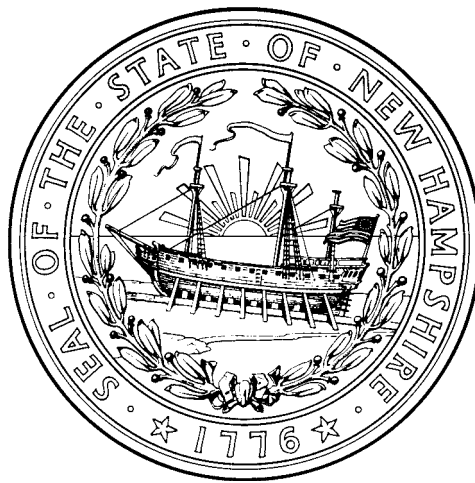


May 16, 2012  
Nos. 13-14

# **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 – MAY 9, 2012 SESSION  
COMMENCEMENT – MAY 16, 2012 SESSION**

# SENATE JOURNAL 13 *(continued)*

*May 9, 2012*

## HOUSE MESSAGE

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

**SB 204**, adopting amendments to Article 9 of the Uniform Commercial Code relative to secured transactions.

**SB 220**, relative to external review under the managed care law.

**SB 221**, relative to life, accident, and health insurance.

**SB 222**, relative to property and casualty insurance, insurance investigations, and insurance certificates.

**SB 233-L**, relative to special elections of the charter commission.

**SB 235**, relative to registration of business organizations with the secretary of state.

**SB 250**, relative to operation of ATVs and trail bikes on state lands.

**SB 253**, relative to debt-related mortgage disability and mortgage accidental death insurance.

**SB 255**, relative to liens for land use change tax assessments.

**SB 274**, removing the phrase “mentally defective” from the aggravated felonious sexual assault statute.

**SB 297**, relative to the apprentice hunting license.

**SB 340**, relative to locations for junkyards.

**SB 344**, allowing the department of resources and economic development to cut vegetation in shoreland areas where public safety is of concern.

**SB 346**, extending the committee to study the laws relating to electronic prescriptions.

**SB 349**, relative to the administration of juvenile justice services.

**SB 368**, relative to nondepository trust companies.

**SB 380**, relative to the study committee on juvenile delinquency and children in need of services.

## HOUSE MESSAGE

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

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

**SB 336**, relative to medical payments coverage.

**SB 400**, including owls within the definition of raptor for the purpose of falconry.

## HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

**SB 224**, relative to lead fishing sinkers and jigs.

## HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

**SB 260**, relative to protection and preservation of significant archeological deposits.

## HOUSE MESSAGE

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

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

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

**HB 408**, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers.

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

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

**HB 1357**, relative to the membership of mosquito control districts.

**HB 1392**, relative to oyster aquaculture licenses.

**HB 1563**, relative to Greenland's water rights.

**HB 1567**, establishing a committee to study the federal Youth Corrections Act.

**HB 1664-FN**, establishing a committee to study transferring election law enforcement to the secretary of state.

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

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

#### HOUSE MESSAGE

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

**HB 1330**, establishing a committee to study blood testing of drivers after motor vehicle fatalities.

**HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the department of health and human services and the revenue stabilization reserve account.

#### HOUSE MESSAGE

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

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

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Renzullo, Pettengill, Kappler, Spang

#### HOUSE MESSAGE

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

**SB 230-FN**, relative to the calculation of average final compensation for certain retirement system members.

**SB 237-FN**, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation.

**SB 252**, increasing the maximum term for energy performance contracts.

**SB 256**, relative to public utilities commission contracts with consultants.

**SB 270**, relative to civil commitment of persons found incompetent to stand trial.

**SB 280**, relative to the procedure for approval of medical parole.

**SB 283**, relative to disposition of nursing home patient accounts.

**SB 284**, establishing a certified public health dental hygienist in New Hampshire.

**SB 307-FN**, relative to the refund of tax overpayment related to a fraudulent investment scheme.

**SB 330-FN**, requiring an independent financial opinion prior to the leasing of any state park property to a private entity.

**SB 342**, relative to the inclusion of requirements for log structures in the state building code.

**SB 347-FN**, relative to the department of health and human services administrative appeals.

**SB 395**, relative to construction of an access road on land in current use.

**SCR 2**, regarding the White Mountain National Forest.

#### **HOUSE MESSAGE**

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

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

**HB 479-FN**, relative to receivership of nursing homes and other residential health care facilities and relative to annual inspections of health care facilities.

**HB 1157**, relative to signage at fuel service stations.

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

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

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

**HB 1307**, relative to agricultural plates.

**HB 1310**, increasing the number of days a motorcycle learner's permit is valid and requiring a driver's license for persons under 18 years of age to receive a motorcycle learner's permit.

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

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

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

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

**HB 1629-FN**, relative to state photographic identification indicating honorable veteran's status.

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

#### **HOUSE MESSAGE**

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

**SB 232**, relative to the date for the state primary election.

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

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

**SB 272-FN**, relative to truancy.

**SB 301**, relative to the amendment of pleadings in landlord-tenant actions.

**SB 310**, relative to the commemoration of Purple Day in recognition of epilepsy awareness and relative to the observance of Cancer Prevention Day.

**SB 313-FN**, relative to state photographic identification indicating veteran's status.

**SB 334**, relative to Medicare unfair trade practices.

#### **HOUSE MESSAGE**

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

**HB 269-FN**, relative to the authority of departments to transfer funds among budget accounting units.

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

**HB 1281**, establishing a committee to study alternative medical insurance coverage for elected state officials.

#### **HOUSE MESSAGE**

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

**SB 177**, relative to training of directors and officers of nonprofit corporations.

#### **HOUSE MESSAGE**

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

**SB 308**, proclaiming January 24, 2013 as Granny D. Day.

**SB 339**, establishing Loon Appreciation Day.

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

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

**HB 1477**, relative to the definition of spent material.

**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 Bill:**

**HB 242**, relative to the net operating loss carryover under the business profits tax.

**HB 344**, relative to judicial performance evaluations.

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

**HB 1380**, relative to the development of wetland mitigation banks.

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

**HB 1537**, relative to violations of privacy occurring outside a private place.

**HB 1549**, prohibiting the use of motor vehicle records for any federal identification database.

**HB 1707**, relative to penalties for operation after revocation or suspension.

**HB 1723**, making technical corrections regarding parental notification prior to abortion.

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

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

**SB 319**, changing the membership of and extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

**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 14

*May 16, 2012*

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer.

Yesterday I sat with a friend and mentor for a very long lunch. It was a time for each of us to connect with each other, and we shared our successes and our failures; we talked about our hopes and our fears. We held things up to each other the way you hold up a crystal to a chandelier: turning it and turning it, each of us being able to see from different vantage points what it looked like and what reflected to us. We shared our different perspectives.

I'm increasingly convinced that the downfall of our culture will be exhaustion and isolation. Similarly, I'm convinced that our way forward to a full life will be friendship, rest, and the opportunity for silence and internal reflection. There's a new disease that's just been actually officially diagnosed and officially acknowledged. It's called Acquired Situational Narcissism. It's being diagnosed among movie stars, sports figures, and politicians. You acquire the narcissism because of the situation of your isolation. It's an illness, and its cure is friendship. Let us pray.

*God of all knowing, help us to know ourselves, and to know ourselves through the eyes of those we trust and love, so that we might see the truth, and not only the truth we choose to see.* *Amen.*

Sen. Lambert led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Luther introduced Srishti Bhatnagar and Sen. Lambert introduced Maitri Chittidi, students from Nashua High School South, serving as Senate Pages today.

Sen. Forsythe introduced Laconia City Councilor Matthew Lahey, a guest in the Senate gallery today.

President Bragdon introduced Yawa Agbenowossi, Andy Tenhagen, Hari Nath, Paul Duclos, Nicholas Hammes, and Deon Overby, the winners of the New Hampshire Boys and Girls Club Students of the Year, guests in the Senate gallery today.

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

## CONSENT CALENDAR REPORTS

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

**HB 1456**, relative to school district policies on health and sex education. Removed by Sen. Larsen.

**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.**

## EDUCATION

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

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

## **Senate Education**

**May 7, 2012**

**2012-2033s**

**04/03**

## **Amendment to HB 1139**

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

2012-2033s

## AMENDED ANALYSIS

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

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

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

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

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

## Senate Education

May 8, 2012

2012-2145s

04/09

## Amendment to HB 1325

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

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

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

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

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

2012-2145s

## AMENDED ANALYSIS

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

**HB 1589**, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15. Interim Study, Vote 5-0. Senator Stiles for the committee.

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

**FINANCE**

**HB 1361**, relative to fiscal notes on bills. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

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

**Senate Finance****May 3, 2012****2012-2009s****01/09****Amendment to HB 1361**

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

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

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

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

2 Membership and Compensation.

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

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

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

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

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

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

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

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

**2012-2009s****AMENDED ANALYSIS**

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

**JUDICIARY**

**HB 1395**, revoking amendments to supreme court rules 50 and 50-A. Inexpedient to Legislate, Vote 5-0. Senator Houde for the committee.

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

**HB 1419**, relative to the rights of military parents. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

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



**Senate Judiciary**  
**May 8, 2012**  
**2012-2103s**  
**09/01**

**Amendment to HB 1419**

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

**HB 1422**, relative to the applicability of foreign law in cases before New Hampshire tribunals. Interim Study, Vote 5-0. Senator Forsythe for the committee.

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

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

**REGULAR CALENDAR REPORTS**

**SPECIAL ORDER**

**Without objection President Bragdon moved HB 1410, HB 1583, HB 1607, CACR 13, and HB 217-FN be Special-Ordered to the end of the day's Regular Calendar.**

**CAPITAL BUDGET**

**HB 1205**, relative to the duty of the long range capital planning and utilization committee. Ought to Pass with Amendment, Vote 5-0. Senator Morse for the committee.

**Capital Budget**

**May 8, 2012**

**2012-2150s**

**10/01**

**Amendment to HB 1205**

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

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

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

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

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

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

**IX. Judicial Branch**

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

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

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

Total state appropriation section 1                      [~~\$88,365,294~~] **\$90,065,294**

5 Capital Budget; Bonds Authorized. Amend 2011, 253:5 to read as follows:

253:5 Bonds Authorized.

