

April 25, 2012  
Nos. 10-11

# **STATE OF NEW HAMPSHIRE**

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

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 18, 2012 SESSION  
COMMENCEMENT – APRIL 25, 2012 SESSION**

# SENATE JOURNAL 10 *(continued)*

*April 18, 2012*

## REPORT OF COMMITTEE ON ENROLLED BILLS

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

**SB 223**, to make technical revisions relative to the health information organization corporation and relative to the membership of the health information organization board.

**SB 394**, 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 and relative to an appropriation in the capital budget for construction and renovations to the Milford Armory.

**Sen. White moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

## REPORT OF COMMITTEE ON ENROLLED BILLS

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

**HB 108**, relative to trees and roadside growth.

**HB 1127**, relative to barbering apprentices.

**HB 1155**, relative to the regulation of dentists by the board of dental examiners.

**HB 1203**, relative to the membership of the capital budget overview committee.

**HB 1266**, requiring the assessing standards board to recommend standards rather than guidelines.

**HB 1311**, changing a statutory reference to reflect the current homestead exemption amounts.

**HB 1336**, relative to reciprocity for nonresident trainers of hunting dogs.

**HB 1351**, relative to disclosure of information by the board of funeral directors and embalmers and governing boards of allied health professionals.

**HB 1356**, classifying certain land in Litchfield as land to be retained by the state.

**HB 1370**, making technical changes to the New Hampshire real estate practice act.

**HB 1378**, relative to transfer by pharmacy technicians of prescription drugs between pharmacies.

**HB 1504**, reinstating the Maine-New Hampshire Interstate Bridge Authority.

**HB 1585**, relative to inspections of trucks and buses.

**HB 1596**, relative to the membership of the advisory council on child care.

**HB 1618**, relative to types of community living facilities.

**HB 1644**, relative to the regulation of individual home health care service providers by the department of health and human services.

**HB 1719**, relative to the filing period for elections.

**SB 285**, 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 296**, relative to including next-of-kin contact information on a driver's license.

**Sen. White moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

## REPORT OF COMMITTEE ON ENROLLED BILLS

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

**HB 449**, relative to reports on information available on the state website.

**HB 1134**, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

**HB 1302**, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration.

**HB 1349**, relative to the service of town health officers.

**HB 1420**, relative to the disposition of the remains of service members.

**HB 1717**, apportioning county commissioner districts.

**Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

#### **REPORT OF COMMITTEE ON ENROLLED BILLS**

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

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

**SB 202**, apportioning congressional districts.

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

**SB 321**, 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 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.

**Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

#### **REPORT OF COMMITTEE ON ENROLLED BILLS**

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

**HB 1136**, relative to special state elections.

**HB 1224**, allowing municipalities to send tax, water, and sewer bills electronically.

**Sen. White moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

#### **REPORT OF COMMITTEE ON ENROLLED BILLS**

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

**HB 1196**, repealing the task force on state procurement policies and procedures.

**Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

**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 11**

*April 25, 2012*

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

The Reverend Doctor Terri Young, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Will you pray with me?

*God, who is the author of our life and the giver of our health, the guardian of our freedom, and the gift of today, keep our minds set on the truth of your love, on the justice that we serve, and make us fair players on this field called life. We thank you that you have given us the opportunity to serve this wonderful state we love. And so, we ask the blessing of your peace and your presence with us as we discern and discuss what is best for all of the citizens of New Hampshire. In Your most holy name we pray, Amen.*

Sen. Kelly led the Pledge of Allegiance.

Sen. De Blois is excused for the day.

### INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Lambert introduced his daughter, Grace, a guest in the Senate gallery today. Sen. Lambert also welcomed Alderman Dave McLaughlin from Nashua and Alderman Dan Moriarty from Nashua.

Sen. Prescott introduced Juliett Shurtleff, a student from Exeter High School, serving as a Senate Page today.

Senator Groen introduced Victoria Moore, a student from Exeter High School, serving as a Senate Page today.

### FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: HB 420-FN, HB 1645-FN, HB 256-FN, HB 228-FN, HB 234-FN-A, HB 1659-FN, HB 1660-FN, HB 1679-FN, HB 1680-FN, HB 127-FN, HB 283-FN, HB 1259-FN, HB 1546, HB 1673-FN, HB 1204, HB 1207-FN.

President Bragdon announces that the following bills, which are still in Public and Municipal Affairs Committee, will not come to Finance: HB 137-FN-L and HB 1704-FN.

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

### AMENDMENT TO SENATE RULES

**Sen. Bradley moved to amend Senate Rule 8-1 (j).**

#### Amendment to Senate Rule 8-1

Amend Senate Rule 8-1 by replacing (j) with the following:

#### **8-1 Deadlines.**

(j) Thursday, May 31, 2012, at 4:00 p.m. - Last Day to SIGN Committee of Conference Reports.

**The question is on the motion to amend Senate Rule 8-1 (j). Adopted by necessary 2/3 vote.**

### CONSENT CALENDAR REPORTS

**The following bill was removed from the Consent Calendar:**

**HB 1208**, relative to advertising of alcoholic beverages. Removed by Sen. Houde.

**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.**

### COMMERCE

**HB 171**, relative to restrictions on liquor licenses. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

This bill prohibits the liquor commission from imposing restrictions on on-premises licenses relating to clothing or appearance of patrons or employees. This bill also authorizes enforcement actions by the liquor commission against licensees whose premises are regularly the site of violence.

**HB 1409**, relative to definitions under the Uniform Securities Act. Ought to Pass, Vote 5-0. Senator White for the committee.

This bill is a request of the bureau of securities regulation to make various changes to definitions under the Uniform Securities Act. This bill will provide a clear definition of what is or is not a security and when someone is or is not engaged as an investor.

**HB 1579**, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

This bill is a request of the Department of Employment Security to authorize the department to garnish the wages of individuals with delinquent unemployment compensation overpayments. This bill will give the department another tool to help them collect monies that were paid to claimants who collected unemployment compensation under false pretenses.

