretary of state, the federal ***official*** post card [application] form, or a written statement containing the information required by [the appropriate paragraph of] RSA 657:4, ***I***, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15 to the applicant and record the information pursuant to RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

73 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, ***email***, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through [657:9] ***657:8*** or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B; the lists shall not be available for public inspection at any time without a court order.

74 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of [a return] ***an outer*** envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day.

75 Absentee Voting; Delivery to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 659:49, the clerk shall deliver all such envelopes, the applications therefor received by him or her, and the list of absentee voter applicants compiled pursuant to RSA 657:15 to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no [armed services] ***UOCAVA voter's*** ballot shall be rejected by a moderator for lack of an attached application, ***provided a signature is available for comparison on a voter registration document***.

76 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the [affidavit] envelope containing the ballot the word “challenged” and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot “Challenged Ballot No. 1”. The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk’s list of absentee ~~[voter applicants]~~ **voters** prepared pursuant to RSA 657:15 the word “challenged” and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the [affidavit] envelope so the affidavit ~~[thereon]~~ is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.

77 Opening Envelope; Depositing Ballot. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the [affidavit] envelope containing the ballot so the affidavit ~~[on the envelope]~~ is not destroyed. The moderator shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and **he or she** shall preserve the affidavit ~~[separately from]~~ **with** the ballots ~~[and deliver it to the town or city clerk upon the closing of the polls]~~ **cast at the election as provided in RSA 659:101**. The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters “A.V.” in red ink and shall then deposit the ballot in the ballot box.

78 Effect. Amend RSA 654:23 to read as follows:

654:23 Effect. Unless the supervisors of the checklist shall be of the opinion that the federal post card applicant does not qualify as a UOCAVA voter in the city or town as provided in RSA 654:3, they shall, at their next session for the correction of the checklist subsequent to their receipt of such federal post card application properly executed, cause his or her name to be added to the checklist and, if the applicant is domiciled outside the United States, a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, if the person is domiciled outside the United States, he or she shall be entitled to vote by federal offices only absentee ballot at both federal primary and general elections. **The supervisors shall retain the registration form in accordance with RSA 33-A:3-a and forward a copy of the form to the clerk.** If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial. **The supervisors of the checklist shall write the word “REJECTED” and the date of rejection across the registration form. They shall retain the registration form and a copy of the denial notification in accordance with RSA 33-A:3-a.**

79 Refusal to Certify. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the outer envelope that contains the absentee ballot envelope. The town or city clerk shall mark the absentee ballot application and the absentee ballot affidavit with the words “Not Registered.” If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, **[he or she] the town or city clerk, shall forward the registration forms to the supervisor of the checklist and the applicant** shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked ~~[and preserved]~~ **and preserved in accordance with RSA 33-A:3-a**. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

80 Copies of Return. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state in both paper and electronic form no later than 8:00 a.m. on the day following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk **in accordance with RSA 33-A:3-a** and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

81 Sealing and Certifying Ballots. Amend RSA 659:95 to read as follows:

659:95 Sealing and Certifying Ballots.

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged and rejected absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 20____, Box _____ of _____, to be preserved in accordance with RSA 33-A:3-a. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged **and rejected** absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavits prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

82 Delivery of Ballots to Town Clerk. Amend RSA 659:98, I to read as follows:

I. The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. Except as provided in paragraphs II and III, the clerk or **the clerk's** designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period ~~[of 60 days]~~ **set forth in RSA 33-A:3-a**.

83 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in ~~[the same manner that ballots are preserved]~~ **accordance with RSA 33-A:3-a**. Qualified voter, voter registration, and domicile affidavits shall be retained for ~~[3 years after the election in which they are used]~~ **the period set forth in RSA 33-A:3-a**, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

84 Contingency Provisions.

I. If HB 1529 of the 2010 regular legislative session becomes law, then sections 72-77 of this act shall take effect upon the passage of this act and sections 26, 29, 32, 39, 42, and 43 shall not take effect. If HB 1529 does not become law, then sections 72-77 of this act shall not take effect.

II. If HB 1574-FN of the 2010 regular legislative session becomes law, then sections 78-83 of this act shall take effect at 12:01 a.m. on the effective date of HB 1574-FN and sections 9, 30, 47, 54, 55, and 57 of this act shall not take effect. If HB 1574-FN does not become law, then sections 78-83 of this act shall not take effect.