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

6 Effective Date.

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

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

## **2012-2150s**

### **AMENDED ANALYSIS**

This bill:

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

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

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

**President Bragdon ruled Committee Amendment 2150s non-germane.**

**Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 2150s to HB 1205 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.**

## **EDUCATION**

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

### **Senate Education**

**May 7, 2012**

**2012-2037s**

**04/05**

### **Amendment to HB 545**

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

Amend the bill by replacing section 1 with the following:

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

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

**2012-2037s****AMENDED ANALYSIS**

This bill:

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

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

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

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

**Sen. Stiles offered a floor amendment.**

**Sen. Stiles, Dist. 24**

**May 14, 2012**

**2012-2247s**

**04/10**

**Floor Amendment to HB 545**

Amend the bill by replacing section 1 with the following:

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

193-A:3 The state board of education shall adopt rules, pursuant to RSA 541-A, relative to administering the home education program. The state board of education shall, in addition to the provisions of RSA 541-A, submit any notice of proposed rulemaking under RSA 541-A:6 and any final proposed rule under RSA 541-A:12 to the home education advisory council established in RSA 193-A:10 for review and comment.

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

**Sen. Kelly offered a floor amendment.**

**Sen. Kelly, Dist. 10**

**May 16, 2012**

**2012-2296s**

**04/10**

**Floor Amendment to HB 545**

Amend the bill by deleting section 2 and renumbering the original sections 3-5 to read as 2-4, respectively.

**2012-2296s**

**AMENDED ANALYSIS**

This bill:

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

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

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

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

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

**HB 1225**, permitting a charter school to incur long-term debt. Ought to Pass, Vote 5-0. Senator Stiles 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 Ought to Pass. Adopted, bill ordered to Third Reading.**

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

**Senate Education**  
**May 8, 2012**  
**2012-2148s**  
**04/01**

**Amendment to HB 1360**

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

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

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

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

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

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

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

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

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

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

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

**2012-2148s**

**AMENDED ANALYSIS**

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

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

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

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

**Senate Education**  
**May 8, 2012**  
**2012-2149s**  
**04/01**

**Amendment to HB 1389**

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

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

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

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

188-E:4-a Advisory Committees.

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

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

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

**2012-2149s**

#### AMENDED ANALYSIS

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

**President Bragdon ruled Committee Amendment 2149s non-germane.**

**Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 2149s to HB 1389 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.**

**Recess. Out of recess.**

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

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

**A roll call was requested by Sen. D'Allesandro, seconded by Sen. Barnes.**

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

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

**Yeas: 24 - Nays: 0**

**Adopted.**

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

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

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

**Senate Education**  
**May 9, 2012**  
**2012-2156s**  
**08/04**

**Amendment to HB 1461**

Amend the bill by replacing section 2 with the following:

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

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

**2012-2156s**

**AMENDED ANALYSIS**

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

**Sen. Kelly moved to Lay on the Table HB 1461. Adopted.**

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

**Senate Education**  
**May 7, 2012**  
**2012-2036s**  
**04/05**

**Amendment to HB 1571**

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

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

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

**2012-2036s**

**AMENDED ANALYSIS**

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

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

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

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

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

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

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

**Yeas: 19 - Nays: 5**

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

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

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

**Sen. Larsen moved to Lay on the Table HB 1206. Adopted.**

**FINANCE**

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

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

**Sen. Bradley, Dist. 3**

**May 16, 2012**

**2012-2294s**

**01/09**

**Floor Amendment to HB 351-FN**

Amend the bill by replacing section 5 with the following:

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

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

**Sens. Bradley and White assert Rule 2-15 on HB 351-FN.**

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

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

**The following Senators voted Yes: Gallus, Bradley, Forsythe, Houde, Sanborn, Odell, Kelly, Luther, Lambert, Carson, Larsen, Boutin, De Blois, D'Allesandro, Merrill, Stiles. The following Senators voted No: Forrester, Groen, White, Barnes, Rausch, Morse, Prescott, Bragdon.**

**Yeas: 16 - Nays: 8**

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

**Sens. Bradley and White assert Rule 2-15 on HB 351-FN.**

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

**Senate Finance**

**May 10, 2012**

**2012-2222s**

**05/04**

**Amendment to HB 1658-FN**

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

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

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

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

167:4-c Income and Identity Verification System.

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

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

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

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

(a) Employer quarterly reports of income and unemployment insurance payment information maintained by the department of employment security.

(b) Earned income information maintained by the Social Security Administration.

(c) Immigration status information maintained by the United States Citizenship and Immigration Services.

(d) Death register information maintained by the Social Security Administration.

(e) Prisoner information maintained by the Social Security Administration.

(f) Public housing and Section 8 Housing Assistance payment information maintained by the Department of Housing and Urban Development.

(g) National fleeing felon information maintained by the Federal Bureau of Investigation.

(h) Wage reporting and similar information maintained by states contiguous to this state.

(i) Beneficiary records and earnings information maintained by the Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database.

(j) Earnings and pension information maintained by the Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database.

(k) Employment information maintained by the department of employment security in its new hire directory database.

(l) Employment information maintained by the United States Department of Health and Human Services in its National Directory of New Hires database.

(m) Supplemental Security Income information maintained by the Social Security Administration in its State Data Exchange (SDX) database.

(n) Veterans' benefits information maintained by the United States Department of Health and Human Services, in coordination with the Department of Health and Human Services and the Department of Veterans' Affairs, in the federal Public Assistance Reporting Information System (PARIS) database.

(o) Child care services information maintained by the department of health and human services under its child care assistance program.

(p) Utility payments information maintained by the office of energy and planning under the fuel assistance program.

(q) A database which is substantially similar to or a successor of a database established in this section.

(r) A database of all persons who currently hold a license, permit, or certificate from a state agency.

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

(a) A nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft and luxury vehicles.

(b) A nationwide public records data source of incarcerated individuals.

(c) A comprehensive public records database that identifies potential identity fraud or identity theft that can closely associate name, social security number, date of birth, phone and address information.



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

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

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

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

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

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

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

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

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

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

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

III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, [2012] **2014**. This moratorium shall also apply to new certificates of need regarding any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need may be issued for construction or renovation as necessary to repair or refurbish an existing facility, or to accommodate additional beds obtained by transfer to an existing facility.

In the case of repair, refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds. If the application is approved, it shall be deemed that the board has agreed with the indicated reason for such application.

4 Effective Date.

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

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

**2012-2222s**

#### AMENDED ANALYSIS

This bill:

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

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

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

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

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

**Sen. Houde, Dist. 5**

**May 15, 2012**

**2012-2285s**

**05/01**

#### Floor Amendment to HB 1658-FN

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

AN ACT relative to court-ordered payment of residential care providers.

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

1 Payment of Residential Care Providers Pursuant to Supreme Court Judgment. The state recognizes its responsibility to pay the final judgment, interest, and awarded costs to the petitioners in *Chase Home, et al v. New Hampshire Department of Health and Human Services, Division of Children, Youth and Families* (07-E-0487) in the amount of \$3,553,479.55 plus interest and costs. Interest is accruing at a rate of 2.2 percent beginning on November 7, 2007. Notwithstanding any other provision of law, the attorney general is ordered and directed to:

I. Apply the totality of its settlement authority for fiscal year 2012, as established in RSA 14:35-b, in the amount of \$3,462,952 to make a partial payment on the final judgment, interest, and awarded costs to the petitioners in *Chase Home, et al v. New Hampshire Department of Health and Human Services, Division of Children, Youth and Families* (07-E-0487). Payment shall be made on the effective date of this act.

II. Pay any remainder of the amount due to the petitioners in *Chase Home, et al v. New Hampshire Department of Health and Human Services, Division of Children, Youth and Families* (07-E-0487), including the judgment, interest, and awarded costs, out of its settlement authority established in RSA 14:35-b for fiscal year 2013. Payment of the remainder of the full amount due to the petitioners shall be made on or before July 15, 2012.

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

**2012-2285s**

#### AMENDED ANALYSIS

This bill directs the department of justice to pay certain residential care providers pursuant to the final judgment in *Chase Home, et al v. New Hampshire Department of Health and Human Services, Division of Children, Youth and Families* (07-E-0487).

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

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

**Senate Finance**

**May 10, 2012**

**2012-2225s**

**01/09**

**Amendment to HB 1666-FN**

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

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

Amend the bill by replacing section 1 with the following:

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

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

**2012-2225s**

**AMENDED ANALYSIS**

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

**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.**

**INTERNAL AFFAIRS**

**HB 1237**, establishing the joint committee on employee relations. Inexpedient to Legislate, Vote 3-1. Senator Larsen for the committee.

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

**HB 1276**, establishing a committee to study general court policies and procedures related to persons with disabilities. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

**Internal Affairs**

**May 7, 2012**

**2012-2031s**

**01/10**

**Amendment to HB 1276**

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

2 Membership and Compensation.

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

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

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

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

**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 1350**, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

**Internal Affairs**

**May 7, 2012**

**2012-2038s**

**09/01**

**Amendment to HB 1350**

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

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

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

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

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

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

**2012-2038s**

**AMENDED ANALYSIS**

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

**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 1435**, establishing a liaison committee to monitor the department of environmental services. Inexpedient to Legislate, Vote 3-1. Senator Larsen for the committee.

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

**HB 1436**, establishing a liaison committee to monitor the management of natural resources by the department of resources and economic development. Inexpedient to Legislate, Vote 3-1. Senator Larsen for the committee.

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

**HB 1623**, relative to records of the legislative ethics committee. Ought to Pass, Vote 4-0. Senator Larsen for the committee.

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

**HB 1632**, establishing a committee to assess the cost savings of digitizing the general court. Ought to Pass with Amendment, Vote 4-0. Senator Prescott for the committee.

**Internal Affairs**

**May 7, 2012**

**2012-2039s**

**10/01**

**Amendment to HB 1632**

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

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

**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.**

**HCR 40**, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification. Inexpedient to Legislate, Vote 2-1. Senator Larsen for the committee.

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

**Sen. Groen moved Ought to Pass.**

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

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

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

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

**Yeas: 19 - Nays: 5**

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

**Recess. Out of recess.**

## **JUDICIARY**

**CACR 26**, Relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. Ought to Pass with Amendment, Vote 4-1. Senator Groen for the committee.

### **Senate Judiciary**

**May 7, 2012**

**2012-2041s**

**06/01**

### **Amendment to CACR 26**

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

RELATING TO: administration of the supreme court.

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

Amend the resolution by replacing paragraph I with the following:

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

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

Amend the resolution by replacing paragraph IV with the following:

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

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

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

**2012-2041s**

#### AMENDED ANALYSIS

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

**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.**

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

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

**Yeas: 19 - Nays: 5**

**Adopted by necessary 3/5 vote, bill ordered to Third Reading.**

**HB 1131**, establishing a committee to study methods of creating a balanced and neutral judiciary. Inexpedient to Legislate, Vote 3-2. Senator Houde for the committee.