#### **ENERGY AND NATURAL RESOURCES**

**HB 1415**, relative to permits for repair or replacement of sewage and waste disposal system. Ought to Pass with Amendment, Vote 5-0. Senator Gallus for the committee.

This bill creates a permit for the repair or replacement of certain sewage or waste disposal systems. Furthermore, this bill ensures that the homeowner will continue to have documentation that a "state approved system" exists on the site. The amendment simply made two very minor edits.

#### **Energy and Natural Resources**

**April 13, 2012**

**2012-1651s**

**08/04**

#### **Amendment to HB 1415**

Amend the introductory paragraph of RSA 485-A:33, IV(a) as inserted by section 2 of the bill by replacing it with the following:

IV.(a) The repair or replacement in-kind of a sewage effluent disposal area shall qualify for a permit by rule, provided all of the following criteria are met:

Amend RSA 485-A:33, IV(f) as inserted by section 2 of the bill by replacing it with the following:

(f) For purposes of this paragraph, "in-kind" shall mean a repair or replacement of the effluent disposal area in strict accordance with what is shown on the previously approved plan.

**HB 1636**, relative to the extension of fill and dredge in wetlands permits. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

This bill as amended provides that certain fill and dredge permits for repair or replacement of shoreline structures damaged by storms or ice shall expire 10 years from the date the permit was issued. This creates an exception to the current permit time frame of five years, and will only be available if the work to be permitted does not violate the conditions of the original permit for the structure.

#### **Energy and Natural Resources**

**April 16, 2012**

**2012-1659s**

**06/01**

#### **Amendment to HB 1636**

Amend the bill by replacing section 1 with the following:

1 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, XIV-a to read as follows:

XIV-a.(a) *With the exception of permits issued under subparagraph (b)*, all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

~~[(a)]~~ (1) The permit for which extension is sought has not been revoked or suspended without rein-statement.

~~[(b)]~~ (2) Extension would not violate a condition of law or rule.

~~[(c)]~~ (3) The project is proceeding towards completion in accordance with plans and other documenta-tion referenced by the permit.

~~[(d)]~~ (4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.

*(b) Any permit issued to repair or replace shoreline structures to maintain the integrity and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the permit was issued as long as any work performed after the initial permitted work complies with the following:*

*(1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).*

*(2) All structures are repaired or replaced to the original permitted location and configuration.*

*(3) All significant work is reported to the department in accordance with the reporting requirements for the original permit.*

**2012-1659s**

#### AMENDED ANALYSIS

This bill provides that certain fill and dredge in wetlands permits shall expire 10 years from the date the permit was issued.

#### HEALTH AND HUMAN SERVICES

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

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

#### INTERNAL AFFAIRS

**HB 1195**, relative to membership of the joint legislative historical committee. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill permits members of the joint legislative historical committee to appoint designees to the committee. This committee does very important work but has found it difficult to garner the quorum necessary to do its job. This bill will create the flexibility in membership necessary for the committee to function successfully.

**HB 1256**, establishing a New Hampshire state register of historic places. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.

This bill formalizes a very successful program to recognize the state's historical properties by establishing an official state register of historical places. Properties listed on this state register are not subject to restrictions, unlike those on the national register. These properties do, however, have a higher likelihood of qualifying for grants and other incentives to encourage preservation.

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

**Sen. White asserts Rule 2-15 on HB 1409.**

#### REGULAR CALENDAR REPORTS

#### COMMERCE

**HB 420-FN**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. Ought to Pass with Amendment, Vote 4-1. Senator Prescott for the committee.

**Commerce**

**April 17, 2012**

**2012-1698s**

**01/10**

#### **Amendment to HB 420-FN**

Amend RSA 275:4, II(e) as inserted by section 1 of the bill by replacing it with the following:

*(e) The person holds himself or herself out to be in business for himself or herself **or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 275:42, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 275-E:1, I(e) as inserted by section 3 of the bill by replacing it with the following:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 279:1, X(e) as inserted by section 4 of the bill by replacing it with the following:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

Amend RSA 281-A:2, VI(b)(1)(E) as inserted by section 5 of the bill by replacing it with the following:

(E) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

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

**Sen. Houde offered a floor amendment.**

**Sen. Houde, Dist. 5**

**April 17, 2012**

**2012-1697s**

**01/10**

#### **Floor Amendment to HB 420-FN**

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

AN ACT relative to the definition of employee for the purpose of the criteria for exempting workers from employee status.

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

1 Protective Legislation; Definition of "Employee." Amend RSA 275:4, II(e) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

2 Protective Legislation; Payment of Wages. Amend RSA 275:42, II(e) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

3 Whistleblowers' Protection Act; Definition of "Employee." Amend RSA 275-E:1, I(e) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

4 Minimum Wage Law; Definition of "Employee." Amend RSA 279:1, X(e) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

5 Workers' Compensation; Definition of "Employee." Amend RSA 281-A:2, VI(b)(1)(E) to read as follows:

(E) The person holds himself or herself out to be in business for himself or herself ***or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.***

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

**2012-1697s**

**AMENDED ANALYSIS**

This bill clarifies the definition of employee for the purposes of the criteria for exempting workers from employee status.

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

**A roll call was requested by Sen. Houde, seconded by Sen. Boutin.**

**Sen. De Blois is excused.**

**The following Senators voted Yes: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**The following Senators voted No: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.**

**Yeas: 5 - Nays: 18**

**Failed.**

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

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**Sen. De Blois is excused.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 18 - Nays: 5**

**Adopted, bill ordered to Third Reading.**

**HB 1270**, requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

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

**HB 1574**, relative to an employee's lunch or eating period. Inexpedient to Legislate, Vote 4-1. Senator Houde for the committee.

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

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**Sen. De Blois is excused.**

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

**The following Senators voted No: (None).**

**Yeas: 23 - Nays: 0**

**Adopted.**

**HB 1587**, relative to employer safety programs. Ought to Pass with Amendment, Vote 4-1. Senator Prescott for the committee.

