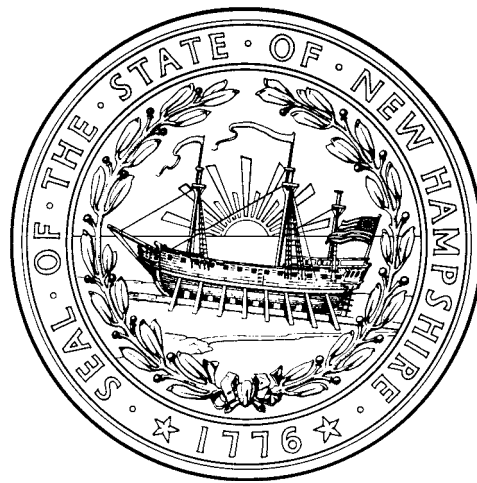


April 18, 2012
Nos. 9-10

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – APRIL 11, 2012 SESSION
COMMENCEMENT – APRIL 18, 2012 SESSION**

SENATE JOURNAL 9 *(continued)*

April 11, 2012

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 624, establishing a committee to study the rulemaking authority of state agencies to establish fees.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 277, establishing a sexual offender management board.

HOUSE MESSAGE

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

SB 202, apportioning congressional districts.

SB 285-FN, authorizing suspension or revocation of a driver's license for serious boating offenses and relative to loss of motorboat privileges for aggravated driving while intoxicated.

SB 290, naming a bridge in Woodstock, New Hampshire the Hilliard Family Bridge.

SB 296, relative to including next-of-kin contact information on a driver's license.

SB 321-FN, establishing a committee to study the continuation of payments to long-term care facilities.

SB 360, naming a pond in the town of Sandown.

SB 363, establishing a commission to study the regulation and licensing of youth camps, including youth skills camps.

SB 367, naming a bridge in the town of Londonderry in honor of Lance Corporal Peter J. Sora, Jr., U.S.M.C. and Private First Class Eric D. Currier, U.S.M.C.

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

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1300, relative to removing public officials for cause. (Executive Departments and Administration)

HB 1304, relative to the waiver of financial responsibility requirements for certain habitual offenders. (Transportation)

HCR 2, in support of the Arizona immigration law. (Internal Affairs)

HCR 31, commending the work of pregnancy care centers in New Hampshire and across the United States. (Health and Human Services)

HCR 35, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New Hampshire. (Public and Municipal Affairs)

HCR 37, urging the New Hampshire delegation to support any legislation requiring a comprehensive audit of the Federal Reserve. (Internal Affairs)

HCR 38, urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam. (Public and Municipal Affairs)

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

HCR 41, urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void. (Health and Human Services)

HCR 42, supporting the preservation of the electoral college. (Public and Municipal Affairs)

HCR 43, urging the joint legislative historical committee to move the granite gates Lafayette passed through to the state house grounds. (Internal Affairs)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 10

April 18, 2012

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

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Good morning. And, to begin, I'd like to invite you all to take a moment of silence, and we're going to use that time to remember and honor Michael Maloney; he was the chief of police in Greenland who died in the line of duty last Thursday.

The Senate observed a moment of silence.

Lord God, we commend Michael into Your loving care. Amen.

So, less than two weeks ago, it was the eve of the Jewish festival, Passover, and it was also the Christian holy day, Maundy Thursday. And, at St. Paul's Church, we marked that occasion by having a traditional Seder meal. And, our guest hosts for the Seder meal were Rabbi Robin Nafshi and Cantor Shira Nafshi from Temple Beth Jacob. And, as you can imagine, it was a wonderful evening of good food and fun and laughter and great fellowship. And, great music, too.

But, even more than that, it was one of those remarkable opportunities for the Christians of St. Paul's to discover a little bit more about the Jewish faith from our Jewish brothers and sisters and also to rediscover that we are all working towards very similar goals on our journeys of faith, even though those journeys may have some differences. And, of course, it isn't only individual people of faith who are learning and growing and changing all along the way; the major religions, too, are evolving as we continually respond to the needs and the challenges of our world. And, the themes that crop up over and over again are those of justice and unity and freedom and equality, and, of course, mutual respect. Change is often slow, but it is always possible. Let us pray.

Grant, O Lord God, that Your holy and life-giving Spirit may so move every human heart that barriers which divide us may crumble, suspicions disappear, and hatred cease; that our divisions being healed, we may live in justice and peace.
Amen.

Sen. White led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

(The Chair recognized Sen. Stiles for a Rule 2-17.)

SENATOR STILES: Thank you, Mister President. I rise to remember and pay respect to Chief Michael Maloney. This past week he became a household name in New Hampshire for making the ultimate sacrifice while in the line of duty. But, the people of Greenland, who he swore to protect, already knew what a caring and generous person he was, long before we lost him on the night of April 12th—just 12 days before his scheduled retirement.

New Hampshire is a small state, connected by close-knit communities. So, the loss of a police officer in one town is truly a loss for us all. Sadly, we add Chief Maloney's name to the 43 already etched on our Law Enforcement Memorial that sits just across the street, honoring the fallen. But, in the best traditions of law enforcement, a new chief has emerged in Greenland, to lead the town and its people through this tragedy.

I had the pleasure of knowing Chief Maloney, both through Greenland and Hampton Police Departments. Never one to sit behind his desk, he was always hands-on, and his door was always open to me to discuss any issues affecting the town.

Mike, I want you to know you made a real difference. You will be missed by all. On behalf of the entire Senate, we honor your service, your sacrifice, and will keep your family and the Town of Greenland in our prayers. Thank you, Mister President.

Without objection President Bragdon moved that Senator Stiles' Rule 2-17 shall be entered into the permanent *Journal* of the Senate.

Sen. Prescott introduced Douglas Marino and Matthew Noyes, students from Exeter High School, serving as Senate Pages today.

Sen. Forrester introduced the Johnson Family, guests in the Senate gallery today.

Sen. Sanborn introduced Jacqueline Roland from Nelson, a guest in the Senate gallery today.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 533-FN-L, HB 325-FN, HB 517-FN, HB 486-FN, HB 628-FN, HB 1495-FN, and HB 1716.

Without objection, President Bragdon authorized the Senate to use the official Senate electronic devices on the floor of the Senate.

CONSENT CALENDAR REPORTS

Sen. Bradley moved that the Consent Calendar with the relevant amendments as printed in the day's Calendar be adopted and that all bills adopted be ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

HB 1392, relative to oyster aquaculture licenses. Ought to Pass with Amendment, Vote 5-0.

Senator Merrill for the committee.

This bill directs the executive director of fish and game to adopt rules for a five-year license for oyster aquaculture operations in the Great Bay estuary. The committee heard testimony that a robust oyster population in the Bay is desirable for both economic and environmental (water-filtering) reasons, and that a multi-year license would likely encourage oyster aquaculture, as it would reflect department recognition of the time frame involved in raising oysters.

Energy and Natural Resources

April 12, 2012

2012-1624s

10/04

Amendment to HB 1392

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Fish and Game; Aquaculture; Rulemaking. Amend RSA 211:62-e by inserting after paragraph II-a the following new paragraph:

II-b. The executive director shall adopt rules, pursuant to RSA 541-A, for the issuance of 5-year licenses under this section to oyster aquaculture operations in the Great Bay estuary, and the fees, terms, and conditions therefor as authorized under paragraph II-a.

2012-1624s**AMENDED ANALYSIS**

This bill requires the executive director of fish and game to adopt rules for a 5-year license for oyster aquaculture operations in the Great Bay estuary.

HB 1477, relative to the definition of spent materials. Ought to Pass, Vote 5-0. Senator Gallus for the committee.

This bill redefines spent materials. It brings the New Hampshire department of environmental services definition in line with the federal definition in order to remove any potential ambiguity.

FINANCE

HB 1505-FN, relative to public employee suggestions for cost-saving measures. Interim Study, Vote 7-0. Senator Gallus for the committee.

This bill makes changes to the State Suggestion and Extraordinary Service Award Program, including creating a one time award equal to 10 percent of the savings achieved during the initial 12 months after a public employee's cost saving or revenue-producing suggestion is implemented. The Finance committee felt this bill makes a lot of substantial changes to an existing system and although this bill has good merit and well intended for cost savings, the committee would like to further review the elements of the bill.