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

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

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

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

#### **Senate Judiciary**

**April 26, 2012**

**2012-1875s**

**03/04**

#### **Amendment to HB 1699-FN**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

265-A:11 Evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2012-1875s

#### AMENDED ANALYSIS

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

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

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

**Sen. Houde, Dist. 5**

**May 8, 2012**

**2012-2125s**

**03/04**

#### Floor Amendment to HB 1699-FN

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

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

III. The commissioner, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving or attempting to drive under the influence of intoxicating liquor or any controlled drug, *prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive* under RSA 265-A:2, I, or aggravated driving while intoxicated or attempted aggravated driving while intoxicated under RSA 265-A:3, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

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

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

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

(a) While such person is under the influence of intoxicating liquor or any controlled drug, *prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive* or any combination of intoxicating liquor and controlled drugs, *prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic which impair a person's ability to drive*; or

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

II. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a controlled drug, *prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive* or any combination of intoxicating liquor and a controlled drug or drugs, *prescription drug or drugs, over-the-counter drug or drugs, or any other chemical substance or substances, natural or synthetic, which impair a person's ability to drive* or while such person has an alcohol concentration of 0.08 or more or in the case of persons under the age of 21, 0.02 or more.

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

I. While under the influence of intoxicating liquor or any controlled drug, *prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's*

**ability to drive** or any combination of intoxicating liquor and controlled drug or drugs, ***prescription drug or drugs, over-the-counter drug or drugs, or any other chemical substance or substances, natural or synthetic, which impair a person's ability to drive*** and, at the time alleged:

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

265-A:4 Implied Consent of Driver or Operator to Submit to Testing to Determine Alcohol Concentration. Any person who drives, operates, or attempts to operate an OHRV, drives or attempts to drive a vehicle upon the ways of this state, or operates or attempts to operate a boat upon the public waters of the state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether such person is under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive*** and to a chemical, infrared molecular absorption, or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug, ***prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive*** content of such person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive*** or while having an alcohol concentration in excess of the statutory limits contained in RSA 265-A:2 or RSA 265-A:3. The test or tests shall be administered at the direction of a law enforcement officer, peace officer, or authorized agent having reasonable grounds to believe the person to have been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving or in actual physical control of a vehicle, or operating or in actual physical control of a boat while under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive*** or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265-A:16, the prerequisites of RSA 265-A:8 shall not apply. Properly trained personnel of the United States Coast Guard may arrest and conduct tests on persons who are believed to be under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive*** or a combination thereof, and who are in physical control of a boat operating upon the public coastal waters of this state.

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

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

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

(a) Methods and procedures for the testing of blood, urine, and breath to determine alcohol concentration and controlled drug, ***prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive*** content of a person's blood;

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

265-A:9 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265-A:2, I(a), or RSA 265-A:3, I, was under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive***.

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

265-A:10 Effect of Evidence of Refusal to Take Alcohol Concentration Test. If a person refuses to submit to a test as provided in RSA 265-A:4, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive.***

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

265-A:11 Evidence.

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

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

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

V. Any person who is arraigned on a charge arising under RSA 265-A:2, RSA 265-A:3, or RSA 265-A:43 shall file, within 10 days of such person's receipt of the results of any toxicology test administered to such person for the presence of any controlled drug, ***prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive***, a notice in said court requiring the attendance of the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the certifying scientist at trial. The official report of the test issued pursuant to RSA 265-A:4 shall be deemed conclusive evidence of the conduct of the result of such test.

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

(a) That the authorized agent or peace officer had reasonable grounds to believe the arrested person had been operating, had been attempting to operate, or was in actual physical control of a boat upon the public waters of this state while under the influence of intoxicating liquor or controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive*** or any combination thereof;

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

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

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

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

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

265-A:17 Arrest Without a Warrant. Notwithstanding any other statutory provision of law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in a traffic accident, OHRV accident, or boating accident when the officer has probable cause to believe that such person has committed an offense, an element of which is driving under the influence of intoxicating liquors[;] ***or*** controlled drugs,

***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive***, or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction in this state where the person or others are taken for treatment for injuries suffered in such traffic accident.

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

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

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

II. No holder of a probationary license shall drive or attempt to drive a vehicle upon any way when he or she is under the influence of intoxicating liquor or any controlled drug, ***prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive*** or any combination of intoxicating liquor and controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive*** so that the alcohol concentration is 0.03 or more. Driving with an alcohol concentration of 0.03 or more is a per se violation of a probationary license and subjects the probationary license holder to administrative suspension of his or her driver's license for not less than 90 days and not more than 180 days. Such administrative suspension shall be in addition to any court imposed suspension or revocation periods.

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

(b) The provisions of RSA 265-A, relative to the operation or attempted operation of boats by a person under the influence of intoxicating liquor or a controlled drug, ***prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive*** or other unlawful operation of boats thereunder;

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

(b) Has previously been convicted of a violation of RSA 630:3, II, RSA 265-A:3, I(b) or II(b), or any crime in any other jurisdiction involving driving or attempting to drive a motor vehicle under the influence of controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive*** or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b); or

(c) Has twice previously been convicted in this state or any other jurisdiction, for driving or attempting to drive a motor vehicle under the influence of intoxicating liquors or controlled drugs, ***prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive***, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b).

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

**2012-2125s**

#### AMENDED ANALYSIS

This bill changes the prohibition on driving under the influence of a controlled drug to driving under the influence of a controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive.

**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.**

#### JUDICIARY

**HB 415**, relative to access to abuse and neglect investigation records pending a child custody dispute. Interim Study, Vote 3-0. Senator Groen for the committee.



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

**HB 1216**, relative to the authority for withholding or withdrawal of life-sustaining treatment. Ought to Pass with Amendment, Vote 3-0. Senator Groen for the committee.

**Senate Judiciary**

**May 10, 2012**

**2012-2229s**

**09/04**

#### **Amendment to HB 1216**

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

1 Advance Directives; Withholding or Withdrawal of Life-Sustaining Treatment. Amend RSA 137-J:10, IV(b) to read as follows:

(b) The withholding or withdrawing of medically administered nutrition and hydration or life-sustaining treatment from a mentally incompetent or developmentally disabled person, unless such person has a validly executed advance directive or such action is authorized by an existing guardianship or other court order, or, ***in the absence of such directive, authorization, or order***, such action is taken in accordance with the facility's standard protocol as applicable to its general patient population.

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

**2012-2229s**

#### **AMENDED ANALYSIS**

This bill clarifies the protocol of the facility regarding authority for withholding or withdrawal of life-sustaining treatment from a mentally incompetent or developmentally disabled person.

**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 1246**, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. Ought to Pass with Amendment, Vote 2-1. Senator Forsythe for the committee.

**Senate Judiciary**

**May 10, 2012**

**2012-2231s**

**04/09**

#### **Amendment to HB 1246**

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

AN ACT authorizing the county sheriff to issue pistol or revolver licenses under certain circumstances.

Amend the bill by replacing section 1 with the following:

1 Pistols and Revolvers; License to Carry. Amend RSA 159:6, I to read as follows:

I.(a) The selectmen of a town [or], the mayor or chief of police of a city or [some] a full-time police officer designated by them respectively, ***the county sheriff for a resident of an unincorporated place, or the county sheriff if designated by the selectmen of a town that has no police chief***, upon application of any resident of such town [or], city, or ***unincorporated place***, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued.

(b) The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth

anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

**2012-2231s**

#### AMENDED ANALYSIS

The bill authorizes the county sheriff to issue pistol or revolver licenses to residents of unincorporated places and, if designated by the board of selectmen, in towns that have no police chief.

**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 1263**, relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information. Ought to Pass with Amendment, Vote 2-1. Senator Forsythe for the committee.

**Senate Judiciary**

**May 11, 2012**

**2012-2233s**

**04/09**

#### Amendment to HB 1263

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

AN ACT relative to the termination of tenancy and relative to the requirement that landlords of restricted residential property provide service of process information.

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

1 New Subparagraph; Grounds for Termination of Tenancy; Expiration of Lease Term. Amend RSA 540:2, II by inserting after subparagraph (f) the following new subparagraph:

(g) Expiration or rightful termination of the term of a lease or other agreement of tenancy, or the rescission of any such lease or agreement entered into on or after January 1, 2013.

2 Landlord Agent Required. Amend RSA 540:1-b, I to read as follows:

***1. If required by the municipality in which the property is located***, an owner of restricted property, as defined in RSA 540:1-a, II, who resides within the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property. Such person authorized to accept service may be the owner of the premises.

3 New Subparagraph; Powers of Towns to Adopt Ordinances; Landlord Agent. Amend RSA 31:39, I by inserting after subparagraph (p) the following new subparagraph:

(q) Requiring the landlords of restricted residential property to provide service of process information to the town in accordance with RSA 540:1-b.

4 New Paragraph; Powers of City Councils to Adopt Bylaws and Ordinances; Landlord Agent. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

**XX. LANDLORD AGENT.** To require landlords of restricted residential property to provide service of process information to the city in accordance with RSA 540:1-b.

5 Effective Date.

I. Section 1 of this act shall take effect January 1, 2013.

II. Section 2 of this act shall take effect June 30, 2013.

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

**2012-2233s**

#### AMENDED ANALYSIS

This bill:

I. Permits a lessor or owner of restricted property to terminate a tenancy upon the expiration, rightful termination, or rescission of the term of a lease or other agreement of tenancy.

II. Enables municipalities to require that landlords of restricted residential property provide service of process information to the municipality in which the property is located.

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

**A division vote was requested.**

**Yeas: 9 - Nays: 14**

**Failed.**

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

**Sen. Bradley, Dist. 3**

**May 16, 2012**

**2012-2298s**

**05/04**

#### Floor Amendment to HB 1263

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

AN ACT relative to the requirement that landlords of restricted residential property provide service of process information.

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

1 Landlord Agent Required. Amend RSA 540:1-b, I to read as follows:

***I. If required by the municipality in which the property is located,*** an owner of restricted property, as defined in RSA 540:1-a, II, who resides within the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property. Such person authorized to accept service may be the owner of the premises.

2 New Subparagraph; Powers of Towns to Adopt Ordinances; Landlord Agent. Amend RSA 31:39, I by inserting after subparagraph (p) the following new subparagraph:

(q) Requiring the landlords of restricted residential property to provide service of process information to the town in accordance with RSA 540:1-b.