III. If this act becomes law, then section 6 of HB 1529 of the 2010 regular legislative session is hereby nullified and shall not take effect.

85 Effective Date.

I. Sections 15 and 23 of this act and RSA 657:19, III and IV as inserted by section 34 of this act shall take effect September 15, 2010.

II. Sections 9, 26, 29, 30, 32, 39, 42, 43, 47, 54, 55, 57, and 72-83 of this act shall take effect as provided in section 84 of this act.

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

Adopted.

June 7, 2010
2010-2367-EBA
04/01

Enrolled Bill Amendment to HB 1566-FN

The Committee on Enrolled Bills to which was referred HB 1566-FN

AN ACT requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1566-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 1566-FN

Amend section 1 of the bill by replacing line 6 with the following:

for medical assistance is based upon the applicant's or recipient's age, blindness, or disability. The

Amend section 2 of the bill by replacing line 8 with the following:

and recipients whose eligibility for medical assistance is based upon the applicant's or recipient's age,

Amend section 3 of the bill by replacing line 8 with the following:

medical assistance is based upon the applicant's or recipient's age, blindness, or disability.

Adopted.

June 17, 2010
2010-2432-EBA
08/09

Enrolled Bill Amendment to HB 1607-FN-A

The Committee on Enrolled Bills to which was referred HB 1607-FN-A

AN ACT relative to the reasonable compensation deduction under the business profits tax.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1607-FN-A

This enrolled bill amendment changes the title of the bill to reflect its contents, makes a technical correction, and renumbers a section to avoid a conflict with SB 483-FN-A of the 2010 regular legislative session.

Enrolled Bill Amendment to HB 1607-FN-A

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

AN ACT relative to the reasonable compensation deduction under the business profits tax, creating a committee to study safe harbors and taxation of investment organizations, and deleting a provision relative to taxation of certain income accumulated in trust.

Amend the bill by replacing all after section 4 with the following:

5 Income Accumulations; Taxation. Amend RSA 77:11 to read as follows:

77:11 Accumulations.

~~[I. Income accumulated in trust for the benefit of unborn or unascertained persons shall be taxed as if accumulated for the benefit of inhabitants of this state.~~

H.] Income accumulated in an employee benefit plan, as defined by the Employment Retirement Income Security Act of 1974, section 3, 29 United States Code § 1002(3), as amended, or in a trust comprising a part of such a plan, shall not be subject to taxation under RSA 77:1.

6 Contingency. If SB 483-FN-A of the 2010 regular legislative session becomes law, RSA 77-A:4-b as inserted by section 4 of this bill shall be renumbered as RSA 77-A:4-c.

7 Effective Date.

I. Section 5 of this act shall take effect January 1, 2011.

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

Adopted.

**June 23, 2010
2010-2433-EBA
05/01**

Enrolled Bill Amendment to HB 1689

The Committee on Enrolled Bills to which was referred HB 1689

AN ACT exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, extending the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia, and extending the telecommunications planning and development advisory committee.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1689

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1689

Amend section 1 of the bill by replacing subparagraph (51) with the following:

(51) RSA 194-B:21 Chartered Public Schools Joint Legislative Oversight Committee

Amend section 1 of the bill by replacing subparagraphs (60) and (61) with the following:

(60) RSA 227-L:26 Northeastern Forest Fire Protection Commission

(61) RSA 227-M:4 New Hampshire Land and Community Heritage Authority Board of Directors

Amend section 1 of the bill by replacing subparagraph (100) with the following:

(100) RSA 153-A:3 Emergency Medical and Trauma Services Coordinating Board

Amend section 1 of the bill by replacing subparagraph (112) with the following:

(112) RSA 190:1 Council for Teacher Education

Amend section 1 of the bill by replacing subparagraph (115) with the following:

(115) RSA 200-G:1 Compact for Education

Adopted.

June 25, 2010
2010-2434-EBA
03/09

Enrolled Bill Amendment to HB 1690

The Committee on Enrolled Bills to which was referred HB 1690

AN ACT making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1690

This enrolled bill amendment makes technical corrections and inserts contingent provisions to avoid conflicts with SB 427 and SB 463-FN of the 2010 regular legislative session.