HB 1534-FN, repealing the self-funding of the department of labor. Inexpedient to Legislate, Vote 7-0. Senator Barnes for the committee.

This bill would repeal the restricted fund established to fund operations of the department of labor from fees, licenses, certificates and civil penalties collected by the department. The committee feels at this time that the Department of Labor has worked within their budget and has a sufficient program in place with the business community. By putting the Labor Department's funding back into the general fund and taking away the restricted fund would result in significant amount of adjustments and disruption through the department.

HB 1662-FN, relative to preparation of fiscal notes. Inexpedient to Legislate, Vote 7-0. Senator Bragdon for the committee.

This bill requires fiscal notes for bills to state the costs and benefits of the bills to the citizens and businesses of the state. Fiscal notes are already complex and time consuming to prepare; as a result many are not complete when the bills come to committee. Though this bill is well intentioned, adding even more time and complexity to the process will result in even more bills having incomplete fiscal notes.

TRANSPORTATION

HB 1434, relative to display of antique motor vehicle plates. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill allows the display of antique motor vehicle plates on both the front and rear of any vehicle with a year of manufacture of 1960 or earlier.

Senate Transportation**April 12, 2012****2012-1626s****03/05****Amendment to HB 1434**

Amend the bill by replacing section 1 with the following:

1 Antique Motor Vehicle Plates; Placement. Amend RSA 261:89-a, I to read as follows:

I. The director may permit the owner of an antique motor vehicle or motorcycle, as defined in RSA 259:4, or trailer, as defined in paragraph II of this section, to use a registration plate which was issued in the same year that the antique motor vehicle, motorcycle, or trailer was manufactured, provided the motor vehicle, motorcycle, or trailer is registered as an antique motor vehicle, motorcycle, or trailer under this chapter, and the number of the antique plate is recorded with the director. ***Registration plates issued in the same year that the antique motor vehicle was manufactured may be affixed to both the front and rear of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer for any such vehicle with a year of manufacture of 1960 or earlier if the registration plate matching the registration certificate is carried within the antique motor vehicle.*** Any antique motor vehicle, motorcycle, or trailer bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor vehicle, motorcycle, or trailer registration certificate and a permit

issued under this section. ~~[The registration plate matching the registration certificate shall be affixed to the rear of the antique motor vehicle, motorcycle, or trailer. The registration plate which was issued in the same year that the antique motor vehicle was manufactured shall be affixed to the front of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer, provided it is not placed in a location where the registration plate is normally affixed.]~~

HB 1442, relative to motorcycle noise emission regulation. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill modifies motorcycle noise level restrictions to require that a motorcycle operates at no more than 92 decibels while idle, when measured in accordance with the provisions of the SAE International Recommended Practice SAE J2825.

The question is on the adoption of the Consent Calendar. Adopted, bills ordered to Third Reading.

SPECIAL ORDER

Without objection President Bragdon moved HB 1440 be Special-Ordered to the front of the day's Regular Calendar.

TRANSPORTATION

HB 1440, relative to driver education. Interim Study, Vote 4-1. Senator Rausch for the committee.

Sen. Barnes called the question. Without objection, President Bragdon closed debate with remaining speakers.

The question is on the adoption of the Committee recommendation of Refer to Interim Study.

A roll call was requested by Sen. Forsythe, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Bradley, Houde, Odell, Kelly, Luther, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles.

The following Senators voted No: Forrester, Forsythe, Groen, Sanborn, White, Lambert, Bragdon.

Yeas: 17 - Nays: 7

Adopted.

REGULAR CALENDAR REPORTS

EDUCATION

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Senate Education

April 10, 2012

2012-1575s

04/09

Amendment to HB 533-FN-LOCAL

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

AN ACT revising the distribution of school building aid grants.

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

1 School Building Aid; Annual Grant. Amend RSA 198:15-a to read as follows:

198:15-a Annual Grant for the Payment of Debt Service for School Construction.

I. To aid local school districts in meeting the costs of ~~[the payment of debt for]~~ school buildings ~~[and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program]~~, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay ~~[annually]~~ to the school districts of the state, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w~~[- depending on which option a school district elects. The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed]~~.

II. [To provide funds for appropriations made to the department of education relative to paragraph I for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, the state treasurer is hereby authorized to borrow upon the credit of the state the sums necessary for payment of such grants and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made when due by the state treasurer from funds designated under RSA 78-A:26, I(a)] ***Beginning with construction authorized by a local school district on or after July 1, 2013, office facilities for school administrative units and the purchase or lease-purchase of temporary space for any purpose, including but not limited to modulars, trailers, or other similar structures to be used as classroom, office, or storage space shall not be eligible for school building aid.***

III. Facilities constructed using school building aid shall be used as instructional facilities for kindergarten through grade 12 for at least 20 years. A school district that discontinues the use of the facilities shall be required to repay the state 100 percent of the state grant received. Upon a showing of good cause by the school district, the commissioner of the department of education may waive this penalty in whole or part on a case by case basis.

2 School Building Aid; Amount of Grant. Amend RSA 198:15-b to read as follows:

198:15-b Amount of [Annual] Grant.

I.(a)(1) For construction authorized by a school district on or before July 1, 2013, the amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, or for the cost of acquiring, developing, or renovating any municipally-owned land, buildings, or facilities to be used for school district purposes, to the extent approved by the department of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for a school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, a receiving district operating an area school, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.

(2)(A) For construction authorized by a school district after July 1, 2013, school building aid grants for new construction shall not exceed the state appropriation for school building aid for the fiscal year, less any debt service payments due and owing in the fiscal year for construction or renovation projects approved in a prior fiscal year, less the amount owed for construction or renovation projects approved prior to July 1, 2013 in accordance with subparagraph (a)(1), unless otherwise provided by an act of the general court. School building aid grants approved pursuant to RSA 198:15-u through RSA 198:15-w, shall be disbursed to school districts pursuant to this subparagraph and no state bonds shall be authorized or issued for the purpose of funding school building aid grants. The amount of the grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be calculated based on the criteria set forth in RSA 198:15-v.

(B) The amount of the grant to any chartered public school established in accordance with RSA 194-B:3-a shall be 30 percent of the eligible cost of construction.

(C) The state board of education shall make an initial grant equal to 50 percent of the eligible amount upon approval of the application for school building aid by the state board of education, and a final grant for the balance of the approved amount upon completion of the construction and verification of the construction by the department of education.

(b) For any municipally-owned land, buildings, or facilities for which school building aid is granted under this subdivision, the following shall apply:

(1) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or facilities, whichever is greater.

(2) The cost of any proposed renovation project shall be less than the cost of a new acquisition for the same purpose.

(3) In the absence of a bond or note or upon the expiration of any bond or note issued to provide funds for land, buildings, or facilities, the principal parties shall enter into an agreement on how such land, buildings, or facilities are to be used.

I-a.(a) A receiving district situated in this state which is providing education to students from another school district situated in this state under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be eligible to receive the higher annual grant amount provided in RSA 198:15-b, I or RSA 198:15-v under the following conditions:

(1) The contract requires the receiving district to educate at least 70 percent of the public school students at particular grade levels from a sending district as provided in the contract.

(2) The contract contains a provision for the payment of capital costs for specific capital projects.

(3) The contract provides the manner in which school building aid is to be credited to school districts.

(4) The contract or sending district's obligation to pay capital costs is for a period of 10 years or longer.

(b) The provisions of this paragraph shall only apply for those years in which the contract is in effect. In all other years, the receiving district shall receive aid in the amount for which it would otherwise be eligible under RSA 198:15-b, I or RSA 198:15-v.

(c) No receiving district shall receive a school building aid grant which is less than what a single school district would receive under RSA 198:15-b, I or RSA 198:15-v.

I-b.(a) A school district, or other entity listed in paragraph I of this section, which is in compliance with the requirements of this section, shall be entitled to receive an additional grant equal to 3 percent of the total construction costs. To be eligible for additional grant moneys, construction projects, as built, shall meet the criteria for designation as a high performance school under the most recent edition of the New England version of standards from the Collaborative for High Performance Schools. Application for the grant of additional moneys shall be submitted on forms developed by the department of education.