3 New Paragraph; Powers of City Councils to Adopt Bylaws and Ordinances; Landlord Agent. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

XX. LANDLORD AGENT. To require landlords of restricted residential property to provide service of process information to the city in accordance with RSA 540:1-b.

4 Effective Date.

I. Section 1 of this act shall take effect June 30, 2013.

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

**2012-2298s****AMENDED ANALYSIS**

This bill enables municipalities to require that landlords of restricted residential property provide service of process information to the municipality in which the property is located.

**Sen. Bradley moved to Lay on the Table HB 1263. Adopted.**

**HB 1332**, relative to the law enforcement authority of fish and game conservation officers. Ought to Pass with Amendment, Vote 3-0. Senator Forsythe for the committee.

**Senate Judiciary****May 10, 2012****2012-2227s****10/04****Amendment to HB 1332**

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

1 Fish and Game Conservation Officers; Powers. Amend RSA 206:26 to read as follows:

206:26 Powers. The executive director, if certified as a police officer in accordance with RSA 188-F:26, IV, and each conservation officer, shall have the power:

I. To enforce all laws, rules and regulations relating to all wildlife, and to go upon any property outside of buildings, posted or otherwise, in the performance of their duties;

II. To execute all warrants and search warrants, ***based on probable cause***, for the violation of laws, rules and regulations relating to all wildlife;

III. To serve subpoenas issued for the trial of all offenses against the laws, rules and regulations relating to all wildlife;

IV. To carry firearms or other weapons, concealed or otherwise, in the performance of their duties;

V. To arrest without warrant, ***but based on probable cause***, and on view any person found violating any law, rule or regulation relating to all wildlife, take such person before a court having jurisdiction for trial, and detain such person in custody at the expense of the state until trial;

VI. To stop and to search without a warrant and to examine in the field, in the highway, at an airbase or on the stream, any person, or any boat, conveyance, aircraft, vehicle, gamebag, game coat, creel, crate, box, locker or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob-house, in the presence of the occupant, for all wildlife, when there is reasonable [cause] ***and articulable suspicion*** to believe that any wildlife, or any illegal apparatus subject to forfeiture, is concealed thereon or therein;

VII. To secure and execute search warrants, ***based on probable cause***, and in pursuance thereof, to enter any building, enclosure, vehicle or car, and to break open any apartment, chest, locker, box, trunk, crate, basket, bag, package or container, and to examine the contents thereof;

VIII. To seize and take possession of all wildlife, which has been caught, taken or killed, or had in possession, or under control, or which has been shipped or is about to be shipped, at any time, in any manner, or for any purpose, contrary to the laws of this state and to dispose of all wildlife which has been confiscated, seized or picked up for any reason, in a manner prescribed by the executive director, ***unless otherwise authorized by the court exercising proper jurisdiction***;

IX. To seize all fishing tackle, guns, shooting and hunting paraphernalia, hunting or fishing licenses, traps, boats, decoys or other appliances used in violation of any law or rule relating to all wildlife when making an arrest, or found in the execution of a search warrant, and hold the same at the owner's expense until the fine and costs imposed for the violation have been paid in full;

X. To caution persons of the danger from fires in the forests and to extinguish a fire left burning, to give notice to the forest fire warden and interested parties of fires threatening to extend beyond control, and assume all lawful powers of a fire warden pending the fire warden's arrival;

XI. To enforce the laws relating to snowmobiles, all terrain vehicles, trespass on posted lands, motor vehicles blocking private ways, vandalism and malicious damage to property and livestock, use and transportation of firearms for hunting, bob houses, boats, dogs at large, breaking and entering and larceny in remote areas, protection of the environment, littering and dumping;

XII. To conduct search and rescue operations in woodlands and inland waters and to provide security at the sites thereof, and to enforce recovery of expenses under RSA 206:26-bb;

XIII. In emergencies upon their requests, to cooperate with other law enforcement agencies;

XIV. To have and exercise the powers and privileges granted by RSA 594 as to matters within their jurisdiction under this section.

2 Marine Species; Search and Seizure. Amend RSA 211:75 to read as follows:

211:75 Search and Seizure. Any conservation officer shall have power:

I. To search without a warrant and examine any person or any boat, conveyance, vehicle, box, bag, locker, traps, crate or other receptacle or container for marine species, when [he] ***the conservation officer*** has reasonable [cause] ***and articulable suspicion*** to believe that marine species taken contrary to the provisions of this chapter are concealed thereon or therein.

II. To secure and execute search warrants, ***based on probable cause***, and in pursuance thereof to enter any building, enclosure, vehicle or car and to break open any apartment, chest, locker, box, trunk, crate, basket, bag, package or container and to examine the contents thereof.

III. To seize and take possession of any marine species which have been caught, taken or killed or had in possession or under control or which have been shipped or are about to be shipped at any time, in any manner, or for any purpose, contrary to the laws of this state.

IV. To raise, lift or in any way examine any pot, trap, car or other contrivance that is set for the taking or holding of marine species and to seize all pots, traps, cars or other contrivances and the contents thereof used in violation of any law or rule relating to marine species, and to hold the same until the fine and costs imposed for such violation have been paid in full. Provided, that in case such fine and costs are not paid within 60 days after imposition such pots, traps, cars or contrivances may be sold at public auction. Prior to such sale the department shall give notice to the owner, if known, by registered mail; otherwise a notice shall be published once in a newspaper of general circulation in the state, giving the time and place of such sale. If the owner shall appear and shall pay the fines and costs and shall reimburse said department for expenses incurred in connection therewith, the property shall be delivered to the owner; otherwise the same shall be sold and the proceeds of such sale shall be for the use of the department, ***unless otherwise authorized by the court exercising proper jurisdiction***.

V. To board any boat which is on public waters under the jurisdiction of this state with or without a warrant, if [he] ***the conservation officer*** has reasonable [cause] ***and articulable suspicion*** to believe that any provisions of the statutes, rules and regulations relating to the taking of marine species as defined in RSA 207:1 or 211:62 are being or have been violated thereon, for the purpose of enforcing such statutes, rules and regulations.

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

2012-2227s

#### AMENDED ANALYSIS

This bill clarifies the authority of fish and game conservation officers to conduct searches and seizures in enforcement of the fish and game laws.

**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 1290**, relative to self-storage facility liens. Ought to Pass with Amendment, Vote 3-0. Senator Houde for the committee.

**Senate Judiciary**

**May 10, 2012**

**2012-2230s**

**04/09**

#### Amendment to HB 1290

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

AN ACT relative to notice of lien requirements.

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

1 New Paragraph; Self-Service Storage Facility Liens; Definition of Verified Mail Added. Amend RSA 451-C:1 by inserting after paragraph VI the following new paragraph:

VII. "Verified mail" means any method of mailing that is offered by the United States Postal Service or any other carrier, and which provides evidence of mailing.

2 Self-Service Storage Facility Liens; Notice to Lienholder and Notice of Sale. Amend RSA 451-C:4 and 451-C:5 to read as follows:

451-C:4 Notice to Lienholder.

I. An owner shall inquire in writing, by ~~[certified mail return receipt requested]~~ **verified mail**, to determine from the division of motor vehicles and the secretary of state with regard to a motor vehicle, and from the secretary of state with regard to other personal property, whether a lien exists upon the title to said motor vehicle or other personal property. Any such written inquiry that requests information on financing statements filed under RSA 382-A shall be in the form, and subject to the fees, required by that chapter. If no lien is found, or in the case where the inquiry had been made in writing and no response is received from the division of motor vehicles or the secretary of state within 14 days after such inquiry is ~~[mailed]~~ **sent by verified mail**, the owner may proceed to sell or otherwise dispose of such personal property as prescribed by this chapter.

II. If determination is made under the procedure described in paragraph I that a lien exists, a notice of sale under this chapter shall be sent by ~~[registered or certified]~~ **verified** mail to the last known address of each holder of a security interest or lienholder in accordance with RSA 382-A:9. The notice shall state the time and place of the sale, the property to be sold, and the amount of the rent, charges, fees, or expenses owed. The notice shall be sent at least 20 days prior to the date of the sale, except that in the case of a motor vehicle, notice shall be sent at least 30 days prior to the date of the sale. Notwithstanding any other provision of this chapter, any lienholder having a properly perfected lien or security interest shall be entitled to remove such personal property from the owner's possession or from the occupant's self-service storage facility unit within 20 days of the date of mailing of the notice of the sale, without attachment of the lien established under RSA 451-C:2 or any further obligation to the owner of the self-service storage facility. The lienholder's right to possession of the personal property is established under this chapter notwithstanding the lack of breach by the owner of such personal property under the debt instrument or security agreement creating the lien or security interest on such property. The owner shall not be responsible for determining priority as between any competing lienholders. If the owner and the lienholder who has received the notice agree to store the personal property at the facility, the lienholder shall pay the amount of the rent, charges, fees, or expenses due from and after the date of the notice to the lienholder, and pay the monthly rental fee until such personal property is removed from the facility.

451-C:5 Notice of Sale. A notice of the sale shall be served upon the occupant in person or by ~~[registered or certified]~~ **verified** mail at the last known address, no less than 14 days before the sale, stating the time and place of sale, the property to be sold, and the amount of the rent, charges, fees, or expenses owed.

3 Abandoned Vehicles; Notice to Director of Division of Motor Vehicles; Department of Safety. Amend RSA 262:2, III to read as follows:

III. An operator of a place of business for garaging, repairing, parking, or storing vehicles for the public, in which a vehicle remains unclaimed for a period of 30 days, shall within 5 days after the expiration of that period, report the vehicle as unclaimed to the director. A vehicle left by its owner whose name and address are known to the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this paragraph forfeits all claims and liens for its garaging, parking, or storing and shall be fined not more than \$25 for each day ~~[his]~~ **the** failure to report continues. ***The report required under this paragraph shall be by verified mail, as defined in RSA 451-C:1, VII.***

4 Abandoned Vehicles; Disposal by Storage Company. Amend RSA 262:36-a, III to read as follows:

III. If the value of the vehicle is less than \$1,000 or the vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle and only fit for salvage as determined in good faith through the application of reasonable automotive industry standards, the storage facility may dispose of the vehicle in 15 days without the notice required by RSA 262:38 and RSA 444. If the last place of abode of the owner of such vehicle is known to or may be ascertained by such storage facility by the exercise of reasonable diligence, the storage facility shall give notice of the time and place of the sale to the owner by ~~[registered or certified]~~

*verified* mail *as defined in RSA 451-C:1, VII*, or in person, at least 10 days prior to the disposal and upon written notice to the director subject to such rules as the department shall adopt pursuant to RSA 541-A.