**Commerce**

**April 17, 2012**

**2012-1701s**

**01/04**

**Amendment to HB 1587**

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



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

**Sen. Sanborn asserts Rule 2-15 on HB 1587.**

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

**A roll call was requested by Sen. Houde, seconded by Sen. Boutin.**

**Sen. De Blois is excused.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 18 - Nays: 5**

**Adopted, bill ordered to Third Reading.**

**Sen. Sanborn asserts Rule 2-15 on HB 1587.**

**HB 1645-FN**, relative to decertification of a bargaining unit. Interim Study, Vote 3-2. Senator White for the committee.

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

**Sens. Groen and Sanborn are in opposition to the motion of Refer to Interim Study on HB 1645-FN.**

#### **ENERGY AND NATURAL RESOURCES**

**HB 256-FN**, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

#### **Energy and Natural Resources**

**April 18, 2012**

**2012-1746s**

**06/01**

#### **Amendment to HB 256-FN**

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

1 Attorney General; Hearing Officer. Amend RSA 21-M:3, IX to read as follows:

IX. When designated as the hearing officer for a particular appeal, the hearing officer shall:

(a) Regulate all procedural aspects of a proceeding, including presiding over the hearing and any prehearing conferences;

***(b) Subject to RSA 21-0:14, at the first prehearing conference order the parties and any persons who have been allowed to intervene to participate in mediation if the hearing officer concludes that it is reasonably possible that mediation will result in the resolution of the issues in dispute in the proceeding. No order to mediate shall stay the appeal proceeding;***

[(b)] (c) Adopt all findings of fact made by the council except to the extent any such finding is without evidentiary support in the record;

[(e)] (d) Deliberate with the council before reaching conclusions on mixed questions of law and fact;

[(d)] (e) Decide all questions of law presented during the pendency of the appeal; and

[(e)] (f) Prepare and issue written decisions on all motions and on the merits of the appeal within 90 days of the conclusion of the hearing on the merits. The hearing officer shall provide the council with a proposed written decision on the merits within 45 days of the conclusion of the hearing on the merits. If requested to do so by the members of the council participating in the discussion, the hearing officer shall meet with those members within the 90 day period to discuss the decision.

2 Administrative Appeals; Water Council. Amend RSA 21-O:7, IV to read as follows:

IV. The water council shall hear all administrative appeals from department decisions relative to the functions and responsibilities ~~[within the expertise]~~ of the division of water other than department decisions made under RSA 482-A relative to wetlands and RSA 483-B relative to shoreland protection, and shall decide all disputed issues of fact in such appeals, in accordance with RSA 21-O:14.

3 Administrative Appeals; Department Decision. RSA 21-O:14, I is repealed and reenacted to read as follows:

I.(a) For purposes of this chapter, “department permitting decision” means the department’s final action to grant in whole or in part, with or without conditions, or to deny an application or other request for a license as defined in RSA 541-A:1, VIII, whether the action is taken by the commissioner or by the department official who has statutory authority to take such final action or to whom the commissioner has properly delegated the authority to take such final action.

(b) For purposes of this section, “department enforcement decision” means:

(1) The issuance of an administrative order issued under specific statutory authority for such an order, whether described as an order, an administrative order, a cease and desist order, a notice of violation and order of abatement, or other similar name, which specifies the facts and law that support the department’s determination that one or more violations are occurring or have occurred and orders the recipient to cease on-going violations and to take such remediation actions as are necessary to come into compliance with applicable requirements.

(2) The revocation of or the refusal to renew a license as defined in RSA 541-A:1, VIII based on the permit holder’s non-compliance with the statute, rules, or terms and conditions of the license or on other good or just cause as defined in rules adopted relative to the license.

(c) “Department decision” means a department permitting decision, a department enforcement decision, and any other decision made by the department that is expressly appealable to a council under the statute granting authority to the department to make the decision. The term does not include rulemaking or an agency declaratory ruling as provided for in RSA 541-A.

4 Administrative Appeals. Amend RSA 21-O:14, I-a to read as follows:

I-a. Any person aggrieved by a department decision may, in addition to any other remedy provided by law, appeal to the council having jurisdiction over the subject matter of the appeal ***within 30 days of the date of the decision and shall set forth fully in a notice of appeal every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal shall be considered by the council.*** On any such appeal, the council shall determine whether the department decision was unlawful or unreasonable by reviewing the administrative record together with any evidence and testimony the parties to the appeal may present.

5 New Paragraphs; Administrative Appeals; Early Dispute Resolution Option; Mediation Procedure. Amend RSA 21-O:14 by inserting after paragraph I-a the following new paragraphs:

I-b. As an alternative to filing an appeal under paragraph I-a and in addition to any other remedy provided by law, any person aggrieved by a department permitting decision may, within 30 days of the date of the decision, file with the council having jurisdiction over the subject matter of the appeal a preliminary notice of appeal and an offer to enter into settlement discussions. Filings made under this paragraph shall be made on forms maintained by the department and shall be governed by the following:

(a) Notwithstanding any other provision of law prescribing the contents of a notice of appeal, a preliminary notice of appeal shall contain only information identifying the appellant, the decision being appealed, and a list of every ground on which the appellant claims that the decision is unlawful or unreasonable.

(b) The preliminary notice of appeal and offer to enter into settlement discussions shall be served on the commissioner and, if not filed by the applicant, on the applicant on the same day as they are filed with the council.

(c) The offer to enter into settlement discussions shall propose mediated settlement discussions, unmediated settlement discussions, or both.

(d) The department and, if applicable, the applicant shall notify the appellant in writing within 7 days whether they accept the offer to enter into settlement discussions. Any such notification accepting the offer shall propose dates within the ensuing 30 days on which to hold the settlement discussions, and if the appellant’s offer proposed both mediated and unmediated settlement discussions the notification shall elect one or the other.

(e) A notice of appeal that complies fully with the council's rules shall be filed no later than 45 days after the preliminary notice of appeal was filed by the appellant under this paragraph. No notice of appeal shall raise grounds for appeal beyond those contained in the preliminary notice of appeal.