~~(b) [Not more than \$100,000 in any fiscal year in new additional grant moneys shall be awarded. In the event that the total additional grant entitlement in any fiscal year exceeds \$100,000, the full entitlement of grant moneys shall be awarded to the districts having projects which exceed the minimum criteria for designation as a high performance school to the greatest extent.]~~

~~(c)]~~ The department of education shall review other high performance standards as they are developed and shall recommend adoption of new standards when in the judgment of the department, the new standards better reflect the intent of this section.

I-c.(a) In addition to the requirements of paragraph I, each school district, prior to receipt of any grant moneys, shall submit for review and approval a written maintenance plan describing in detail how the school district intends to maintain the new facilities to be constructed with state aid moneys. The required maintenance plan shall include, but not be limited to, the following information:

(b) A description of the procedures to be used, and the method of staffing in which, the following building services are or will be provided. For work performed by in-house staff, an indication of the staffing level shall be provided, expressed as full-time equivalent positions:

(1) Daily facility cleaning.

(2) Grounds maintenance.

- (3) Refuse removal.
- (4) Snow removal.
- (5) Minor maintenance and repair.
- (6) Pest management.
- (7) Periodic equipment servicing and preventive maintenance.
- (8) Plan for 12 month operations, if applicable.
- (c) The average amount of space, in square feet, assigned to each custodian for daily cleaning.
- (d) The process for reporting, recording, verifying, and prioritizing building problems and fire safety issues.
- (e) The process for assigning corrective work.
- (f) The process for determining that corrective work has solved the problem.
- (g) The process for tracking and analyzing recurring problems.
- (h) The process for scheduling and completing preventive maintenance services and inspections on installed equipment and major building systems including, but not limited to heating, ventilation, air conditioning, life safety, elevators, plumbing, roofs, windows, doors, and kitchen appliances.
- (i) Custodial or maintenance staff increases or reductions that result from the project.
- (j) The training program for employees on new equipment to be installed by the project.
- (k) A statement of assurance, signed by the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer's instructions.

~~II. for the purposes of computing grants hereunder, the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or school administrative unit facilities; provided, however that funds received from trusts, bequests, gifts or insurance policies shall not be eligible for computing grants hereunder. When bonds and notes are issued for a period of less than 5 years, the amount of aid for which the district is eligible shall be paid in no fewer than 5 equal installments.~~

~~III. If the project was entirely financed by the use of amounts raised by taxation or by the use of capital reserve other than funds from trusts, bequests, gifts or received from insurance policies the aid provided herein shall be paid in 5 equal installments.~~

~~IV.]~~ **II.** For the purposes of this subdivision, "construction" shall include any one or more of the following for the construction of instructional facilities only:

- (a) The acquisition and development of a site.
- (b) Planning, construction, or both, of a new building.
- (c) Planning, construction, or both, of additions to existing buildings .
- (d) Architectural and engineering fees.
- (e) Purchase of equipment and any other costs necessary for the completion of a building as approved by the department of education.
- (f) Substantial renovations approved by the commissioner of education.

(g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building by the vendor due to the school district's failure to comply with the terms of the lease-purchase agreement. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

~~V.]~~ **III.** Purchase of school buildings shall include the acquisition and improvement of land in connection therewith and the remodeling, altering, repairing, equipping and furnishing of such buildings as approved by the department of education.

[VI. ~~Repealed~~].

~~VH.]~~ **IV.** In this paragraph, “new construction” means additional square footage but shall not mean the renovation of school buildings ~~[or school administrative unit facilities]~~. The provisions of this paragraph shall apply to any school building aid grants made pursuant to RSA 198:15-a through RSA 198:15-w.

(a) The department of education shall issue annually maximum eligible cost standards for the construction of new school buildings ~~[or school administrative unit facilities]~~, less site acquisition costs, qualifying for school building aid. These standards shall take into account the type, size, and location of the school ~~[or school administrative unit facility]~~ and shall be based on an appropriate construction cost index developed or adopted by the department which shall reflect cost differences in the several regions of the state. Maximum cost standards shall be computed and published annually and expressed as a maximum cost per square foot.

(b) Maximum size standards for new construction shall be as follows:

(1) Maximum gross square footage per pupil:

	Student Population	
	<u>under 250</u>	<u>250 and over</u>
Elementary school	144	120
Middle or junior high school	168	140
Senior high school (excluding vocational-technical centers)	192	160

(2) Maximum usable site size for new schools:

Elementary School	20 acres plus 1 acre for each 100 pupils
Middle or junior high school	25 acres plus 1 acre for each 100 pupils
Senior high school	30 acres plus 1 acre for each 100 pupils

(3) In addition to the provisions of subparagraphs (1) and (2), the department of education shall require architectural designs for new space in order to make efficient use of space. Space determined by the department to be excessive or unnecessary to fulfill educational needs shall not be eligible for reimbursement.

(c) For the purpose of calculating the total school building aid grants made under RSA 198:15-a through RSA 198:15-w, the final approved cost for school construction or school project shall not exceed the cost that would result if the project conformed to the maximum cost and size standards. The provisions of this section shall not preclude an eligible applicant from exceeding the maximum standards provided, however, the cost of the portion of the facilities which exceed the maximum standards shall not be eligible for school building aid. The maximum cost and size standards in effect at the time general contract work begins shall be used for the purposes of determining school building aid.

(d) The commissioner of the department of education shall have the authority to waive eligible cost and size standards for new construction for good reason shown.

~~[VH.]~~ **V.** For the purpose of receiving grants under this section, acquisition of additional land as part of any school renovation project shall not be required unless such additional land is necessary to ensure the safe flow of traffic for school buses or other vehicles entering or exiting school grounds, or the safe boarding or discharge of children using school buses or other vehicles.

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.

I. 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]~~ **department of education** 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]~~ **December 1 of the fiscal year prior to the biennium in which school building aid is to be disbursed.**

II.(a) The commissioner shall accept school building aid applications based upon completeness and submit a preliminary school building aid list to the school building authority established pursuant to RSA 195-C. By March 1 of the fiscal year prior to the biennium in which school building aid is to be disbursed, the school building authority shall develop a rank ordered list of all school building construction and renovation proposals submitted by school districts and shall categorize each proposal based on school building and site criteria in descending order. The school building authority shall recommend prioritized proposals to be funded in descending rank order to the state board of education for approval. School districts which have projects approved for funding shall be notified by the department of education of the projected amount to be funded within 10 days of approval. The project rating system and criteria used to rate project applications which shall include an administrative review process for appeal of a school district's project point rating, shall be developed by the department of education and approved by the state board of education no later than November 1, 2013.

(b) A ranking system in support of primary categories criteria shall include consideration of unsafe conditions; obsolete, inefficient, or unsuitable facilities or mechanical and building systems; overcrowding and associated influences to instructional areas and programming; enrollment projections and population shifts; and other conditions as determined necessary. The ranking system shall also include criteria to determine if a school district has made a reasonable attempt to accommodate maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventative maintenance necessary to achieve the design life expectancy of building systems and components.

(c) The school building authority shall recommend those proposals to be funded in descending rank order to the state board of education for approval. Those proposals not approved shall be considered for approval in the next biennial budget. Project proposals shall be funded to the extent of available appropriations in the fiscal year.

(d) Emergency requests shall be dealt with on a case-by-case basis as deemed appropriate by the state board of education.

III. 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]~~ **a** grant as provided herein.

4 School Building Aid; Proration and Unexpended Funds. Amend RSA 198:15-e to read as follows:

198:15-e Proration and Unexpended Funds. ~~[If in any year,]~~ The amount appropriated for distribution as school building grants in accordance with **the version of** RSA 198:15-b **in effect prior to July 1, 2012 shall be first awarded to a school district for an eligible project funded before July 1, 2012. If the amount appropriated in any fiscal year** is insufficient therefor, ~~[grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget,]~~ the appropriation shall be prorated proportionally

among the districts entitled to a grant. *If the amount appropriated exceeds the amount necessary to fund grants to school districts for construction projects approved by the state board of education in a prior fiscal year, the remaining amount of the appropriation shall be distributed to school districts for proposals approved by the state board of education in accordance with the procedure set forth in RSA 198:15-c, II. Such school district shall receive a grant equal to 100 percent of the approved amount of the request until the amount appropriated has been exhausted. A partial grant may be awarded to the extent that funds are available. If a school district declines a full or partial grant, a grant shall be made to the next ranked school district until the amount appropriated has been exhausted.* Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

5 Kindergarten Construction Program; Eligibility. Amend RSA 198:15-s, II(b)(4) to read as follows:

(4) Costs shall be limited to the annual maximum eligible cost standards in accordance with RSA 198:15-b, [VH] V, unless waived by the commissioner of the department of education for good cause.