5 Statutory Liens on Personal Property; Notice to Lienholder. Amend RSA 444:4-a to read as follows:

444:4-a Notice to Lienholder. A lienholder under this chapter shall inquire by writing, by ~~[certified]~~ *verified* mail ~~[return receipt requested]~~ *as defined in RSA 451-C:1, VII*, to determine from the division of motor vehicles of the department of safety, the secretary of state, and the town clerk with regard to a motor vehicle and from the secretary of state, and the town clerk with regard to other personal property, whether a lien exists upon the title to said motor vehicle or other personal property. Any such written inquiry that requests information on financing statements filed under RSA 382-A shall be in the form, and subject to the fees, required by that chapter. If no response is received by the lienholder from the department of safety, the secretary of state, or the town clerk within 14 days after such inquiry has been received, sale of the motor vehicle or personal property may proceed as prescribed by this chapter. If determination is made under the above procedure that a lien exists, a notice of the sale under this chapter shall be sent by ~~[certified]~~ *verified* mail ~~[return receipt requested]~~ *as defined in RSA 451-C:1, VII* to each lienholder having a recorded lien on said automobile or personal property. The notice shall be sent at least 14 days prior to the date of the sale and shall include the date, time, and place of said sale and the amount of the statutory lien claimed. Any lienholder having a recorded lien shall be entitled to redeem the personal property prior to the sale by payment of the amount of said statutory lien, and the lienholder shall have the right of possession from the individual or institution exercising said statutory lien.

6 Liens on Personal Property; Sale to Satisfy Debt. Amend RSA 451-B:3 to read as follows:

451-B:3 Sale to Satisfy Debt. If a debt for repair services remains unpaid for 60 days from the date that they are completed, the holder of the lien established by the previous section may sell the article at public sale in accordance with RSA 444:3, RSA 444:5, and, in the event a prior lienholder has been disclosed by the property owner, in accordance with the notice to lienholder provisions of RSA 444:4-a or RSA 450-A:4, as applicable, provided that the lienholder gives a 30-day written notice by ~~[certified]~~ *verified* mail, ~~[return receipt requested]~~ *as defined in RSA 451-C:1, VII*, to the owner of the article before such sale. The proceeds, after first paying the expense of sale, shall be applied in payment of the debt. After satisfying the requirements of RSA 444:5, the excess proceeds from such sale, if any, shall be paid over to the state treasurer in trust for the debtor.

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

**2012-2230s**

#### AMENDED ANALYSIS

This bill defines verified mail and permits self-storage facility owners and other lienholders to contact state and local officials by verified mail, rather than registered or certified mail, to determine whether the property is subject to a perfected security lien. The bill also permits certain lienholders to provide notice of sale by verified mail.

**President Bragdon ruled Committee Amendment 2230s non-germane.**

**Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Committee Amendment 2230s to HB 1290 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 1551**, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing party's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants. Ought to Pass with Amendment, Vote 3-0. Senator Groen for the committee.

**Senate Judiciary**

**May 10, 2012**

**2012-2232s**

**04/09**

#### **Amendment to HB 1551**

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

AN ACT clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood.

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

1 Duty of Care. RSA 212:34 is repealed and reenacted to read as follows:

212:34 Duty of Care.

I. In this section:

(a) "Charge" means a payment or fee paid by a person to the landowner for entry upon, or use of the premises, for outdoor recreational activity.

(b) "Landowner" means an owner, lessee, holder of an easement, occupant of the premises, or person managing, controlling, or overseeing the premises on behalf of such owner, lessee, holder of an easement, or occupant of the premises.

(c) "Outdoor recreational activity" means hunting, fishing, trapping, camping, horseback riding, bicycling, water sports, winter sports, snowmobiling as defined in RSA 215-C:1, XV, operating an OHRV as defined in RSA 215-A:1, V, hiking, sightseeing upon or removing fuel wood from the premises, or other outdoor recreational pursuits.

(d) "Premises" means the land owned, managed, controlled, or overseen by the landowner upon which the outdoor recreational activity subject to this section occurs.

II. A landowner owes no duty of care to keep the premises safe for entry or use by others for outdoor recreational activity or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph V.

III. A landowner who gives permission to another to enter or use the premises for outdoor recreational activity does not thereby:

(a) Extend any assurance that the premises are safe for such purpose;

(b) Confer to the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed; or

(c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted, except as provided in paragraph V.

IV. Any warning given by a landowner, whether oral or by sign, guard, or issued by other means, shall not be the basis of liability for a claim that such warning was inadequate or insufficient unless otherwise required under subparagraph V(a).

V. This section does not limit the liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity;

(b) For injury suffered in any case where permission to enter or use the premises for outdoor recreational activity was granted for a charge other than the consideration if any, paid to said landowner by the state;

(c) When the injury was caused by acts of persons to whom permission to enter or use the premises for outdoor recreational activity was granted, to third persons as to whom the landowner owed a duty to keep the premises safe or to warn of danger; or

(d) When the injury suffered was caused by the intentional act of the landowner.

VI. Except as provided in paragraph V, a person using the premises as provided in paragraph II or given permission as provided in paragraph III, shall not maintain an action against the landowner for any injury which resulted while on the premises.

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

**2012-2232s**

#### AMENDED ANALYSIS

This bill clarifies the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood.



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

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

**Sen. Bradley, Dist. 3**

**Sen. Sanborn, Dist. 7**

**Sen. Forsythe, Dist. 4**

**Sen. Prescott, Dist. 23**

**May 16, 2012**

**2012-2297s**

**09/01**

#### **Floor Amendment to HB 1551**

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

AN ACT clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing claimant's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants barred by liability immunity provisions.

Amend RSA 212:34, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) "Outdoor recreational activity" means outdoor recreational pursuits including, but not limited to, hunting, fishing, trapping, camping, horseback riding, bicycling, water sports, winter sports, snowmobiling as defined in RSA 215-C:1, XV, operating an OHRV as defined in RSA 215-A:1, V, hiking, ice and rock climbing or bouldering, or sightseeing upon or removing fuel wood from the premises.

Amend RSA 212:34, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Except as provided in paragraph V, no cause of action shall exist for a person injured using the premises as provided in paragraph II or given permission as provided in paragraph III.

VII. If, as to any action against a landowner, the court finds against the claimant because of the application of this section, it shall determine whether the claimant had a reasonable basis for bringing the action, and if no reasonable basis is found, shall order the claimant to pay for the reasonable attorneys' fees and costs incurred by the landowner in defending against the action.

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

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

**2012-2297s**

#### **AMENDED ANALYSIS**

This bill clarifies the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood. This bill also requires the claimant to pay the attorney's fees and court costs in actions against such landowners, lessees, and occupants barred by liability immunity provisions.

**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.**

**HB 1597**, relative to taking by eminent domain for certain purposes. Inexpedient to Legislate, Vote 3-0. Senator Forsythe for the committee.

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

**HB 1718**, relative to judicial review of electoral districts. Interim Study, Vote 3-0. Senator Groen for the committee.

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

**HB 1722**, relative to disqualification of judges and lawyers from practicing in the circuit courts. Ought to Pass, Vote 3-0. Senator Houde 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.**

### **COMMERCE**

**HB 1410**, relative to securities regulation. Ought to Pass with Amendment, Vote 2-1. Senator De Blois for the committee.

**Commerce**  
**May 2, 2012**  
**2012-1951s**  
**08/10**

#### **Amendment to HB 1410**

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

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

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

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

**2012-1951s**

#### **AMENDED ANALYSIS**

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

**Sen. De Blois moved to Lay on the Table HB 1410. Adopted.**

**Sen. White asserts Rule 2-15 on HB 1410.**

### **EDUCATION**

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

**Senate Education**  
**May 7, 2012**  
**2012-2034s**  
**04/09**

#### **Amendment to HB 1583**

Amend the bill by replacing section 1 with the following:

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

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

**2012-2034s****AMENDED ANALYSIS**

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

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

**Sen. Forsythe offered a floor amendment.**

**Sen. Forsythe, Dist. 4**

**May 16, 2012**

**2012-2305s**

**04/01**

**Floor Amendment to HB 1583**

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

AN ACT relative to immunity for school personnel using reasonable force to protect a minor and establishing a committee to study the implementation of the International Baccalaureate program in New Hampshire.

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

**2 Committee Established.**

I. There is established a committee to study issues relating to the implementation of the International Baccalaureate program in New Hampshire.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall study:

(a) Personal security and information security issues for students participating in the International Baccalaureate program;

(b) Whether sending money outside of the United States to purchase the International Baccalaureate curriculum and related materials violates federal law;

(c) International Baccalaureate programs which have been implemented in school districts in New Hampshire; and

(d) Any other issue related to the implementation of the International Baccalaureate program in a school district in New Hampshire which the committee deems appropriate.

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

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

**3 Effective Date.**

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

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

**2012-2305s****AMENDED ANALYSIS**

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the minor or pupil from the premises. The bill also establishes a committee to study issues relating to the International Baccalaureate program in New Hampshire.

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

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

**FINANCE**

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

**Senate Finance****May 10, 2012****2012-2218s****04/01****Amendment to HB 1607-FN-LOCAL**

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

1 Purpose.

I. The general court finds that:

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

II. The purpose of this act is to:

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

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

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

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

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

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

CHAPTER 77-G  
EDUCATION TAX CREDIT

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

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

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

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

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

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

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

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

(c) The donation amount and date received.

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

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

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

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

(c) The requested donation amount.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) The number of scholarships granted.

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

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

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

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

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

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

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

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

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

(2) Whether the student graduated or not.

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

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

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

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

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

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

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

#### 77-G:2 Scholarships.

I.(a) An eligible student may receive a scholarship to attend (1) a nonpublic school, except when the student has been placed by the local school district through the special education process; or (2) a public school located outside of the school district in which the student resides and for which the public school is not eligible to receive an adequate education grant payment for the student in the current fiscal year, in an

amount not to exceed the tuition cost of the public or nonpublic school. A home education student may also receive a scholarship to cover educational expenses. A student shall not receive a scholarship from more than one scholarship organization.