(f) If the department and, if applicable, the applicant accept the offer to enter into settlement discussions the appeal shall be stayed until a notice of appeal is filed under subparagraph (e).

(g) If the parties enter into mediated settlement discussions under this paragraph, the provisions of paragraph I-c (a), (b), and (d) shall apply.

I-c. For all mediations ordered pursuant to RSA 21-M:3, IX(b):

(a) The mediator shall be selected by the participants.

(b) The cost of the mediation shall be borne equally by the participants unless the department elects not to pay its share of the cost of the mediation, in which case the appellant and any person who has been allowed to intervene may either agree to bear the cost of the mediation or be excused from the obligation to mediate.

(c) The pre-hearing order issued by the hearing officer shall specify a time period not to exceed 45 days within which the parties shall mediate. The parties may jointly request a specific amount of additional time if they have not reached a complete agreement within the time period specified by the hearing officer but believe a complete agreement can be reached within the additional time.

(d) If the parties and any intervenors reach agreement as a result of mediation and the agreement includes the issuance of a new or revised permit, only persons who did not participate in the mediation and who are aggrieved by the new or revised permit shall be entitled to appeal the issuance of such permit.

I-d. In any appeal of a department enforcement decision filed pursuant to paragraph I-a, the hearing officer shall not order the department to participate in mediation pursuant to RSA 21-M:3, IX(b). The department may participate in mediation in such cases in its sole discretion.

6 Air Pollution Control; Appeals; Time for Filing. RSA 125-C:12, III is repealed and reenacted to read as follows:

III. Any person aggrieved by a decision of the commissioner to grant in whole or in part, with or without conditions, or to deny a permit who wishes to appeal the decision shall proceed in accordance with RSA 21-0:14.

7 Fill and Dredge in Wetlands; Powers of Department. Amend RSA 482-A:6, III and IV to read as follows:

III. Whenever it is found that a wetlands is at immediate risk from dredging, filling, or other activity in violation of this chapter, the department may issue an emergency order in writing requiring the immediate cessation of such activity. Any person to whom such an order is directed shall comply immediately, but may ~~[request reconsideration and then]~~ appeal as provided in RSA 482-A:10.

IV. The department may issue an order to any person in violation of this chapter, a rule adopted under this chapter or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may be necessary. Any person to whom such an order is directed may ~~[request reconsideration and then]~~ appeal as provided in RSA 482-A:10.

8 Fill and Dredge in Wetlands; Appeals. RSA 482-A:10, IV is repealed and reenacted to read as follows:

IV. An appeal from a decision of the department under RSA 482-A:3 after reconsideration, or an appeal from an order issued by the department under RSA 482-A:6, shall be filed in accordance with the applicable provisions of RSA 21-0:14 and rules adopted by the council pursuant to RSA 541-A regarding the number of copies to be filed, the address to which the notice of appeal must be sent or delivered, and the method of delivery.

9 New Paragraph; Fill and Dredge in Wetlands; Notice of Appeal. Amend RSA 482-A:10 by inserting after paragraph IV the following new paragraph:

IV-a. A notice of appeal to the council shall contain a detailed description of the land involved in the department's decision and shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal shall be considered by the council.

10 Availability of Mediation in Pending Appeals. In addition to applying to all appeals filed on or after the effective date of this act, section 1 shall apply to any appeal that has been filed but has not yet had a hearing on the merits before the council as of the effective date of this act.

11 Committee Established. There is established a committee to evaluate alternative models for appealing decisions of the department of environmental services, adjudicating cases relating to environmental issues, and evaluating opportunities for application of the recommended systems to appeals of other agencies to achieve greater efficiency, impartiality, cost effectiveness, and enhanced delivery of justice.

12 Membership and Compensation.

I. The members of the committee shall be six members of the house of representatives, 2 of whom shall serve on the resources, recreation and development committee, and at least 2 of whom shall serve on the house judiciary 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.

13 Duties. The committee shall study the effectiveness of delivering justice, efficiency, impartiality, costs, and benefits of alternative processes for appealing decisions of the department of environmental services and adjudicating environmental issues. The committee shall also evaluate opportunities for the application of the recommended systems to appeals of other agencies.

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

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

16 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.**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 1255**, relative to the membership of the commission on primary care workforce issues. Ought to Pass, Vote 3-0. Senator Luther for the committee.

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

**FINANCE**

**HB 138-FN**, relative to the cold case homicide unit. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

**Senate Finance**

**April 19, 2012**

**2012-1760s**

**04/01**

**Amendment to HB 138-FN**

Amend RSA 21-M:8-m, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The attorney general shall apply for, accept, and expend funds from federal, private, or any other source for the purposes of this section. Funding for the state police and department of justice personnel for the cold case unit established in paragraph I shall be contingent upon the receipt of grants or federal funds for such purpose, including but not limited to, funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, 111th Cong. (2009).

**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 269-FN**, relative to the authority of departments to transfer funds among budget accounting units. Ought to Pass with Amendment, Vote 6-0. Senator Morse for the committee.

**Senate Finance**

**April 18, 2012**

**2012-1731s**

**05/10**

**Amendment to HB 269-FN**

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

AN ACT relative to the office of the secretary of state.

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

1 New Paragraph; Department of State. Amend RSA 5:1 by inserting after paragraph III the following new paragraph:

IV. Pursuant to RSA 9:1 the term "department" shall not apply to the department of state in the execution of the constitutional duties of the office of the secretary of state.

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

**2012-1731s**

**AMENDED ANALYSIS**

This bill states that the department of state is not a department of the state in the execution of the constitutional duties of the office of the secretary of state.

**President Bragdon ruled Committee Amendment 1731s non-germane.**

**Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 1731s to HB 269-FN 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 602-FN-A**, relative to funding the law requiring reporting of health care acquired infections. 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.**

**Sen. Sanborn is in opposition to the motion of Ought to Pass on HB 602-FN-A.**

**HB 1221**, 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. Ought to Pass, Vote 6-0. Senator Odell for the committee.