Enrolled Bill Amendment to HB 1690

Amend paragraph (30) of section 1 of the bill by replacing line 2 with the following:

Agriculture, Markets, and Food

Amend RSA 200-C:13, I as inserted by section 9 of the bill by replacing line 2 with the following:

Center, **and** the governor's commission on disability [~~and the advisory committee established under RSA~~

Amend section 28 of the bill by deleting paragraphs X and XIX and renumbering paragraphs XI-XVIII to read as X-XVII, respectively.

Amend the bill by replacing all after section 28 with the following:

29 Mental Health Practice; Organization and Meetings. Amend RSA 330-A:9, II to read as follows:

II. When a quorum is not available for just and timely resolution of a specific matter, former board members [~~or advisory committee members~~] may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter or when a particular profession cannot be represented in an adjudicatory hearing.

30 Contingencies.

I. If SB 427 of the 2010 regular legislative session becomes law, section 7 of this act shall not take effect. If SB 427 of the 2010 regular legislative session does not become law, section 7 of this act shall take effect December 31, 2010.

II. If SB 463-FN of the 2010 regular legislative session becomes law, section 29 of this act shall take effect December 31, 2010 and section 14 of this act shall not take effect. If SB 463-FN of the 2010 regular legislative session does not become law, section 14 of this act shall take effect December 31, 2010 and section 29 of this act shall not take effect.

31 Effective Date.

I. Sections 7, 14, and 29 of this act shall take effect as provided in section 30 of this act.

II. The remainder of this act shall take effect December 31, 2010.

Adopted.

June 10, 2010
2010-2418-EBA
03/04

Enrolled Bill Amendment to HB 2010

The Committee on Enrolled Bills to which was referred HB 2010

AN ACT relative to the state 10-year transportation improvement program, authorizing the issuance of federal highway grant anticipation bonds to finance the replacement of the Memorial Bridge in Portsmouth, New Hampshire, and establishing a commission to study the F.E. Everett Turnpike.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 2010

This enrolled bill amendment corrects certain references in the bill and makes a grammatical correction.

Enrolled Bill Amendment to HB 2010

Amend section 1 of the bill by replacing lines 3-4 with the following:

Submitted by the House Public Works and Highways Committee as Part of the Legislative Process Pursuant to RSA 228:99 and RSA 240 of the Laws of New Hampshire” and encourages expeditious

Amend RSA 240:2-a as inserted by section 9 of the bill by replacing line 1 with the following:

240:2-a Plan. In this chapter, a plan means the “State of New Hampshire Ten Year

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 59, relative to the renovation and replacement of school buildings.

SB 73, requiring the state government to reduce energy use per square foot in state buildings, to develop an energy conservation plan, and to make an annual report on the state’s energy consumption.

SB 123, relative to agricultural restricted grants.

SB 128, relative to the community revitalization tax relief incentive, and clarifying the authority of towns to respond appropriately to the American Recovery and Reinvestment Act of 2009 and similar acts.

SB 150, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

SB 157, relative to the procedure for listing candidates on election ballots.

SB 166, relative to mineral extraction, mining, and reclamation in New Hampshire.

SB 181, delaying the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

SB 205, making various changes to the criminal statutes.

SB 302, relative to notice of driver’s license expiration.

SB 305, naming a bridge in Lisbon in honor of Specialist Alan J. Burgess.

SB 313, extending the repeal date of the state park system advisory council, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and imposing fees for the use of Jericho Mountain state park.

SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

SB 320, relative to occupational exposure to the human immunodeficiency virus.

SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances.

SB 323, requiring the public utilities commission to study certain energy policy issues.

SB 327, relative to disclosure of electric service energy sources and environmental characteristics and relative to disciplinary actions against competitive electric suppliers.

SB 329, relative to the bonds of county officers.

SB 339, excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage bankers, brokers, or services.

SB 346, relative to sheriffs' fees for service of civil process.

SB 357, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

SB 358, relative to whistleblower protection and waste prevention in state government.

SB 368, relative to notice required under the retail selling statute.

SB 370, relative to sewage disposal systems.

SB 382, relative to The New Hampshire Native Plant Protection Act of 1987.

SB 383, relative to economic revitalization zone tax credits.

SB 392, requiring public hearings concerning health insurance cost increases in health care services.

SB 394, relative to dealing in counterfeit goods.

SB 396, limiting the use of child restraint practices in schools and treatment facilities.

SB 402, relative to state-owned vehicles.

SB 404, relative to towing and disposal of abandoned vehicles.