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

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

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

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

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

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

#### 77-G:4 Tax Credits.

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

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

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



### 77-G:5 Scholarship Organizations.

#### I. A scholarship organization shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

##### I. The department of revenue administration shall:

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

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

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

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

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

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

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

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

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

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

#### 77-G:7 Department of Education; Requirements.

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

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

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

#### 77-G:8 Scholarship Stabilization Grant.

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

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

#### 77-G:9 Exceptions.

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

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

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

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

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

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

**2012-2218s**

#### AMENDED ANALYSIS

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

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

**Sen. Forsythe offered a floor amendment.**

**Sen. Forsythe, Dist. 4**

**May 16, 2012**

**2012-2309s**

**04/10**

#### Floor Amendment to HB 1607-FN-LOCAL

Amend RSA 77-G:5 as inserted by section 4 of the bill by deleting RSA 77-G:5, II(i) and renumbering the original RSA 77-G:5, II(j) to read as RSA 77-G:5, II(i).

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

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

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

**Yeas: 17 - Nays: 7**

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

#### EDUCATION

**HB 1456**, relative to school district policies on health and sex education. Ought to Pass, Vote 5-0. Senator Forsythe for the committee.

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

**Sen. Larsen offered a floor amendment.**

**Sen. Larsen, Dist. 15**

**May 16, 2012**

**2012-2291s**

**04/10**

#### Floor Amendment to HB 1456

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

AN ACT relative to school district policies on health and sex education and relative to the appointment of the treasurer of the Concord school district.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 School District Elections; Other Officers. Amend RSA 671:6 to read as follows:

671:6 Other Officers.

*I.* Except as provided under RSA 671:6-a, at each school district election, each school district which is not a cooperative school district as defined in RSA 195:1 shall elect a school district clerk, moderator, treasurer, and such optional officers as the voters of the district shall have voted to elect to manage the affairs of the district. The moderator shall take office upon the adjournment of the regular school district meeting held in the year of the moderator's election and upon the moderator's qualification for office, whichever is later. The treasurer shall take office upon the close of the fiscal year for the district and upon the treasurer's qualification for office, whichever is later. An optional officer may not be elected by official ballot until the annual district election first following the establishment of the office. The school district may, by vote, determine to elect a temporary officer or authorize the school board to appoint a temporary officer to serve until the next annual district election.

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

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

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

3 New Paragraph; School District Elections; Optional Term. Amend RSA 671:6-a by inserting after paragraph IV the following new paragraph:

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

**2012-2291s**

#### AMENDED ANALYSIS

This bill requires a school district to adopt a policy allowing an exception to a particular unit of health or sex education whenever a parent or legal guardian requests the exception. This bill also exempts the Concord school district from the requirements for the election of a school district treasurer and allows the district to appoint its treasurer in accordance with the provisions of the Concord school district charter.

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

**Sen. Boutin offered a floor amendment.**

**Sen. Boutin, Dist. 16**

**May 16, 2012**

**2012-2320s**

**10/04**

#### Floor Amendment to HB 1456

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

AN ACT relative to school district policies on health and sex education, relative to the appointment of the treasurer of the Concord school district, and relative to truancy.

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

4 New Paragraph; Truant Officers; Truancy Defined. Amend RSA 189:35-a by inserting after paragraph VI the following new paragraph:

VII. A municipality may adopt an ordinance prohibiting truancy. All truancy cases shall be heard separately from the trial of criminal cases, and hearings shall be held wherever possible in rooms not used for criminal trials. Notwithstanding RSA 169-B:32, only the parties, one or more parents or guardians of the child accused of truancy, their witnesses, their counsel, if any, and school or school district officials shall be admitted. Case records shall be treated as confidential.

5 School Attendance; Bylaws as to Nonattendance. Amend RSA 193:16 to read as follows:

193:16 Bylaws as to Nonattendance. Districts may make bylaws, not repugnant to law, concerning habitual truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h), and to compel the attendance of such children at school; failure to comply with such bylaws shall constitute a violation for each offense. ***All truancy cases shall be heard separately from the trial of criminal cases, and hearings shall be held wherever possible in rooms not used for criminal trials. Notwithstanding RSA 169-B:32, only the parties, one or more parents or guardians of the child accused of truancy, their witnesses, their counsel, if any, and school or school district officials shall be admitted. Case records shall be treated as confidential.***

6 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

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

**2012-2320s**

#### AMENDED ANALYSIS

This bill requires a school district to adopt a policy allowing an exception to a particular unit of health or sex education whenever a parent or legal guardian requests the exception.

This bill exempts the Concord school district from the requirements for the election of a school district treasurer and allows the district to appoint its treasurer in accordance with the provisions of the Concord school district charter.

This bill also authorizes a municipality to adopt an ordinance prohibiting truancy and specifies procedures for the hearing of truancy cases.

**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.**

**Sen. White moved to remove HB 655 from the table. Adopted.**

#### PUBLIC AND MUNICIPAL AFFAIRS

**HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center.

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

**Sen. White moved Ought to Pass.**

**Sen. White offered a floor amendment.**

**Sen. White, Dist. 9**

**May 16, 2012**

**2012-2321s**

**01/09**

#### **Floor Amendment to HB 655**

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

AN ACT repealing a prospective repeal regarding certain authority of the secretary of state relative to pooled risk management programs.

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

1 Repeal. 2010, 149:8, III, relative to a repeal of authority of the secretary of state to investigate, issue cease and desist orders, and impose penalties regarding pooled risk management programs, is repealed.

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

**2012-2321s**

#### AMENDED ANALYSIS

This bill repeals the prospective repeal regarding the authority of the secretary of state to investigate, issue cease and desist orders, and impose penalties regarding pooled risk management programs.

**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.**

**Sen. Bradley moved to remove HB 1263 from the table. Adopted.**

### **JUDICIARY**

**HB 1263**, relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.

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

**Sen. Bradley withdrew Floor Amendment 2298s to HB 1263.**

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

**Sen. Forsythe, Dist. 4**

**May 16, 2012**

**2012-2319s**

**05/10**

### **Floor Amendment to HB 1263**

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

AN ACT relative to the requirement that landlords of restricted residential property provide service of process information.

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

1 Landlord Agent Required. Amend RSA 540:1-b to read as follows:

540:1-b Landlord's Agent Required.

**I. *If required by the municipality in which the property is located***, an owner of restricted property, as defined in RSA 540:1-a, II, who resides within the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property. Such person authorized to accept service may be the owner of the premises.

**II. *If required by the municipality in which the property is located***, an owner of restricted property who resides outside the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property.

**III.** In any legal proceeding in which the property owner resides out of state and ***is required by the municipality in which the property is located to file a statement with the town or city clerk pursuant to RSA 540:1, I-b, II, and*** said owner fails to: (a) comply with paragraph II, and (b) appear in said proceeding, service of process pursuant to RSA 510:4 shall create a rebuttable presumption that such service was lawful and adequate. As used in this section the term "legal proceeding" includes, but is not limited to, any action at law or in equity or for the enforcement of any provision of RSA 48-A:14, or any housing code adopted by a municipality pursuant to RSA 48-A, or for the enforcement of any municipal health code, building code, or fire or life safety code. A municipality may establish a reasonable filing fee to cover the cost to the town or city clerk of maintaining a record of the filings required by this section.

**IV.** [Repealed.]

2 New Subparagraph; Powers of Towns to Adopt Ordinances; Landlord Agent. Amend RSA 31:39, I by inserting after subparagraph (p) the following new subparagraph:

(q) Requiring the landlords of restricted residential property to provide service of process information to the town in accordance with RSA 540:1-b.

3 New Paragraph; Powers of City Councils to Adopt Bylaws and Ordinances; Landlord Agent. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

XX. LANDLORD AGENT. To require landlords of restricted residential property to provide service of process information to the city in accordance with RSA 540:1-b.

4 Effective Date.

I. Section 1 of this act shall take effect June 30, 2013.

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

**2012-2319s**

#### AMENDED ANALYSIS

This bill enables municipalities to require that landlords of restricted residential property provide service of process information to the municipality in which the property is located.

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

**A division vote was requested.**

**Yeas: 6 - Nays: 18**

**Failed.**

**Sen. Bradley moved to Lay on the Table HB 1263. Adopted.**

**Sen. Bradley moved to remove HB 1617-FN from the table. Adopted.**

#### HEALTH AND HUMAN SERVICES

**HB 1617-FN**, repealing the certificate of need law.

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

**Sen. Bradley moved Ought to Pass.**

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

**Sen. Bradley, Dist. 3**

**May 15, 2012**

**2012-2273s**

**01/09**

#### **Floor Amendment to HB 1617-FN**

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

AN ACT repealing the certificate of need law and extending the moratorium on nursing home beds and rehabilitation beds.

Amend the bill by replacing all after section 17 with the following:

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

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



it is for a life safety code requirement or to remedy deficiencies noted in a licensing inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds. If the application is approved, it shall be deemed that the board has agreed with the indicated reason for such application.

19 Effective Date.

I. Sections 1-17 of this act shall take effect 60 days after its passage.

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

**2012-2273s**

#### AMENDED ANALYSIS

This bill repeals the certificate of need law.

This bill also extends the moratorium on nursing home beds and rehabilitation beds until June 30, 2014.

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

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

**Sen. Bradley, Dist. 3**

**May 15, 2012**

**2012-2272s**

**01/09**

#### Floor Amendment to HB 1617-FN

Amend the bill by replacing section 19 with the following:

19 Effective Date.

I. Sections 1-17 of this act shall take effect January 1, 2018.

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

**2012-2272s**

#### AMENDED ANALYSIS

This bill prospectively repeals the certificate of need law.

This bill also extends the moratorium on nursing home beds and rehabilitation beds until June 30, 2014.

**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.**

#### ANNOUNCEMENTS

(The Chair recognized Sen. Merrill.)

SENATOR MERRILL: Thank you, Mister President. I rise today to honor the memory of Eugene Savage, who died at his home in Durham on Monday.

Many in this building have known Gene for his years of work as a Vice Chancellor for the university system, working tirelessly on behalf of the campuses of the university system. In fact, though, Gene really spent his entire work life devoted to public education here in New Hampshire.

Gene grew up in North Stratford. He graduated from Plymouth State College, and from there went on to work for a number of high schools, among them Kingswood High School, where he was a guidance counselor. And, it was when he was working at Kingswood that I first met Gene, visiting by the shores of Lovell Lake with a mutual friend who Gene lived down the street from in Wolfeboro. And then, I next, I think, got to talk with Gene when I was considering what I was doing next after high school, and Gene was the director of admissions at UNH. And, I think I was one of many, many students who benefitted from the opportunity to have Gene's counsel and kindness and understanding as I tried to decide whether to be an animal science major or maybe a life studies major, which was some sort of made-up new major at UNH in the late '60s, early '70s. And, I always remembered his kindness and understanding from that period. And actually, I used to, as I would see Gene later on in my more grown up life, I would feel a little sheepish about that earlier version of me that he had known, too.