6 Alternative School Building Aid. Amend RSA 198:15-v, II to read as follows:

II.(a) The amount of the annual grant in this subdivision shall be a sum equal to a percentage of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, for all approved costs of construction or purchase of school buildings and school administrative unit facilities, for ~~[which loans are approved after July 1, 2005]~~ **grants approved on or before July 1, 2013** according to the following table:

Building Aid Factor	Single District	Preexisting District in a Cooperative School District, Area School, or Joint Maintenance Agreement
0-59	60 percent	60 percent
60-69	55 percent	60 percent
70-89	45 percent	55 percent
90-114	40 percent	50 percent
115 or greater	30 percent	40 percent

(b) *For projects approved after July 1, 2013, the amount of the grant to any school district, city, cooperative school district, joint maintenance agreement, or receiving district shall be a sum equal to the percentage of all approved costs for construction or purchase of school buildings according to the following table:*

Building Aid Factor	Single District	Preexisting District in a Cooperative School District, Area School, or Joint Maintenance Agreement
0-59	80 percent	80 percent
60-69	45 percent	50 percent
70-89	35 percent	45 percent
90-114	30 percent	40 percent
115 or greater	20 percent	30 percent

(c) The percentage once determined for a particular borrowing shall not thereafter be subject to change.

7 School Building Authority. Amend RSA 195-C:1, I to read as follows:

I. There shall be a school building authority, referred to in this chapter as the authority, ~~[of 5 members]~~ consisting of the state treasurer, the commissioner of education, **the state fire marshal or designee**, and 3 other members appointed by the governor, **one of whom shall have expertise in education, one of whom shall have**

expertise in finance, and one of whom shall have expertise in building construction or engineering, with the advice and consent of the council, for terms of 3 years and until their successors are appointed and qualify. The governor shall designate one of said members as chairman. In case of vacancy among the appointive members of the authority, the governor, with the advice and consent of the council, shall fill the same for the unexpired term. The appointive members of the authority shall receive as compensation for their services, while actually engaged in the business of the authority, the sum of \$8 per day plus their necessary subsistence expenses. The appointive members of the authority shall be paid mileage at the state employees rate, plus necessary travel expenses, only when performing activities at the request of the state board of education.

8 Construction or Renovation of Regional Vocational Education Centers. Amend RSA 188-E:3, II to read as follows:

II. Upon completion, the constructed or renovated facility shall become the property of the school district or public academy, as the case may be. Provision of the site, parking, and other related areas shall be the responsibility of the local community. Site work, including but not limited to cut and fill work, compaction, demolition, relocation of utilities, relocation of roadways and sidewalks, and similar work within an area extending to one foot beyond the outside edge of the exterior walls of the building, shall be eligible for grants under paragraph I. Nothing shall prohibit the inclusion of the site and related facilities which are not funded as part of construction cost by the state under this chapter from being included in a regular building aid application of the district as provided in RSA 198:15-b. ***However, no school district which receives any funding under this chapter shall be eligible to receive school building aid under RSA 198:15-b for the same project.***

9 Repeal. RSA 198:15-hh, relative to annual grant for leased space, is repealed.

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

2012-1575s

AMENDED ANALYSIS

This bill amends the procedure for the approval of school building aid projects and the distribution of school building aid grants.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 1167, relative to the calculation of days in the school year. Inexpedient to Legislate, Vote 4-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 1417, relative to a student's freedom of association. Ought to Pass, Vote 3-1. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

HB 325-FN, relative to the transfer of animals from licensed animal vendors. Ought to Pass with Amendment, Vote 4-0. Senator Merrill for the committee.

Energy and Natural Resources

April 10, 2012

2012-1582s

08/03

Amendment to HB 325-FN

Amend RSA 437:10, II as inserted by section 1 of the bill by replacing it with the following:

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee if any other

medication or treatment has been given by a licensed veterinarian or the licensee to the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. ***The transferee may accept a dog, cat, or ferret that has a noncontagious illness that has caused it to fail its examination by a licensed veterinarian for an official health certificate under paragraph I; the transferee shall sign a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.***

Amend RSA 437:10, V as inserted by section 1 of the bill by replacing it with the following:

V. ~~[All dogs, cats, and ferrets received for transfer]~~ ***Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437:1 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer.***

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

2 Prohibition. Amend RSA 437:8 to read as follows:

437:4 Prohibition. No licensee under this subdivision shall transfer to any member of the public other than to a qualified veterinarian or licensed animal shelter facility any maimed, sick, or diseased animal or bird ***other than as permitted under RSA 437:10, II*** nor shall any licensee treat inhumanely any animal or bird in his or her care or possession or under his or her control.

2012-1582s

AMENDED ANALYSIS

This bill:

I. Allows transferees to accept a sick or injured animal if the transferee has knowledge of the sickness or injury and so long as the illness is not contagious.

II. Requires that transferred animals be held for 48 hours at a licensed facility or a facility operated by a licensed veterinarian before their transfer.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 1233, establishing a statute of limitations on wetlands filling and dredging. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1296, relative to net energy metering. Ought to Pass, Vote 4-0. Senator Lambert for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. Inexpedient to Legislate, Vote 2-1. Senator White for the committee.

Sen. White moved to Lay on the Table HB 383. Adopted.

HB 517-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board. Interim Study, Vote 3-0. Senator Carson for the committee.

The question is on the adoption of the Committee recommendation of Refer to Interim Study. Adopted.

Sen. White asserts Rule 2-15 on HB 517-FN.

HB 1150, relative to examinations for licensure as a professional engineer or land surveyor. Ought to Pass, Vote 4-0. Senator Groen for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1460, establishing a defined contribution retirement plan for public employees. Ought to Pass with Amendment, Vote 2-1. Senator Groen for the committee.

Senate Executive Departments and Administration

April 12, 2012

2012-1623s

10/05

Amendment to HB 1460

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

AN ACT establishing a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system, and making an appropriation therefor.

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

1 New Section; Commission to Study a Viable Defined Contribution Plan. Amend RSA 100-A by inserting after section 56 the following new section:

100-A:56-a Commission to Study a Viable Defined Contribution Plan.

I. There is established a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system.

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

(a) Three members of the house of representatives, one of whom shall be from the executive departments and administration committee and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The chairman of the New Hampshire retirement system board of trustees, or designee.

(d) Two member representatives of group I of the retirement system, one appointed by the governor and one appointed by the speaker of the house of representatives.

(e) Two member representatives of group II of the retirement system, one appointed by the governor and one appointed by the president of the senate.

(f) Four employer representatives, with one of the 4 employer representatives appointed by the New Hampshire Municipal Association, one appointed by the New Hampshire School Boards Association, one appointed by the New Hampshire Association of Counties, and one representing the state of New Hampshire, appointed by the governor.

(g) One public member with recognized expertise in finance, financial management, or the governance and oversight of large endowments or public funds, appointed by the governor.

(h) Two public members with recognized expertise in the design, administration, implementation, and educational components of public sector and/or private sector defined contribution plans. One member to be appointed by the speaker of the house of representatives and one member to be appointed by the president of the senate.

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

IV. The commission shall:

(a) Study and make recommendations regarding a viable defined contribution plan to replace the current defined benefit plan for new hires. Such study shall include, but not necessarily be limited to:

(1) Evaluation and comparison of defined contribution plans in place in other states, in the private sector, and in public and private sector higher education.

(2) Evaluation and comparison of mandatory and voluntary contribution requirements in defined contribution plans and the statistical outcomes for each in providing retirement benefits.

(3) Evaluation of the effect on retirement account balances and member retirement outcomes of allowing participant loans or hardships withdrawals.