SB 405, relative to grounds for revocation of school bus driver's certificate and relative to interference with traffic signaling devices.

SB 406, relative to merger of lots or parcels.

SB 408, relative to purchasing alliances and establishing a study committee on the procurement of health insurance by employee leasing companies.

SB 409, requiring buildings or structures constructed or renovated using state funding to adhere to certain energy efficiency and building standards.

SB 411, relative to permitting of large groundwater withdrawals.

SB 416, relative to the state minimum hourly wage applicable to tipped restaurant employees.

SB 420, establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

SB 421, relative to the laws regulating trusts and trust companies in New Hampshire.

SB 424, relative to the consumer advocate's access to confidential information provided to the public utilities commission.

SB 427, relative to the duties of the oversight committee on health and human services.

SB 428, establishing a committee to study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance.

SB 431, relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

SB 435, relative to the provision of caller locations in emergency situations.

SB 436, relative to health insurance open enrollment periods and establishing a temporary commission relative to children's health insurance.

SB 438, relative to procedures in small claims actions.

SB 440, relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

SB 441, relative to the lakes management and protection program.

SB 442, relative to the grant program to administer exotic aquatic plant prevention.

SB 448, relative to alternate members of land use boards.

SB 455, relative to federal health care reform.

SB 457, authorizing identifying decals for custom vehicles.

SB 463, relative to regulation of mental health practitioners by the board of mental health practice.

SB 478, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

SB 480, relative to appeals of decisions by the department of environmental services.

SB 483, relative to the interpretation of Internal Revenue Code section 1031 as it relates to taxation under the business profits tax.

SB 485, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch, and relative to state reimbursement of county sheriffs' costs.

SB 486, relative to the school building aid program.

SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

SB 495, establishing a task force on state procurement policies and procedures, and authorizing pilot projects using best value procurement.

SB 503, relative to unique pupil identification.

SB 504, relative to the effective date for the implementation of the retirement system employer assessments for excess benefits.

SB 505, establishing the commission on health care cost containment and appropriating a special fund.

SB 514, relative to commercial weighing or measuring devices and rulemaking authority for the commissioner of the department of agriculture markets and food.

SB 517, establishing a veterans' legal aid advocacy project.

SB 518, relative to the participation of youth and adjunct members of task forces of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

SB 520, relative to school district liability for special education costs.

HB 138, revising certain provisions of the sexually violent predators statute.

HB 213, requiring the bureau of emergency communications to develop and maintain a statewide emergency notification system.

HB 219, relative to hearings for incapacitated persons admitted to state institutions by their guardians.

HB 230, relative to the definition of abuse in domestic violence cases.

HB 366, relative to retail vehicle dealers.

HB 410, relative to the licensing of alcohol and drug counselors.

HB 523, requiring DNA testing of all persons convicted of a felony and making changes to the information and analysis center.

HB 561, relative to insurance coverage for persons having deafness and hearing loss.

HB 569, clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

HB 598, relative to the regulation of auctioneers by the state board of auctioneers.

HB 621, relative to establishing procedures for identifying criminal defendants who may have a mental illness.

HB 629, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

HB 651, relative to regulation of private investigative agencies and security services.

HB 1133, relative to the duration of involuntary emergency admissions and relative to persons with mental illness and the corrections system.

HB 1164, relative to newborn screening tests.

HB 1166, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects.

HB 1167, establishing a committee to study parole boards and parole board procedures.

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation.

HB 1174, relative to terms for appointed town officials and relative to pay for members of park or recreation commissions.

HB 1177, establishing a committee to study education and career development programs for youths and young adults in the juvenile and adult criminal justice systems.

HB 1183, relative to the effective date of certain provisions of the involuntary commitment of sexually violent predators statute.

HB 1187, relative to residential elevators and accessibility lifts.

HB 1195, relative to height, length, width, and weight limits for trucks.

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements, relative to air quality in public schools, and drinking water revolving loan funds.

HB 1252, relative to the duration of medical payments coverage under motor vehicle liability policies.

HB 1254, relative to insurance coverage in tort cases.

HB 1259, relative to subrogation claims and liens in civil actions.

HB 1262, relative to disabled parking signs.

HB 1267, relative to applications for hawkers and peddlers licenses.

HB 1270, relative to balancing amounts expended from the renewable energy fund.

HB 1271, establishing a task force on work and family.

HB 1279, relative to the licenses of mortgage bankers and mortgage brokers.