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

**HB 1593-FN**, relative to the department of information technology. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

**Sen. Morse offered a floor amendment.**

**Sen. Morse, Dist. 22**

**April 24, 2012**

**2012-1820s**

**05/03**

**Floor Amendment to HB 1593-FN**

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 Repeal. RSA 21-R:6, II(g) and (h), relative to legislative members of the information technology council, are repealed.

**2012-1820s****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, adds certain public members to the council, and removes legislative members from 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.

**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 Third Reading.**

**INTERNAL AFFAIRS**

**HB 1671**, apportioning congressional districts. Interim Study, Vote 5-0. Senator Bradley for the committee.

**Sen. Bradley moved to Lay on the Table HB 1671. Adopted.**

**HB 1672**, apportioning delegates to state party conventions. Ought to Pass, Vote 5-0. 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.**

**Recess. Out of recess.**

**JUDICIARY**

**HB 283-FN**, relative to impaired drivers. Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

**Senate Judiciary**

**April 16, 2012**

**2012-1660s**

**03/09**

**Amendment to HB 283-FN**

Amend RSA 265-A:18, I(b)(3) as inserted by section 4 of the bill by replacing it with the following:

(3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

Amend RSA 265-A:18, IV(a)(3)(B) as inserted by section 4 of the bill by replacing it with the following:

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required

substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period; and

Amend the bill by replacing all after section 10 with the following:

11 Transition Provision; Phasing-out Multiple DWI Offender Intervention Program (M.O.P.) for the Impaired Driver Care Management Program (IDCMP). If a person was sentenced to the multiple DWI offender intervention program (M.O.P.) under RSA 651:2, V(h) or RSA 265-A:18 prior to January 1, 2013, and the person has not successfully completed the multiple DWI offender intervention program as of January 30, 2013, then such person shall be required to participate in the impaired driver care management program (IDCMP) as established under RSA 265-A:40.

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

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

**Sen. Houde offered a floor amendment.**

**Sen. Houde, Dist. 5**

**April 24, 2012**

**2012-1830s**

**03/09**

#### **Floor Amendment to HB 283-FN**

Amend RSA 265-A:18 as inserted by section 4 of the bill by inserting after paragraph IX the following new paragraph:

X. When any provision of this section requires a person to schedule, submit to, or complete an alcohol and drug abuse screening or substance use disorder evaluation within a specified number of days, or makes such a condition of eligibility for suspension of a period of license revocation or other sentence, a person may comply with the requirement within the time period specified or as soon thereafter as any extenuating circumstances approved by the department of health and human services allow.

**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 Third Reading.**

#### **SPECIAL ORDER**

**Without objection President Bragdon moved HB 121 be Special-Ordered to May 2, 2012.**

#### **PUBLIC AND MUNICIPAL AFFAIRS**

**HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center. Inexpedient to Legislate, Vote 4-0. Senator Boutin for the committee.

**Sen. Boutin moved to Lay on the Table HB 655. Adopted.**

**HB 1174**, relative to negotiations for contracts for county employees. Inexpedient to Legislate, Vote 4-0. Senator Forrester for the committee.

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

**HB 1254**, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions. Ought to Pass with Amendment, Vote 3-1. Senator Boutin for the committee.

#### **Public and Municipal Affairs**

**April 18, 2012**

**2012-1718s**

**05/01**

#### **Amendment to HB 1254**

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

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

Amend the bill by replacing section 4 with the following:

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

**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. Larsen, seconded by Sen. Barnes.**

**Sen. De Blois is excused.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 18 - Nays: 5**

**Adopted, bill ordered to Third Reading.**

**HB 1308**, relative to the definition of "public body" under the right-to-know law. Inexpedient to Legislate, Vote 4-0. Senator Barnes for the committee.

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

**HB 1371**, relative to conflicts of interest of county government officials. Interim Study, Vote 4-0. Senator Merrill for the committee.

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

**Recess. Out of recess.**

**HB 1405**, relative to refugee resettlement. Interim Study, Vote 3-1. Senator Barnes for the committee.

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

**HB 1416-L**, relative to a required fluoride statement. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

**Public and Municipal Affairs**

**April 18, 2012**

**2012-1723s**

**06/01**

**Amendment to HB 1416-LOCAL**

Amend the bill by replacing section 1 with the following:

1 New Section; Water Systems; Fluoride Statement Required. Amend RSA 485 by inserting after section 14-a the following new section:

485:14-b Fluoride Statement Required.

I. If a public water supply is fluoridated, the following notice shall be posted in the water system's consumer confidence report: "Your public water supply is fluoridated. According to the Centers for Disease Control and Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information."

II. The notice shall be located in the section of the consumer confidence report dedicated to water quality.



2012-1723s

## AMENDED ANALYSIS

This bill requires a fluoride statement to be posted in a water system's consumer confidence report if the water supply is fluoridated.

**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 1546**, recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception. Interim Study, Vote 4-0. Senator Barnes for the committee.

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

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**Sen. De Blois is excused.**

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

**The following Senators voted No: Forsythe, Groen, Sanborn, White.**

**Yeas: 19 - Nays: 4**

**Adopted.**

**HB 1673-FN**, relative to complaints of election law violations. Ought to Pass with Amendment, Vote 4-0. Senator Forrester for the committee.

**Public and Municipal Affairs**

**April 18, 2012**

**2012-1717s**

**03/04**

**Amendment to HB 1673-FN**

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

1 Enforcement of the Election Laws. Amend RSA 7:6-c to read as follows:

7:6-c Enforcement of the Election Laws.

***I.*** Upon receipt of a ***signed*** written complaint [~~signed by a voter of the state of New Hampshire~~], or upon his ***or her*** own motion, the attorney general may in his ***or her*** discretion, conduct investigations to determine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his ***or her*** powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records, and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he ***or she*** is empowered to hold under this section shall be given under oath. ***The attorney general shall maintain records of complaints and investigations of alleged violations of the election laws.***

***II.(a)*** Beginning January 31, 2013, the attorney general shall, at least once during every 6-month period, provide a rolling report to the general court on the status of all complaints of alleged violations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law.