(4) Evaluation of various investment management options for participants and the effect such options have on retirement outcomes.

(5) Evaluation of employer and employee education programs for administration and participation in defined contribution plans.

(6) Evaluation of a plan design with a fixed employer and employee contribution, but which provides a hybrid defined benefit and defined contribution member benefit.

(b) Provide a legislative history of the existing New Hampshire retirement system and the financial impact that major legislative decisions have had on the funding of the corpus of the plan.

(c) Analyze the current financial status of the retirement system and the challenges facing the system in the future.

(d) Study the impact on the investment returns and plan funding of closing the existing New Hampshire retirement system defined benefit plan, and compare and evaluate how other jurisdictions and/or the private sector have addressed these issues.

(e) Evaluate various methods for continued funding of the unfunded accrued liability of the existing New Hampshire retirement system, including but not limited to recent legislative proposals establishing a state administered defined contribution plan.

(f) Evaluate options for providing a cost of living increase for current New Hampshire retirement system plan participants and provide an analysis of the annual costs of the same for the amortization period of the system's unfunded accrued liability.

(g) Study the issue of equity in contribution rates between employers and employees.

(h) Study other matters deemed necessary by the commission.

(i) Seek technical assistance as necessary from the New Hampshire retirement system and from other independent financial, investment, actuarial, and retirement experts. The commission may employ support staff for the purposes of its duties.

V. The commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2013.

2 Appropriation; Expenditures.

I. There is hereby appropriated the sum of \$100,000 for fiscal year 2013 which may be expended by the commission established by this act for the purposes of RSA 100-A:56-a as inserted by this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commission established in RSA 100-A:56-a as inserted by this act is authorized to accept and expend private sector grants, gifts, or donations of any kind for the purpose of the duties required in this act. Any moneys collected shall be continually appropriated to the commission for the purposes of this act.

3 Commission Repealed. RSA 100-A:56-a, relative to the commission on long-term viability, defined contribution plan, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2014.

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

2012-1623s

AMENDED ANALYSIS

This bill establishes a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system. The bill makes an appropriation to the commission for purposes of the duties of the commission.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. White asserts Rule 2-15 on HB 1460.

Sen. Bradley moved to Lay on the Table HB 1460. Adopted.

Sen. White asserts Rule 2-15 on HB 1460.

HB 1593-FN, relative to the department of information technology. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration

April 12, 2012

2012-1615s

05/01

Amendment to HB 1593-FN

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

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

6 Duties of the Commissioner. Amend RSA 21-R:4, X to read as follows:

X. Developing ***and implementing*** a data center [~~consideration~~] ***consolidation*** plan, which establishes strategic data centers throughout the state for data processing operations and service responsibilities for all executive branch agencies.

7 Duties of the Commissioner. Amend RSA 21-R:4, XIII to read as follows:

XIII. Developing ***and implementing*** a strategy to increase efficiency and effectiveness in all areas of state government by using information technology to its fullest potential.

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

2012-1615s

AMENDED ANALYSIS

This bill:

I. Repeals the prospective repeal date of July 1, 2014 for the department of information technology.

II. Permits agency heads to appoint designees to the information technology council and adds certain public members to the council.

III. Requires the commissioner of the department of information technology to develop a cyber security strategy and GIS strategy and clarifies other duties of the department.

IV. Adds the commissioner of the department of information technology to the advisory council on emergency preparedness and security.

President Bragdon ruled Committee Amendment 1615s non-germane.

Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 1615s to HB 1593-FN by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

April 17, 2012

2012-1716s

05/04

Floor Amendment to HB 1593-FN

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Use of Open Source Software by State Agencies; Purchase Decision by Legislative Branch. Amend RSA 21-R:11, I(c) to read as follows:

(c) Provide a brief analysis of the purchase decision, including consideration of the cost factors in subparagraph (a), to the chief information officer, ***or the legislative equivalent for purchases by the legislative branch;***

2012-1716s**AMENDED ANALYSIS**

This bill:

I. Repeals the prospective repeal date of July 1, 2014 for the department of information technology.

II. Permits agency heads to appoint designees to the information technology council and adds certain public members to the council.

III. Requires the commissioner of the department of information technology to develop a cyber security strategy and GIS strategy and clarifies other duties of the department.

IV. Adds the commissioner of the department of information technology to the advisory council on emergency preparedness and security.

V. Clarifies the procedure for purchase of open source software by the legislative branch.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-3).

FINANCE

HB 344-FN, relative to judicial performance evaluations. Ought to Pass, Vote 6-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1552-FN, relative to the reporting of funds. Ought to Pass with Amendment, Vote 6-0.

Senator Morse for the committee.

Senate Finance

April 12, 2012

2012-1634s

06/09

Amendment to HB 1552-FN

Amend RSA 6:12-f, III as inserted by section 1 of the bill by replacing it with the following:

III. ~~[Beginning on]~~ **By** November 15, 2009, and each odd-numbered year thereafter, it shall be the responsibility of the commissioner of administrative services, ~~[in consultation with the relevant assigned department,]~~ to submit a report of funds, accounts, or trusts ***identified by requests under subparagraph II(b) and*** not included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d to the ***legislative budget assistant and the*** chairpersons of the ways and means committees of the senate and house of representatives for introduction in the next legislative session in order to include said funds, accounts, or trusts in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 1687-FN, relative to state employee information available on the state transparency website. Ought to Pass with Amendment, Vote 7-0. Senator Morse for the committee.

Senate Finance

April 6, 2012

2012-1543s

09/10

Amendment to HB 1687-FN

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

1 Online Access to Budget Information and Reports; State Employee Information. Amend RSA 9-F:1, II(b) to read as follows:

(b) Annual salaries of all full-time state employees, listed by pay type category and in a searchable format *that includes the state agency, accounting unit, job title, position number, and whether the position is vacant or filled.*

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections. Ought to Pass, Vote 4-1. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).

JUDICIARY

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention. Ought to Pass with Amendment, Vote 4-0. Senator Luther for the committee.

Senate Judiciary

April 9, 2012

2012-1549s

03/04

Amendment to HB 486-FN

Amend the bill by replacing section 2 with the following:

2 New Section; Definition Added; Enhanced Technology Ignition Interlock Device. Amend RSA 259 by inserting after section 28-a the following new section:

259:28-b Enhanced Technology Ignition Interlock Device. "Enhanced technology ignition interlock device" shall mean an ignition interlock device equipped with a camera and which is capable of transmitting data as events occur.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 514, relative to entry on private land. Ought to Pass with Amendment, Vote 3-2. Senator Forsythe for the committee.

Senate Judiciary

April 11, 2012

2012-1601s

06/01

Amendment to HB 514

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

AN ACT relative to entry on private land and establishing a committee to study issues relating to entry on private land.

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

1 Purpose. The purpose of this act is to set guidelines for entry by conservation commissions or their designees onto private property for data gathering for conservation and natural resource inventory purposes and for the publication of such data, and to ensure that property owners are informed of data gathering on their property. These guidelines do not supercede guidelines already established by state agencies as they may be modified from time to time, but establish guidelines for conservation projects at the regional, local, and individual level.

2 Conservation Commissions; Powers. Amend RSA 36-A:4 to read as follows:

36-A:4 Powers.

I. Said commission may receive gifts of money, personal property, real property, and water rights, either within or outside the boundaries of the municipality, by gift, grant, bequest, or devise, subject to the approval of the local governing body, such gifts to be managed and controlled by the commission for the purposes of this section. Said commission may acquire in the name of the city or town, subject to the approval of the local governing body, by purchase, the fee in such land or water rights within the boundaries of the municipality, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations, or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town, and shall manage and control the same, but the city or town or commission shall not have the right to condemn property for these purposes.

II. *No commission, its members, or designee shall enter private property to gather data about the property for use in a wetlands designation, prime wetlands designation, natural resource inventory report or map, or natural heritage map without first obtaining permission of the property owner or agent, or a lawfully issued warrant. Such permission may be oral or written, providing that record is made of oral authorization. If consent for entry is denied, the conservation commission, or designee, may obtain an administrative inspection warrant under RSA 595-B.*

III. *Prior to requesting permission, the commission, its members, or designee shall notify the landowner of the purpose of the data gathering, the specific features that will be evaluated, the manner in which the data collected will be recorded and distributed, and possible known consequences of the data collection.*

IV. *No data gathered without the permission of the landowner shall be used for any purpose other than law enforcement purposes authorized by statute.*

3 Committee Established. There is established a committee to study entry onto private property, posting, trespassing, and the definition of recreational uses of private land.