Gene was also a Plymouth State alumni trustee to the system board, and has worked in many, many capacities, many committees, and, as I say, really devoted to education here in the state. And, some of the ways that he worked with students, I think, were not so well known. I remember, for example, attending a presentation of research projects done by UNH students who received grants to do real research programs abroad. And, Gene and his wonderful wife Joan were at this presentation, and it was there I realized that one of the many things he did, or they did, was to help support the grants for those wonderful research experiences that students had.

In recent years, I've gotten to see Gene and Joan at various events on campus and also in the local Durham market, which has always been a fun place to run into them and catch up. I think the last time I saw Gene was in the fall when he received the Pettee Medal, which is one of the highest awards that the university bestows on people, and this was given for his great service to the university.

I think my friend from Manchester would say that...or, tells us often, that life is all about relationships, and I think that that's something that Gene really believed in. He really was devoted to friendship and family. He took great joy, I think, in his work. And, I know I will miss him greatly. And, I hope you'll join me in sending condolences to Joan and their three daughters. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I thought Senator Merrill was eloquent with her words about Gene Savage. You know, the tragedy is, we're losing the good guys—we're losing the good guys. We lost Walter Peterson, now we've lost Gene Savage.

I've known Gene Savage, really, most of my adult life. I started my career in education as a teacher at Kennett High School in Conway, New Hampshire. I met Gene when he was at Kingswood Regional; in the old days, those kids used to go to Kennett High School; we used to take kids from Ossipee and they would bus up. Our lives again interfaced when I was director of admissions at New Hampshire College and of course Gene was the director of admissions at the University of New Hampshire. And, we had an admissions group that used to meet, and we would meet at Colby-Sawyer College, and we would have our admissions meetings. So, Gene Savage was a friend, he was a colleague, but most of all, he was a quality human being. And, the thing that he manifested on almost every occasion was his caring and concern for the kids, the students that he was admitting to the university. And, if he couldn't admit a kid to the university, he'd counsel that kid about going someplace else. My son couldn't get into UNH. So, Gene counseled him; we sent him to Plymouth State College, he had a good career at Plymouth State, graduated, and he's a successful kid right now.

Gene always had that million-dollar smile, and most of you were engaged by that smile as he walked through these halls when he left the university system and he went to work for Rath and Young. And, Gene was always available to talk to you and to get on the good side, because he always manifested the good side.

I had the occasion to talk with Gene just before he died. And, his daughter said to me, 'He really can't say much; he can't talk, but he does want to talk to you'; he wanted to talk to his friends. So, I spoke with him, and what he said is, he wanted to end his life his way—his way. He wanted to make the decision. And, he made that decision—you know, a very, very courageous decision that all of us are going to have to make someday. He made that decision.

He was a real symbol for New Hampshire. You know, we talk about that all the time: we talk about public service, we talk about people who give and keep giving. And, Gene Savage was a giver—he was a giver in the best sense of the word. Three lovely daughters who were with him when he passed away; he had the family around him when he passed away.

Gene came from North Stratford, and they ran a gas station in North Stratford. I don't know how many of you have been to North Stratford. Johnny Gallus and I have been there; I went to North Stratford—kids were taking classes in the boiler room there! The damn furnace was next to the chairs where the kids were in school! That's where he got his basic education. And, he moved out of there and did great things. So, we should remember people, you know, while they're living, for the good they're doing. And, after they pass, we should take a great deal of time and effort to look at what they left and take advantage of that. We should look at what they did and make the commitment to do the same things for the people of the state, for our families, and for those who need us. Everybody needs somebody. Gene Savage was there to help somebody. Walter Peterson was there to help somebody. That's a great, great record for us to look at. That's a great example for all of us to take advantage of. Let's do good things; let's make good things happen. These things we treasure if we've had that opportunity to be associated with these people. Let's not let that passing be the end; let it be really the beginning of the great things that we're going to do as we go forward. Our condolences

to the family: to Mrs. Savage and the three daughters and his grandchildren—he's got a grandson that's going to graduate on Saturday, and as a result, the family's services...they've postponed them until after that graduation day out of respect for the kid who's graduating from college.

But, let's learn something from these great human beings. You know, Gene Savage introduced me to one of the finest men I've ever met: Les Hubbard. Some of you might remember Les Hubbard. Les Hubbard was one of the giving-est guys ever. But, Gene got Les Hubbard to do great things for New Hampshire—great things for New Hampshire. That's the kind of guy Gene Savage was. So, God rest his soul, may his soul rest in peace, and may all of us learn a lot from being associated with Gene Savage. Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Yes, Rule 2-17. I just rise to send our prayers out to Liz Murphy, who I understand is at home with hospice. And, many of us know Liz from many, many years, both in her role as a State Representative, but then as she moved into someone who was ever-present in these halls, and we send out our prayers to her and those who surround her and send her our love. Thank you.

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

**Recess. Out of recess. (Continued.)**

Sen. Carson led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Carson introduced her daughter, Second Lieutenant Deirdre Carson, recent graduate of Clemson University, a guest on the Senate floor today.

Senator Prescott offered the following meditative thoughts and prayer.

*We come before You, Lord, and thank You for this opportunity to just ponder upon the greatness of our God and how we need to be in subject to the powers that are all around us. We pray, Lord, that You touch us this day in the time that we have to share. In Your name, in Your son's name, Jesus, Amen.*

#### INTERNAL AFFAIRS

**CACR 13**, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. Ought to Pass, Vote 3-1. Senator Bradley for the committee.

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

**Sen. Bradley, Dist. 3  
May 16, 2012  
2012-2299s  
06/09**

#### **Floor Amendment to CACR 13**

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

RELATING TO: prohibiting an assessment, rate, or tax on personal income.

PROVIDING THAT: no assessment, rate, or tax on income earned by a natural person shall be levied by the state of New Hampshire except taxes in effect on January 1, 2012 and adjustments to the rate of such taxes.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c. [Income Tax Prohibited.] Notwithstanding any general or special provision of this constitution, the general court shall not have the power or authority to impose and levy any assessment, rate, or tax upon income earned by any natural person; however, nothing in this Article shall be construed to prohibit any tax in effect on January 1, 2012, or adjustment to the rate of such a tax.

Amend the resolution by replacing paragraph IV with the following:

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

“Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c. [Income Tax Prohibited.] Notwithstanding any general or special provision of this constitution, the general court shall not have the power or authority to impose and levy any assessment, rate, or tax upon income earned by any natural person; however, nothing in this Article shall be construed to prohibit any tax in effect on January 1, 2012, or adjustment to the rate of such a tax.”

**2012-2299s**

#### AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits an assessment, rate, or tax on income earned by a natural person other than taxes in effect on January 1, 2012 and adjustments to the rate of such taxes.

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

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

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

**Yeas: 20 - Nays: 4**

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

#### **JUDICIARY**

**HB 217-FN**, amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus. Ought to Pass with Amendment, Vote 4-1. Senator Luther for the committee.

**Senate Judiciary**

**April 27, 2012**

**2012-1896s**

**04/01**

#### **Amendment to HB 217-FN**

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

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

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

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

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

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

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

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

(b) In this section:

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

(2) "Pregnant" means the female reproductive condition of having an unborn child in the woman's body.

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

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

**2012-1896s**

#### AMENDED ANALYSIS

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

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

**Sen. Groen is in favor of the Committee Amendment to HB 217-FN.**

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

**Sen. Houde, Dist. 5**

**May 15, 2012**

**2012-2287s**

**04/01**

#### Floor Amendment to HB 217-FN

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

AN ACT including "viable fetus" in the definition of "another" for the purposes of certain criminal offenses.

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

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

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

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

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of "another" shall include a viable fetus as defined in paragraph V.

V.(a) Nothing in this section or RSA 630:1-b shall apply to:

(1) Any act committed by the pregnant woman;

(2) Any act committed at the request or direction of the pregnant woman or for the benefit of the pregnant woman;

(3) Any act performed by a physician or other medical professional in the course of such physician's or medical professional's professional duties, including but not limited to, an act that results in the termination of a pregnancy; or

(4) Any act taken in furtherance of the lawful dispensation or administration of prescription or nonprescription medication.

(b) In this section:

(1) "Fetus" means a developing human that has attained the basic attributes of its species.

(2) "Pregnant" means the female reproductive condition of having one or more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

(3) "Pregnancy" means one or more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

(4) "Viable fetus" means a fetus that is implanted in a female uterus and has reached such a stage of development as to be capable of sustained extrauterine survival.

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

**2012-2287s**

**AMENDED ANALYSIS**

This bill provides that a viable fetus shall be included in the definition of “another” for the purposes of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

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

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

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

**The following Senators voted No: Forrester, Forsythe, Groen, White, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Morse.**

**Yeas: 13 - Nays: 11**

**Adopted.**

**Sen. Forsythe offered a floor amendment.**

**Sen. Forsythe, Dist. 4**

**May 16, 2012**

**2012-2310s**

**04/01**

**Floor Amendment to HB 217-FN**

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

AN ACT including “fetus” in the definition of “another” for the purpose of certain criminal offenses.

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

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

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

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

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of “another” shall mean another person, or a fetus as defined in subparagraph V(b)(2).

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

(b) In this section, “fetus” means an unborn offspring, from the embryo stage which is the end of the eighth week after conception when major structures have formed, until birth.

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

**2012-2310s**

**AMENDED ANALYSIS**

This bill provides that a fetus shall be included in the definition of “another” for the purpose of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

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

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Forrester, Bradley, Forsythe, Groen, Sanborn, Luther, Lambert, Carson, Boutin, Barnes, De Blois, Rausch, Morse, Prescott, Bragdon.

The following Senators voted No: Gallus, Houde, Odell, White, Kelly, Larsen, D'Allesandro, Merrill, Stiles.

Yeas: 15 - Nays: 9

Adopted.

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

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

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

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

Yeas: 18 - Nays: 6

Adopted, bill ordered to Third Reading.

Sen. Odell moved to remove HB 518-FN-A from the table. Adopted.

#### **WAYS AND MEANS**

HB 518-FN-A, changing the prospective repeal date for the research and development tax credit.

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

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

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

The following Senators voted No: (None).

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

Sen. Stiles moved to remove HB 1182 from the table.

A division vote was requested.

Yeas: 12 - Nays: 12

Failed.

Recess. Out of recess.