HB 1286, requiring public academies to obtain a criminal history records check on employees and volunteers and permitting nonpublic schools to obtain criminal history records checks on employees and volunteers.

HB 1318, relative to post-conviction DNA testing, eligibility for victim's compensation for a victim of a crime in which a petition for post-conviction DNA testing was filed, and victim services while the court is considering post-conviction DNA testing.

HB 1334, relative to penalties for unpaid fines concerning hazardous materials accidents.

HB 1337, relative to the requirement for public forums for the assessing standards board and the equalization standards board and relative to disciplinary sanctions for assessing officials.

HB 1352, relative to direct shippers.

HB 1358, relative to the amendment of property tax inventories and tax lists by selectmen or assessors, and making a capital appropriation for the 12 Hills Avenue building in Concord.

HB 1359, relative to the enforcement of humane slaughter laws.

HB 1364, relative to Medicare unfair trade practices.

HB 1366, making certain technical corrections in the insurance laws.

HB 1368, relative to the definition of "employee" for workers' compensation purposes and relative to the New Hampshire return to work program.

HB 1371, allowing an injured employee to have a witness present at the examination by health care providers performing independent medical examinations and establishing a committee to study certain aspects of independent medical examinations.

HB 1372, establishing a committee to study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, and to study permitting a person to record a law enforcement officer in the course of such officer's official duties.

HB 1373, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

HB 1376, relative to the regulation of pharmacies and pharmacists.

HB 1377, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects.

HB 1380, relative to assessing fees by zoning boards of adjustment.

HB 1393, relative to the treatment of New Hampshire investment trusts, and relative to pooled risk management programs.

HB 1398, allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration.

HB 1404, relative to the regulation of real estate brokers and salespersons.

HB 1411, requiring notice to educational support personnel and non-certified school district employees.

HB 1415, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire.

HB 1417, allowing the companion dogs of restaurant owners in certain areas of restaurants.

HB 1420, relative to the calculation of child support.

HB 1436, requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System and relative to legislative security staff.

HB 1448, relative to town audits.

HB 1461, relative to the municipal regulation of the sale of martial arts weapons.

HB 1462, establishing a shoreland advisory committee.

HB 1470, establishing a committee to study laws relating to condominium and homeowners' associations.

HB 1477, relative to checklist information and relative to the challenges of voters.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

HB 1490, establishing a citizens task force to study state revenues and expenditures and relative to the regulation of financial institutions.

HB 1493, establishing a committee to study comprehensive mental health and substance use disorders parity.

HB 1497, relative to the governance of the Concord school district.

HB 1516, relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

HB 1523, revising the pupil safety and violence prevention act.

HB 1533, establishing a committee to study the statute governing annulment of criminal records.

HB 1535, relative to absentee voting, special elections, election returns, preservation of ballots, recounts, the ballot law commission, and electronic ballot counting devices.

HB 1554, allowing municipalities to establish energy efficiency and clean energy districts.

HB 1561, relative to off highway recreational vehicle registrations.

HB 1566, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system.

HB 1569, relative to the salaries of certain unclassified positions.

HB 1571, relative to the penalty for failure to file an annual inventory of taxable property.

HB 1572, establishing a committee to study certification or licensing of integrated residential communities.

HB 1607, relative to the reasonable compensation deduction under the business profits tax, creating a committee to study safe harbors and taxation of investment organizations, and deleting a provision relative to taxation of certain income accumulated in trust.

HB 1609, relative to current use and the land use change tax.

HB 1610, establishing a New Hampshire commission on Native American affairs.

HB 1615, relative to the determination of value and a notice requirement for purposes of the utility property tax.

HB 1620, establishing a special registration plate symbol for the purpose of benefitting the state park system.

HB 1688, relative to the regulation of the installation and operation of boiler and pressure vessels.

HB 1689, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, extending the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia, and extending the telecommunications planning and development advisory committee.

HB 1690, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

HB 2010, relative to the state 10-year transportation improvement program, authorizing the issuance of federal highway grant anticipation bonds to finance the replacement of the Memorial Bridge in Portsmouth, New Hampshire, and establishing a commission to study the F.E. Everett Turnpike.

Sen. D'Allesandro moved adoption of the Report of Committee on Enrolled Bills.

Report of Committee on Enrolled Bills adopted.

The Senate is adjourned to the Call of the Chair.