4 Membership and Compensation.

I. The members of the committee shall be 5 members of the house of representatives, one of whom shall be a member of the house judiciary committee, one of whom shall be a member of the municipal and county government committee, one of whom shall be a member of the environment and agriculture committee, and one of whom shall be a member of the resources, recreation and development committee, appointed by the speaker of the house of representatives.

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

5 Duties of the Committee. The committee shall study:

I. The definition of recreational uses of private land by the public and clarification of activities allowed on land which is not posted as well as on land which is posted.

II. The adequacy and consistency of local and state policies as they relate to entry on private land, collection and publication of data on private land, and the ownership of such data.

III. The opportunities for integration of state policies regarding data collection, mapping, and publication of data collected from private and public lands.

IV. The potential legal, fiscal, regulatory, and technical obstacles for creating an integrated approach toward access to and data collection on private land.

V. The rights and responsibilities of persons entering onto private property.

VI. The adequacy of statutes regarding manner of posting.

VII. The definition of and remedies for trespassing on private property.

VIII. The opportunity for the landowner to challenge the data or findings.

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

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

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

2012-1601s

AMENDED ANALYSIS

This bill prohibits certain entry on private property for data gathering without a warrant or the consent of the landowner.

This bill also establishes a committee to study issues relating to entry on private land.

The question is on the adoption of the Committee Amendment. Adopted.

Sen. Forsythe offered a floor amendment.

Sen. Forsythe, Dist. 4

April 18, 2012

2012-1726s

06/01

Floor Amendment to HB 514

Amend RSA 36-A:4, II as inserted by section 2 of the bill by replacing it with the following:

II. No commission, its members, or designee shall enter private property to gather data about the property for use in a wetlands designation, prime wetlands designation, natural resource inventory report or map, or natural heritage map without first obtaining permission of the property owner or agent, or a lawfully issued warrant. Such permission may be oral or written, provided that record is made of oral authorization. If consent for entry is denied, the conservation commission, or designee, may obtain an administrative inspection warrant under RSA 595-B.

Amend RSA 36-A:4, IV as inserted by section 2 of the bill by replacing it with the following:

IV. No data gathered by entering property without the permission of the landowner or an administrative warrant shall be used for any purpose other than law enforcement purposes authorized by statute.

The question is on the adoption of the Floor Amendment. Adopted.

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Kelly is in opposition to the motion of Ought to Pass as Amended on HB 514.

HB 1240, relative to license suspensions for refusal to consent to an alcohol test. Ought to Pass, Vote 4-0. Senator Forsythe for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury. Ought to Pass with Amendment, Vote 4-0. Senator Groen for the committee.

Senate Judiciary

April 9, 2012

2012-1551s

03/04

Amendment to HB 1312

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Limitations; Accidents Resulting in Death or Serious Bodily Injury. Amend RSA 625:8, III by inserting after subparagraph (g) the following new subparagraph:

(h) For any violation-level offense involving a motor vehicle accident resulting in death or serious bodily injury, within 6 months of the accident.

2012-1551s**AMENDED ANALYSIS**

This bill allows the prosecution of a violation-level offense involving a motor vehicle accident resulting in death or serious bodily injury up to 6 months after the accident.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

TRANSPORTATION

HB 342, relative to boat operation rules. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 628-FN, relative to searches conducted for purposes of transportation-related security. Inexpedient to Legislate, Vote 4-1. Senator Kelly for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.

HB 1138, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 1144, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Senate Transportation**April 12, 2012****2012-1627s****09/04****Amendment to HB 1144**

Amend RSA 21-J:47, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The members of the commission shall be as follows:

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

(2) The commissioner of the department of revenue administration, or designee.

(3) The commissioner of the department of safety, or designee.

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

(5) The commissioner of the department of transportation, or designee.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 1165, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Senate Transportation

April 12, 2012

2012-1620s

04/10

Amendment to HB 1165

Amend the bill by replacing section 3 with the following:

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Boutin, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 1171, updating certain references in motor vehicle statutes. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Senate Transportation

April 12, 2012

2012-1628s

03/10

Amendment to HB 1171

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

AN ACT updating certain references in motor vehicle statutes and relative to motor fuel distributors.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Road Tolls; Bond. Amend RSA 260:37, I(a)(1) to read as follows:

(1) In an amount equal to approximately [3] **2** times the monthly road toll liability of the distributor, but not less than \$10,000, on a form to be approved by the commissioner;

4 Road Tolls; Suspension or Revocation of License. Amend RSA 260:39, I to read as follows:

I.(a) If a distributor fails to maintain an active bond, as required by RSA 260:37, or at any time files a false monthly report, or willfully fails, neglects, or refuses to file the monthly report, or to pay the full amount of the road toll as required by this subdivision, the commissioner **or his or her designee**, after 10 days' written notice by certified mail directed to the last known address appearing on the files of the department:

[(a)] (1) Shall *revoke or suspend the distributor's license, effective as of the date of the written notice; and*

(2) Shall fix a time and place at [which] *the department's bureau of hearings, within 10 days of the written notice, where* the [distributor] *licensee* may appear and show cause why such license should [not be suspended or revoked; or] *be reinstated. The license shall remain revoked or suspended until a hearing is conducted and a decision is rendered by the hearings examiner.*****

(b) [May suspend or revoke the license, in which case the commissioner shall notify the distributor in writing of the suspension or revocation by certified mail.] *The written notice shall be presumed to have been served, upon return of the certified receipt signed by the licensee, or 3 days after mailing to the last known address on record of the licensee, whichever comes first.*

(c) Any distributor whose license ~~[shall have been]~~ **remains** suspended or revoked by the commissioner **after a hearing** may, within 30 days from the date of such ~~[suspension or revocation]~~ **decision**, ~~[make application in the nature of an]~~ appeal to the ~~[governor and council]~~ **superior court of Merrimack county**.

2012-1628s

AMENDED ANALYSIS

This bill updates certain references relating to the United States Department of Transportation in motor vehicle statutes. This bill also reduces the bond requirement for motor fuel distributors under the road toll law and modifies the procedure for suspension or revocation of a distributor license by the commissioner of the department of safety.

This bill was requested by the department of safety.

President Bragdon ruled Committee Amendment 1628s non-germane.

Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 1628s to HB 1171 by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 1495-FN, establishing a Purple Heart Trail along U. S. Route 3. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Senate Transportation

April 12, 2012

2012-1625s

01/05

Amendment to HB 1495-FN

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

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers authorized under section 1 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers authorized under this act shall be approved by the department of transportation.

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 1716, relative to the state 10-year transportation improvement program. Ought to Pass with Amendment, Vote 4-0. Senator Rausch for the committee.

Senate Transportation

April 12, 2012

2012-1613s

01/09

Amendment to HB 1716

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

15 Interstate 93 Exit 4A; Derry/Londonderry. The department of transportation may accept and expend any federal or other funds, with the approval of the governor and council, for the Derry/Londonderry project, number 13065, 1816, for the construction of a new exit 4A on I-93. 16 Issuance of Revenue Bonds. 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 issuing of bonds shall be contingent upon the availability of sufficient anticipated federal aid over the term of the bonds.*** The bonds shall be issued by the treasurer in such amounts as ***the fiscal committee of the general court and*** the governor and council shall determine, not exceeding [~~\$195,000,000 for Interstate 93~~] ***\$445,000,000 for federally aided highway projects*** 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.