***(b)*** The report shall include, but not be limited to the following:

***(1)*** A summary of complaints received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months, including the number of complaints categorized by type of complaint and month received.

***(2)*** For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.

*(3) For each complaint not investigated, an explanation of why the complaint was not investigated.*

*(c) The requirements of subparagraph (b)(2) or (b)(3) may be satisfied by including with the report, for the complaint described, a closure letter, settlement agreement, cease and desist order, or complaint filed with a court, or any other official communication.*

2 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.**

### **TRANSPORTATION**

**HB 1128**, relative to ignition interlock device recalibration and data reports. Ought to Pass with Amendment, Vote 3-0. Senator Boutin for the committee.

#### **Senate Transportation**

**April 19, 2012**

**2012-1756s**

**10/03**

#### **Amendment to HB 1128**

Amend RSA 265-A:36, VI(g) as inserted by section 2 of the bill by replacing it with the following:

*(g) Provide reports to the department when data specified in department rules becomes available. The department shall make data from the reports available to the director of the division of motor vehicles, appropriate prosecutor, prosecuting agency, treatment provider, probation officer, and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal.*

**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 1304**, relative to the waiver of financial responsibility requirements for certain habitual offenders. Ought to Pass, Vote 3-0. Senator Kelly for the committee.

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

**Recess. Out of recess.**

### **WAYS AND MEANS**

**HB 242-FN-A**, relative to the net operating loss carryover under the business profits tax. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

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

**A roll call was requested by Sen. Houde, seconded by Sen. Larsen.**

**Sen. De Blois is excused.**

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

**The following Senators voted No: (None).**

**Yeas: 23 - Nays: 0**

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

**HB 1204**, relative to matching funds of highway projects, and relative to the administration of the meals and rooms tax. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

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

**HB 1207-FN**, defining the owner of timber rights for purposes of timber tax assessment. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

**Senate Ways and Means**

**April 17, 2012**

**2012-1710s**

**10/01**

**Amendment to HB 1207-FN**

Amend RSA 79:1, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) For purposes of tenants-in-common, any one or more of the tenants-in-common that hold title to the subject property. For purposes of RSA 79:10, I(a), any one or more of tenants-in-common may sign an intent to cut. Provided, however, that non-signing tenants-in-common shall have been notified by certified mail by the applicant of the intent to cut at least 30 days prior to cutting and that a bond or surety is filed to secure payment of the yield tax if any tenant-in-common does not sign or give a power of attorney to sign a notice of intent to cut.

**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.**

**FINANCE**

**HB 350-FN**, updating laws relative to the fiscal committee of the general court. Ought to Pass with Amendment, Vote 5-0. Senator Morse for the committee.

**Senate Finance**

**April 19, 2012**

**2012-1766s**

**09/01**

**Amendment to HB 350-FN**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. The enhanced 911 system and the statewide emergency notification system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account. In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. In the case of an entity which provides commercial

mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill. Each local exchange telephone company or entity which provides commercial mobile radio service shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. Such fund shall not lapse. ~~[If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes.]~~ The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

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

124:13-c Workforce Investment Act Funds. The administrative entity for the federal Workforce Investment Act funds shall submit ~~[a quarterly]~~ **annually 60 days after the close of each fiscal year** a written report to the ~~[legislative]~~ fiscal committee **of the general court**, senate president, and speaker of the house of representatives. The entity shall make an oral presentation to the ~~[legislative]~~ fiscal committee **of the general court** on a semi-annual basis.

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

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

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

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

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

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

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

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

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

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

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

XV. Transfer funds among the institutions of the university system, and their divisions and departments, when such action shall appear necessary and in the best interests of the state and the institutions of the university system. ~~[The university system shall report the amount and purpose of all transfers of funds from one program appropriation unit of the budget to a different program appropriation unit to the legislative fiscal committee of the general court by November 1 of each year. Copies of such reports shall be sent to the house education committee and the senate education committee.]~~

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

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

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

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

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

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

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

284:21-f Disbursements. The compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the commission, including suitable furniture, equipment, supplies and office expense shall be charged to and paid out of the funds received under the provisions of this subdivision, provided that no payment shall be made until sufficient money has been received under the provisions of this subdivision to cover said payments. The state lottery commission shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. The commission shall submit its budget in the same format and at the same time as other state agencies. However, the commission is authorized to transfer funds between line items within and among any budgetary unit.

~~[By October 31 of each fiscal year,]~~ The commission shall submit reports ***annually 60 days after the close of each fiscal year*** to the fiscal committee of the general court detailing all transfers made during the last fiscal year and the reasons for them.

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

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

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

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

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

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

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

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

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

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

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

I. For purposes of calculating the annual salaries of part-time district court justices appointed after July 1, 1987, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the ~~[fiscal committee]~~ ***legislature***. The number of weighted



case units shall be calculated by the administrative office of the courts in October of each year, using caseload statistics for the preceding 12-month period. Said weighted case units shall serve as the basis for determining the salary of part-time justices for the next calendar year.

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

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

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

I. For purposes of calculating the annual salaries of part-time judges appointed after October 3, 1986, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the ~~[fiscal committee]~~ **legislature**. The number of weighted case units, as calculated annually by the administrative office of the courts, shall serve as the basis for determining the salary of part-time justices.