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

2012-1613s

AMENDED ANALYSIS

This bill:

- I. Adopts the 10-year transportation improvement plan for 2013-2022.
- II. Requires legislative approval for capital and operating budgets related to passenger rail service prior to any expenditures.
- III. Clarifies the management and disbursement of various donations for a public works employee memorial.
- IV. Provides that the commissioner of the department of transportation serve as a non-voting member of the governor's advisory commission on intermodal transportation.
- V. Deletes the Jennison Road bridge project, number 8342.
- VI. Advances the Belmont–Laconia project, number 2787 and the Concord–Loudon project, number 8341 contingent upon 100 percent financing.
- VII. Provides that New Hampshire's share of the costs of rehabilitating or reconstructing the Sarah Mildred Long Bridge be contingent upon the center lift span being of sufficient length to allow safe passage of the upcoming generation of cargo vessels.
- VIII. Deletes the Sutton-Bradford project, number 8340.
- IX. Authorizes the commissioner of transportation to acquire land and relocate certain transmission lines for the redevelopment of rest areas on I-93 in the town of Hooksett.
- X. Deletes the project Walpole-Charlestown from the Deferred Projects List.
- XI. Deletes the Salem to Manchester project of the I-93 widening project from the Deferred Projects List and adds it to the Ten Year Transportation Improvement Plan 2013-2022.
- XII. Permits the department of transportation to accept and expend federal or other funds for the I-93 exit 4A Derry/Londonderry project, number 13065.
- XIII. Makes the issuance of federal highway grant anticipation bonds contingent upon the availability of sufficient federal aid over the term of the bonds.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Bradley moved to remove HB 1221 from the table. Adopted.

WAYS AND MEANS

HB 1221, relative to the credit for the business enterprise tax against the business profits tax.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

April 17, 2012

2012-1712s

09/10

Floor Amendment to HB 1221

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

AN ACT relative to the credit for the business enterprise tax against the business profits tax and conforming the interest and dividends tax to federal tax definitions.

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

2 Purpose. The legislature finds that:

I. Good tax policy requires clear tax rules that reflect modern business and tax practices, provide taxpayers with simple and clear guidance, encourage compliance, and enhance the competitiveness of our economy.

II. The strength of New Hampshire's economy is based on attracting and growing small businesses that create good jobs and growth, and the state's tax system should provide clear rules that encourage and enhance the state's reputation as a leading jurisdiction for the creation and growth of small businesses.

III. The interest and dividends tax law was originally enacted in 1923 and its provisions do not reflect modern economic and legal practices.

IV. Sections 3-12 of this act will reform, simplify, and modernize important interest and dividends tax rules that apply to small businesses and their owners, will reduce tax audits, and restore New Hampshire's ability to encourage small business growth and the good jobs these businesses create.

3 Taxation of Interest and Dividends; Imposition of Tax. RSA 77:1 is repealed and reenacted as follows:

77:1 Imposition of Tax. A tax is imposed at the rate of 5 percent upon the interest and dividend income of every taxable individual.

4 New Section; Taxation of Interest and Dividends; Definitions. Amend RSA 77 by inserting after 77:1-a the following new section:

77:1-b Definitions.

I. "Taxable individual" means any individual who is an inhabitant or resident of this state for any part of the taxable year.

II. "Dividend" means any item of federal gross income which is treated as a dividend under the provisions of the United States Internal Revenue Code.

III. "Interest" means all amounts treated as interest under the provisions of the United States Internal Revenue Code, except interest from notes or bonds of this state and notes and bonds of any political subdivision of this state.

5 Reference Change. Amend RSA 77:18, III to read as follows:

II. At the same time the return is filed, as required by paragraph I of this section, every ~~taxpayer as defined in RSA 77:3~~ **taxable individual as defined in RSA 77:1-b, I** shall, in addition, file a declaration of its estimated tax for its subsequent taxable period; provided, however, that if the estimated tax is less than \$500, a declaration need not be filed; and provided further that a declaration shall be filed at the end of any quarter thereafter in which the annualized estimated tax exceeds \$500.

6 Reference Change. Amend 77:4-b to read as follows:

77:4-b Interest and Dividend Income of Employee Benefit Plans and Tax Deferred Investments Not Taxable. ~~[Notwithstanding any provisions of RSA 77:4 to the contrary,]~~ Interest and dividend income received by an employee benefit plan as defined by the Employee Retirement Income Security Act of 1974, section 3, or any successor act enacted for the purpose of regulating employee benefit plans, or an individual retirement

arrangement, Keogh plan or any other arrangement pursuant to which payment of federal tax on the income thereof and of the plan sponsors, participants and beneficiaries is deferred, shall at no time be considered taxable income under ~~[RSA 77:4]~~ **this chapter**, either to the plan or arrangement or to its sponsors, participants or beneficiaries, irrespective of when or whether all or any portion of such income is accumulated or expended for the benefit of, or distributed in any form or manner to, such sponsors, participants or beneficiaries.

7 Reference Change. Amend RSA 77:4-d to read as follows:

77:4-d Dividends Earned on Certain Mutual Funds and Distributions Received on Unit Investment Trusts Not Taxable. ~~[Notwithstanding any provisions of RSA 77:4 to the contrary,]~~ The dividends earned by an investor in a mutual fund or the income earned or distributions received by an investor in a unit investment trust which invests solely in New Hampshire tax-exempt tax anticipation notes, bond anticipation notes and other instruments exempt under New Hampshire law shall not be taxable under this chapter.

8 Reference Change. Amend RSA 77:4-e to read as follows:

77:4-e Interest and Dividends From Funds Invested in College Tuition Savings Plan Not Taxable. ~~[Notwithstanding any provision of RSA 77:4,]~~ Income and distributions from any qualified tuition program as defined in the Internal Revenue Code of 1986, as amended, shall not be taxable under this chapter to the plan or to its sponsors, participants, or beneficiaries to the extent that the same is exempt from federal income taxation under section 529 of the Internal Revenue Code of 1986, as amended, as that section was in effect on July 1, 2003.

9 Reference Change. Amend RSA 77:24-b to read as follows:

77:24-b Corrections. Each taxpayer shall report to the commissioner of revenue administration any change in the amount of the taxpayer's income ~~[as defined by RSA 77:4]~~ as finally determined by the United States Internal Revenue Service with respect to any beneficial interest for which the taxpayer has made a return under this chapter. Such a report shall be made not later than 6 months after the taxpayer has received notice that such change has been finally determined. Notwithstanding any other provision of law, a taxpayer reporting a correction pursuant to this section shall be given notice by the department of any adjustment to the tax due with respect to such correction within 6 months after the filing of the report.

10 Reference Change. Amend RSA 77-A:5-b, II(b) to read as follows:

(b) The names, addresses, and federal taxpayer identification numbers of the holders of such qualified investment company and the amount, if any, of their proportional share of the income required to be included in such holder's New Hampshire tax return ~~[under RSA 77:4, V and RSA 77-A:4, XV].~~

11 Reference Change. Amend RSA 391:3 to read as follows:

391:3 Taxability. A common trust fund shall not constitute a taxable entity within the meaning of RSA 77. Each estate having a participating interest in a common trust fund shall include in its return its proportionate share of any taxable income ~~[of the classes described in RSA 77:4,]~~ received by such common trust fund, whether or not such income is distributed by the common trust fund.

12 Repeal. The following are repealed:

- I. RSA 77:3, relative to taxable persons.
- II. RSA 77:3-a, relative to limited liability companies.
- III. RSA 77:4, relative to taxable income.
- IV. RSA 77:4-c, relative to transferable shares.
- V. RSA 77:6, relative to income from pledged property.
- VI. RSA 77:7, relative to capital distribution.
- VII. RSA 77:8, relative to certain non-taxable income.
- VIII. RSA 77:9, relative to decedents' estates.
- IX. RSA 77:10, relative to income from trusts.
- X. RSA 77:11, relative to accumulations.

XI. RSA 77:12, relative to nonresident trustees.

XII. RSA 77:13, relative to guardians.

XIII. RSA 77:14-a, relative to partnerships and limited liability companies.

XIV. RSA 77:14-b, relative to partners and members.

XV. RSA 77:14-c, relative to members of partnership or limited liability company outside the state.

XVI. RSA 77:14-d, relative to application of sections.

XVII. RSA 77:17-a, relative to small business corporation reports.

13 Applicability. Sections 3-12 of this act shall apply to taxable periods ending on or after December 31, 2011.

14 Effective Date.

I. Section 1 of this act shall take effect July 1, 2012.

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

2012-1712s

AMENDED ANALYSIS

This bill clarifies that a taxpayer may apply the credit for the business enterprise tax against the business profits tax on a quarterly basis when making estimated tax payments. This bill also revises the interest and dividends tax to apply to all interest and dividends reported to the federal government by all resident New Hampshire individuals in order to simplify and modernize the interest and dividends tax rules.

President Bragdon ruled Floor Amendment 1712s non-germane.

Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Floor Amendment 1712s to HB 1221 by the necessary 2/3 vote.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass as Amended.

A roll call was requested by Sen. Bradley, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, Sanborn, Odell, White, Kelly, Luther, Lambert, Carson, Larsen, Boutin, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Committee on Finance (Rule 4-3).

MOTION 1

HB 1181, HB 1214, HB 1232-FN, and HB 1566 have inadvertently been introduced into the Senate in violation of Senate Rule 3-3. Therefore, without objection, the Clerk is instructed to return the bills to the House.

MOTION 2

The Senate has received a message from the House asking for concurrence on the following entitled House Bills: HB 440-FN, HB 1282-FN-L, HB 1327, HB 1720-FN, HCR 32, and HCR 34, in violation of Senate Rule 3-3. Therefore, without objection, the Clerk is instructed to return the bills to the House.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

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

Sen. Rausch moves concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 223, to make technical revisions relative to the health information organization corporation.

Sen. Bradley moves concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

HB 325-FN, relative to the transfer of animals from licensed animal vendors.

HB 342, relative to boat operation rules.

HB 344-FN, relative to judicial performance evaluations.

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention.

HB 514, relative to entry on private land and establishing a committee to study issues relating to entry on private land.

HB 533-FN-L, revising the distribution of school building aid grants.

HB 1138, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet.

HB 1144, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges.

HB 1150, relative to examinations for licensure as a professional engineer or land surveyor.

HB 1165, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge.

HB 1171, updating certain references in motor vehicle statutes and relative to motor fuel distributors.

HB 1233, establishing a statute of limitations on wetlands filling and dredging.

HB 1240, relative to license suspensions for refusal to consent to an alcohol test.

HB 1296, relative to net energy metering.

HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury.

HB 1392, relative to oyster aquaculture licenses.

HB 1417, relative to a student's freedom of association.

HB 1434, relative to display of antique motor vehicle plates.

HB 1442, relative to motorcycle noise emission regulation.

HB 1477, relative to the definition of spent materials.

HB 1495-FN, establishing a Purple Heart Trail along U. S. Route 3.

HB 1552-FN, relative to the reporting of funds.

HB 1687-FN, relative to state employee information available on the state transparency website.

HB 1716, relative to the state 10-year transportation improvement program.

LIST OF RULE 2-15'S FOR THE DAY

Sen. White: HB 517-FN, HB 1460.

ANNOUNCEMENTS

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you; thank you very much. I just wanted to speak briefly and to honor Norma Mallett, who passed away this past month. I don't know how many of you knew Norma, but she was the wife for 58 years to Bob Mallett. Bob Mallett, known actually as Robert Mallett, was a former Executive Councilor here, as well as a State Representative, and he was the Mayor of Keene. And so, we know that he was a public servant, but his wife, Norma, who passed away, was there always to support him. And, in my own kind of sense of what public service is, I would say she gave as much, if not more.

Norma was a teacher for 41 years, and she taught first grade at Wheelock School. So, when I attended her services, I could not believe the number of people there who spoke so highly of her and were touched by her because of her teaching. When you think about 41 years of first-graders, when we talk about wanting to make a difference in the world, I can't think of anybody who had more of an impression on young people in their entire lives than Norma Mallett, and she did make an impression; they spoke highly of her. The one word that came often when speaking of Norma was the word "kind". She was kind, and she showed kindness to each of her students for those 41 years and all of the people she met during her long life. So, I just wanted to speak for her and to honor her today for her service to our state. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Thank you, Mister President. I rise for a Rule 2-17 to mark the passing of a friend here in town and a former Democratic State Representative, Miriam Dunn of Concord. She served in the House in the late 1980s and early 1990s and then was a delegate to the Democratic National Convention. But, she's really best remembered for the incredible sense of dry wit and dedication she had to public service. She, at one point, back in the '80s, wrote a very early newsletter that was, I believe, called "Eye On Concord", and it was information for before Internet, where people could know what was happening on bills, and she performed that service over the years. She was an incredibly hard worker and a friend; she was a champion of children of working men and women across New Hampshire. And, she will be missed as she leaves three children behind and many, many friends in the area. So, we extend our deepest sympathies to her family and believe that a very wonderful person has been lost to this community. Thank you, Mister President.

(The Chair recognized Sen. Barnes.)

SENATOR BARNES: Thank you, Mister President. I want to thank you for bringing that lady up to the Chamber. She was a very interesting lady. I served with her in the House, but my biggest memory of her is when I was sitting on the Senate Energy Committee, and Martha Fuller Clark—former Senator Martha Fuller Clark—was the Chairlady of it, and a bill came to us; it was a balloon bill, because a lot of birds were eating balloons over on the coast and dying from the balloons, and a class—probably fifth- or sixth- or seventh-graders—from someplace made a big move about the balloons. Well, I've got to tell you; this lovely lady came in and gave testimony against the balloon bill. Now, why do you suppose this wonderful lady from Concord was against the balloon bill? None of you were on that Committee, so none of you will guess, but I'll tell you: She had made arrangements, on her passing, to have her ashes, in a balloon, sent up over Concord, and she was very concerned that her ashes would not be in that balloon...God help me, it's true. And, poor Senator Clark, with those kids sitting there staring...We were there 'til 7:00 when those kids got on a bus and went home before we exec'ed the balloon bill. By golly, that's a true story.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: I also would like to enter another Rule 2-17 to mark, also, the passing of Mal Richards. Mal was the Doorkeeper here in the Senate, and I'm looking for the years...He was here between 2001 and 2006. Mal worked...I think I first met him when he was working his 39 years at Sears Roebuck in the downtown Main Street. But, he was also very, very active in politics here in this state and in this city. He was an election official for Ward 4 in Concord and a moderator from '89 to 2011. He worked for Secretary of State Bill Gardner at election time each year and volunteered on many, many community services. He was a lifelong fan and follower of all Boston sports teams, but most importantly, he loved his family. He was of another persuasion than mine, but Mal worked hard at what he did, was an attentive and caring person to all those who knew him, and, as I say, he was Doorkeeper here in this room for many, many years. So, we also mark with sadness his passing and extend our condolences to his family.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. You know, if you've been around here as long as I've been around here, you get to know almost everybody, and when you look at that obituary page, you find somebody you know on a daily basis. But, let me say that, with regard to Mim Dunn, most of you remember Mim: little lady who was in the House with us many, many years ago. But, just a wonderful person; always had that great smile. Mim had both of her knees replaced; she underwent some significant surgery. There used to be a little group of women that met every Thursday morning at one of the local breakfast shops. And, as time has gone on, the membership of that group is now being depleted. And, fortunately or unfortunately, I'm the only man that used to go to those meetings. And, there are some wonderful people associated with those breakfast meetings: Joan Callahan, who was the Director of Welfare, Mim Dunn, and a series of other women used to meet together on Thursdays. And, it's kind of a glorious experience when you can just meet with people and talk about things and laugh a little; we don't laugh enough in this life, and Mim Dunn always had a smile, and she was always very gracious in giving you good tidings, you know? And, most of us, you know, 90 percent of the time, if you're mad at somebody, you will enunciate it, but 100 percent of the time, if you like somebody, you're afraid to say something about it because people will think you're out of the ordinary. But, she was always on that 100 percent group, always talking about good things; had that great smile. And, you know, life isn't easy for any of us, and it wasn't easy for Mim. But, I saw her just two weeks ago, and she seemed healthy—you know, very, very healthy, very, very vibrant, and was at Sylvia Larsen's fundraiser and was so animated and so happy, and I look in the paper and I see that she's passed away. So, the moral of that story is, you know, live every moment and treasure every moment, and treasure the friendships that you have, because they're very meaningful in enhancing your life. Thank you, Mister President.

Without objection President Bragdon moved that all Rule 2-17's shall be entered into the permanent *Journal* of the Senate.

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.