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

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

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

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

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

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

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

40 Repeal. The following are repealed:

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

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

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

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

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

**2012-1766s**

#### AMENDED ANALYSIS

This bill:

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

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

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

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

**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 1230-FN**, requiring a listing of state real property. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

**Senate Finance**

**April 19, 2012**

**2012-1765s**

**05/04**

#### Amendment to HB 1230-FN

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

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

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

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

4:39-a New Hampshire Hospital Real Estate. The area in the city of Concord bounded by Pleasant, Fruit, Clinton, and South Spring streets, excluding any privately owned land and buildings, ***and also excluding the 2 stand-alone parcels known presently as city of Concord tax map 37, block 6, lots 17 and 19 together with the buildings and other improvements situated on such parcels***, and known as the main campus of the New Hampshire hospital shall remain in its entirety the property of the state of New Hampshire, except such land as determined necessary for use by the city of Concord for approved municipal services may be conveyed in accordance with RSA 10:4 unless RSA 227-C:6 applies. If RSA 227-C:6 applies, such land shall be conveyed in accordance with RSA 227-C:9. The commissioner of administrative services, with the approval of the long range capital planning and utilization committee, shall designate the use of and be responsible for maintaining, with the exception of the interior maintenance and maintenance of grounds of certain properties pursuant to RSA 21-I:11, X, and leasing any buildings on the main campus of the New Hampshire hospital in accordance with the following priorities: (1) department of health and human services and its lessees, (2) state departments, and (3) other government or nonprofit organizations performing a

state-related function. *RSA 10 shall not apply to the 2 stand-alone parcels known presently as city of Concord tax map 37, block 6, lots 17 and 19 or any building or other improvements situated on such parcels, and any proposed disposal of either or both of such parcels shall be subject to the provisions of RSA 4:40.*

**2012-1765s**

#### AMENDED ANALYSIS

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

**President Bragdon ruled Committee Amendment 1765s non-germane.**

**Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 1765s to HB 1230-FN 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 1274-FN**, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

#### Senate Finance

**April 19, 2012**

**2012-1764s**

**09/10**

#### Amendment to HB 1274-FN

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

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

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

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

#### 06 EDUCATION

##### 61 MCAULIFFE-SHEPARD DISCOVERY CENTER

##### 61 MCAULIFFE-SHEPARD DISCOVERY CENTER

##### 610010 McAuliffe-Shepard Discovery Center

#### 3172 REVENUE CENTERS

**FY 2013**

010 Personal Services-Perm. Classi	54,757
019 Holiday Pay	3,210
020 Current Expenses	55,684
022 Rents-Leases Other Than State	1,448
024 Maint. Other Than Build.- Grnds	2,941
026 Organizational Dues	900
030 Equipment New/Replacement	9,000
040 Indirect Costs	14,258
042 Additional Fringe Benefits	2,574
046 Consultants	2,000
047 Own Forces Maint.-Build.-Grnds	764
048 Contractual Maint.-Build-Grnds	26,258
050 Personal Service-Temp/Appointe	87,962
060 Benefits	39,567

065 Board Expenses	100
070 In-State Travel Reimbursement	1,950
080 Out-Of State Travel	1,703
TOTAL	303,373
ESTIMATED SOURCE OF FUNDS FOR REVENUE CENTERS	
009 Agency Income	303,373
TOTAL SOURCE OF FUNDS	303,373
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3432 ADMINISTRATION	<u>FY 2013</u>
010 Personal Services-Perm. Classi	157,327
011 Personal Services-Unclassified	46,289
018 Overtime	204
023 Heat- Electricity - Water	60,908
048 Contractual Maint.-Build-Grnds	11,600
060 Benefits	109,412
TOTAL	385,740
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION	
General Fund	385,740
TOTAL SOURCE OF FUNDS	385,740
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3480 SCIENCE STORE	<u>FY 2013</u>
010 Personal Services-Perm. Classi	19,417
019 Holiday Pay	417
020 Current Expenses	12
040 Indirect Costs	2,466
042 Additional Fringe Benefits	913
050 Personal Service-Temp/Appointe	3,524
060 Benefits	14,439
106 Goods For Resale	11,273
TOTAL	52,461
ESTIMATED SOURCE OF FUNDS FOR SCIENCE STORE	
009 Agency Income	52,461
TOTAL SOURCE OF FUNDS	52,461
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3481 DONATIONS	<u>FY 2013</u>
020 Current Expenses	2
024 Maint. Other Than Build.- Grnds	2
030 Equipment New/Replacement	2
041 Audit Fund Set Aside	2
043 Debt Service	77,952
046 Consultants	2
066 Employee Training	2

070 In-State Travel Reimbursement	2
080 Out-Of State Travel	2
TOTAL	77,968
ESTIMATED SOURCE OF FUNDS FOR DONATIONS	
005 Private Local Funds	77,960
FEDERAL FUNDS	8
TOTAL SOURCE OF FUNDS	77,968
EXPENDITURE TOTAL FOR MCAULIFFE-SHEPARD DISCOVERY CENTER	819,542
FEDERAL FUNDS	8
GENERAL FUND	385,740
OTHER FUNDS	433,794
TOTAL ESTIMATED SOURCE OF FUNDS FOR MCAULIFFE-SHEPARD DISCOVERY CENTER	819,542

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

8 Repeal. The following are repealed:

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

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

10 Effective Date.

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

**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 1686-FN**, relative to state contracts and making an appropriation therefor. Ought to Pass with Amendment, Vote 5-0. Senator Morse for the committee.

**Senate Finance**  
**April 19, 2012**  
**2012-1763s**  
**01/04**

#### **Amendment to HB 1686-FN**

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

AN ACT relative to state contracts.

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

**2012-1763s****AMENDED ANALYSIS**

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

**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 228-FN**, prohibiting the use of public funds for abortion services. Ought to Pass with Amendment, Vote 3-2. Senator Lambert for the committee.

**Health and Human Services****April 20, 2012****2012-1768s****01/04****Amendment to HB 228-FN**

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

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

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

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

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

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

Amend the bill by replacing section 2 with the following:

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

**Recess. Out of recess.**

**Sen. Bradley moved to Lay on the Table HB 228-FN.**

**A roll call was requested by Sen. Houde, seconded by Sen. Barnes.**

**Sen. De Blois is excused.**

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

**The following Senators voted No: Forsythe, Groen, Sanborn, White, Lambert, Barnes.**

**Yeas: 17 - Nays: 6**

**Adopted.**

**HB 234-FN-A**, relative to food service licensure and establishing a committee to study the regulation of food service establishments. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

**Health and Human Services**  
**April 19, 2012**  
**2012-1762s**  
**01/05**

**Amendment to HB 234-FN-A**

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

AN ACT relative to food service licensure.

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

Amend the bill by replacing section 7 with the following:

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

**2012-1762s**

**AMENDED ANALYSIS**

This bill clarifies the food protection law.

**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 1659-FN**, relative to the women's right to know act regarding abortion information. Inexpedient to Legislate, Vote 3-2. Senator Kelly for the committee.

**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 Inexpedient to Legislate.**

**A roll call was requested by Sen. Groen, seconded by Sen. Forsythe.**

**Sen. De Blois is excused.**

**The following Senators voted Yes: Gallus, Bradley, Houde, Sanborn, Odell, Kelly, Larsen, Boutin, Rausch, D'Allesandro, Merrill, Stiles.**

**The following Senators voted No: Forrester, Forsythe, Groen, White, Luther, Lambert, Carson, Barnes, Morse, Prescott, Bragdon.**

**Yeas: 12 - Nays: 11**

**Adopted.**

**HB 1660-FN**, relative to abortions after 20 weeks. Interim Study, Vote 3-2. Senator Kelly for the committee.

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

**A roll call was requested by Sen. Groen, seconded by Sen. Larsen.**

**Sen. De Blois is excused.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Houde, Sanborn, Odell, Kelly, Carson, Larsen, Boutin, Rausch, D'Allesandro, Merrill, Prescott, Stiles.**

**The following Senators voted No: Forsythe, Groen, White, Luther, Lambert, Barnes, Morse, Bragdon.**

**Yeas: 15 - Nays: 8**

**Adopted.**

**HB 1679-FN**, relative to partial-birth abortion. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

**Health and Human Services**  
**April 20, 2012**  
**2012-1769s**  
**01/10**

**Amendment to HB 1679-FN**

Amend the bill by replacing section 1 with the following:

**1 Findings.**

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

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

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

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

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

**Sen. Bradley offered a floor amendment.**

**Sen. Bradley, Dist. 3**

**April 23, 2012**

**2012-1797s**

**01/09**

**Floor Amendment to HB 1679-FN**

Amend section 2 of the bill by deleting RSA 329:43.

**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. Barnes, seconded by Sen. Luther.**

**Sen. De Blois is excused.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Boutin, Barnes, Rausch, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 18 - Nays: 5**

**Adopted, bill ordered to Third Reading.**

**HB 1680-FN**, relative to the duties of the oversight committee on health and human services. Ought to Pass, Vote 5-0. Senator De Blois for the committee.

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

**JUDICIARY**

**HB 127-FN**, relative to the definition of oral communication. 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 151**, repealing the laws relative to marital masters. Ought to Pass, Vote 3-1. 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 1168**, requiring the removal of electronic records and information upon entry of an order of annulment. Ought to Pass with Amendment, Vote 3-0. Senator Luther for the committee.

**Senate Judiciary**

**April 20, 2012**

**2012-1771s**

**04/10**

**Amendment to HB 1168**

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



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

X. Upon entry of an order of annulment:

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

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

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

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

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

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

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

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

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

**2012-1771s**

#### AMENDED ANALYSIS

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

**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 1259-FN**, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials. Interim Study, Vote 3-0. Senator Houde for the committee.

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

**HB 1273**, relative to the termination of parental rights in cases where the child is born of rape. Inexpedient to Legislate, Vote 3-0. Senator Houde for the committee.

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

**Recess. Out of recess.**

**HB 1208**, relative to advertising of alcoholic beverages. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

This bill will provide parity in advertising between liquor licensees and retailers and the State Liquor Commission through certain publications, but maintains restrictions on advertising in publications intended for minors. This bill also aligns labeling requirements for instate manufactures/brewers with existing federal label standards for beer that is produced and sold solely in New Hampshire.

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

**A roll call was requested by Sen. Larsen, seconded by Sen. Barnes.**

**Sen. De Blois is excused.**

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

**The following Senators voted No: (None).**

**Yeas: 23 - Nays: 0**

**Adopted, bill ordered to Third Reading.**

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

**HB 138-FN**, relative to the cold case homicide unit.

**HB 151**, repealing the laws relative to marital masters.

**HB 171**, relative to restrictions on liquor licenses.

**HB 234-FN-A**, relative to food service licensure.

**HB 256-FN**, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

**HB 269-FN**, relative to the office of the secretary of state.

**HB 283-FN**, relative to impaired drivers.

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

**HB 420-FN**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

**HB 602-FN-A**, relative to funding the law requiring reporting of health care acquired infections.

**HB 1128**, relative to ignition interlock device recalibration and data reports.

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

**HB 1195**, relative to membership of the joint legislative historical committee.

**HB 1204**, relative to matching funds of highway projects, and relative to the administration of the meals and rooms tax.

**HB 1207-FN**, defining the owner of timber rights for purposes of timber tax assessment.

**HB 1208**, relative to advertising of alcoholic beverages.

**HB 1221**, 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.

**HB 1230-FN**, requiring a report of real property owned or leased by the state and relative to New Hampshire hospital real estate.

**HB 1254**, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions.

**HB 1255**, relative to the membership of the commission on primary care workforce issues.

**HB 1256**, establishing a New Hampshire state register of historic places.

**HB 1270**, requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification.

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

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

**HB 1402**, relative to the sale of homemade food and licensing of certain milk producer-distributors.

**HB 1409**, relative to definitions under the Uniform Securities Act.

**HB 1415**, relative to permits for repair or replacement of sewage and waste disposal system.

**HB 1416-L**, relative to a required fluoride statement.

**HB 1579**, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.

**HB 1587**, relative to employer safety programs.

**HB 1593-FN**, relative to the department of information technology.

**HB 1636**, relative to the extension of fill and dredge in wetlands permits.

**HB 1672**, apportioning delegates to state party conventions.

**HB 1673-FN**, relative to complaints of election law violations.

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

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

**HB 1686-FN**, relative to state contracts.

#### **LIST OF RULE 2-15'S FOR THE DAY**

Sen. Sanborn: HB 1587.

Sen. White: HB 1409.

#### **ANNOUNCEMENTS**

**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.**