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

#### **HOUSE MESSAGE**

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

**SB 245**, relative to health care sharing organizations.

**Sen. Prescott moves concurrence. Adopted.**

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

**Sen. Prescott moves concurrence. Adopted.**

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

**Sen. Odell moves concurrence. Adopted.**

**SB 265**, relative to the definition of stormwater.

**Sen. Odell moves concurrence. Adopted.**

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

**Sen. Odell moves concurrence. Adopted.**

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

**Sen. Houde moves concurrence. Adopted.**

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

**Sen. Barnes moves concurrence. Adopted.**

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

**Sen. Barnes moves concurrence. Adopted.**

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

**Sen. Odell moves concurrence. Adopted.**

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

**Sen. Odell moves concurrence. Adopted.**

**Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.**

#### **HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

**HB 1230-FN**, requiring a listing of state real property.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Graham, E. Smith, McConkey, Bouchard

**Sen. Morse moves to accede to House Request. Adopted.**

**The President appointed Senators Morse, Forrester, D'Allesandro.**

**HB 1211**, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.

**Sen. Odell moves to accede to House Request. Adopted.**

**The President appointed Senators Odell, Gallus, Merrill.**

**HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

**Sen. Stiles moves to accede to House Request. Adopted.**

**The President appointed Senators Stiles, Forsythe, Kelly.**

**HB 1670**, apportioning executive council districts.

**Sen. Prescott moves to accede to House Request. Adopted.**

**The President appointed Senators Stiles, Lambert, Larsen.**



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

**Sen. Odell moves to accede to House Request. Adopted.**

**The President appointed Senators Odell, Luther, D'Allesandro.**

Sen. Larsen is excused.

**Sen. Morse moved to remove HB 1418-FN-A from the table. Adopted.**

### **FINANCE**

**HB 1418-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax and extending the commission to study business taxes.

**Senate Finance**

**May 3, 2012**

**2012-2010s**

**09/01**

### **Amendment to HB 1418-FN-A**

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

AN ACT extending the commission to study business taxes.

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

Amend the bill by replacing section 3 with the following:

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

**2012-2010s**

### **AMENDED ANALYSIS**

The bill extends the commission to study business taxes.

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

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

**Sen. Morse, Dist. 22**

**Sen. Forrester, Dist. 2**

**May 15, 2012**

**2012-2261s**

**09/10**

### **Floor Amendment to HB 1418-FN-A**

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

AN ACT increasing the threshold amounts for taxation under the business enterprise tax and extending the commission to study business taxes; excluding charges for Internet access from the communications services tax and requiring the transfer of insurance premium tax revenue to the department of health and human services; and relative to section 179 expense deductions under the business profits tax.

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

4 Communications Services Tax; Purpose. Amend 82-A:1 to read as follows:

82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who use 2-way communications services and to source mobile telecommunications services to the place of primary use. It is also the intent of the general court that *Internet access service and* basic communications services essential to public health, safety, and welfare shall not be subject to the tax imposed by this chapter.

5 Communications Services Tax; Definition of "Communications Services;" Internet Access Excluded. Amend RSA 82-A:2, III(b) and (c) to read as follows:

(b) Purchases of communications services by a communications services provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use

of inter-company facilities, and all communications services resold in the subsequent provision of, used as a component of, or integrated into end-to-end communications services; ~~or~~

(c) The one-way transmission of radio or television programming, by cable, broadcast, satellite, microwave or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such person required for the selection of such programming other than by use of the same facility by which such transmission was received~~[-];~~ **or**

**(d) Internet access.**

6 New Paragraphs; Communications Services Tax; Definitions of “Internet” and “Internet Access.” Amend RSA 82-A:2 by inserting after paragraph XXIV the following new paragraphs:

XXV. “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprises the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

XXVI. “Internet access”:

(a) Means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

(b) Includes the purchase, use, or sale of communications services by a provider of a service described in subparagraph (a) to the extent such communications services are purchased, used or sold:

(1) To provide such service; or

(2) To otherwise enable users to access content, information, or other services offered over the Internet;

(c) Includes services that are incidental to the provision of the service described in subparagraph (a) when furnished to users as part of such service, such as a home page, electronic mail, and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

(d) Does not include voice, audio, or video programming, or other products and services (except services described in subparagraph (a), (b), (c), or (e)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (a), (b), (c), or (e); and

(e) Includes a homepage, electronic mail, and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity that are provided independently or not packaged with Internet access.

7 Communications Services Tax; Definition of “Gross Charge;” Charges of Internet Access Excluded. Amend RSA 82-A:2, V(f)-(h) to read as follows:

(f) Charges for communications services and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the tax imposed under this chapter has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service; ~~and~~

(g) [Repealed.]

(h) Bad debt. For the purposes of this paragraph, bad debt means any portion of a debt that is related to a purchase at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made~~[-];~~ **and**

**(i) Charges for Internet access.**

8 Existing Assessments Not Enforceable. The department of revenue administration shall not enforce any existing assessment of communications services tax on charges for Internet access, shall promptly withdraw all such pending assessments, and shall issue no additional assessments with respect to such charges.

9 Transfer of Insurance Premium Tax Revenue to Department of Health and Human Services. Notwithstanding any provision of law to the contrary, and in recognition of an unanticipated surplus for the fiscal year ending June 30, 2011 as determined by the official audit performed pursuant to RSA 21-I:8, II(a), the state treasurer shall transfer \$1,500,000 in revenue received from the insurance premium tax pursuant to RSA 400-A:32 to the department of health and human services for the purpose of providing services to the developmentally disabled. Said amounts are hereby appropriated to the department for the biennium ending June 30, 2013.

10 New Section; Business Profits Tax; Gross Business Profits; Expense Deductions. Amend RSA 77-A by inserting after section 3 the following new section:

77-A:3-a Expense Deductions. Notwithstanding the definition of Internal Revenue Code in RSA 77-A:1, XX(l), in determining gross business profits before net operating loss and special deductions, a business organization shall calculate expense deductions as permitted under Internal Revenue Code section 179 using the version of the United States Internal Revenue Code in effect as of the date section 179 property is placed into service.

11 Application. Section 10 of this act shall apply to any qualifying section 179 property as that term is defined in the United State Internal Revenue Code with respect to property placed into service on or after January 1, 2014.

12 Effective Date.

I. Section 1 of this act shall be in effect for taxable periods ending on or after December 31, 2013.

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

**2012-2261s**

#### AMENDED ANALYSIS

This bill:

I. Increases the threshold amounts for taxation under the business enterprise tax.

II. Extends the commission to study business taxes.

III. Clarifies that Internet access service is not subject to the communications services tax.

IV. Transfers certain revenue received from the insurance premium tax to the department of health and human services for the purpose of providing services to the developmentally disabled.

V. Allows a business organization to apply the federal section 179 expense deduction amount in the calculation of gross business profits, before net operating loss and special deductions under the business profits tax, as of the date the section 179 property is placed into service.

**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. Houde, seconded by Sen. Barnes.**

**Sen. Larsen is excused.**

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

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

**Yeas: 23 - Nays: 0**

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

**Sen. Odell moved to remove HB 1260 from the table. Adopted.**

#### **WAYS AND MEANS**

**HB 1260-FN**, relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes.

**Sen. Odell offered a floor amendment.**

**Sen. Odell, Dist. 8**

**May 17, 2012**

**2012-2328s**

**08/09**

**Floor Amendment to HB 1260-FN**

Amend RSA 647:2, II(d)-(e) as inserted by section 7 of the bill by replacing them with the following:

(d) "Gambling" means to risk something of value upon a future contingent event not under one's control or influence, upon an agreement or understanding that something of value will be received in the event of a certain outcome. *For the purposes of this subparagraph, the phrase "something of value" shall include a sweepstakes ticket or other item obtained in conjunction with the purchase of goods or services that entitles the holder to a share or chance in a sweepstakes where, but for the opportunity to enter the sweepstakes, the value of purchased goods or services is insufficient to justify the purchase or the inducement to purchase the goods or services is the opportunity to play on a gambling machine.*

(e) "Gambling machine" means any device or equipment which is capable of being used to *play sweepstakes or games of chance and* which ~~[discharge]~~ *discharges* money, or anything that may be exchanged for money, *cash equivalent, debit card, merchandise credit card, or opportunities to enter sweepstakes or play games of chance,* or ~~[to display]~~ *displays* any symbol entitling a person to receive ~~[money]~~ *such a prize.*

Amend RSA 647:2, I-b as inserted by section 8 of the bill by replacing it with the following:

I-b. A person is guilty of a class B felony if a person knowingly and unlawfully promotes gambling on a gambling machine. If the offense continues over consecutive days, the person shall be charged with a single continuing offense. Notwithstanding RSA 651:2, IV, any person convicted under this paragraph shall be fined not less than \$5000 per day for each gambling machine used or intended for use

Amend the bill by replacing section 9 with the following:

9 New Subparagraph; Definition; Sweepstakes. Amend RSA 647:2, II by inserting after subparagraph (g) the following new subparagraph:

(h) "Sweepstakes" means any game, advertising scheme or plan, or other promotion which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 New Paragraph; Enjoining of Violations. Amend RSA 647:2 by inserting after paragraph V the following new paragraph:

VI. Any violation of this chapter may be enjoined by the superior court, upon petition of the attorney general, county attorney, or the police chief within the jurisdiction in which the violation is alleged to have occurred.

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

**Recess. Out of recess.**

**Sen. De Blois offered a floor amendment.**

**Sen. DeBlois, Dist. 18**

**May 9, 2012**

**2012-1972s**

**08/09**

**Floor Amendment to HB 1260-FN**

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

AN ACT relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county and compensation of charitable organizations by gaming operators, unauthorized gambling machines and sweepstakes.

Amend the bill by replacing all after section 9 with the following:

10 Wagering; Single Player. Amend RSA 287-D:3, V to read as follows:

V. No single wager by a player, on any game of chance, shall exceed the amount of [\$4] **\$6, except table games established as "table stakes poker," at which a player may bet no more money than he or she had on the table at the beginning of that hand. In such games, a player shall not take a portion of his or her money off the table, unless he or she leaves the game and takes all of his or her chips out of play. Buy-in limits for table games established as table stakes poker shall be the same as the limits set in RSA 287-D:2-b, XI.**

11 Table Stakes Poker; Charges. RSA 287-D:3, IX is repealed and reenacted to read as follows:

IX. In games established as table stakes poker in paragraph V where chips have monetary value, the house may opt to rake each hand or to charge players for time seated at the table by the hour or fraction thereof.

12 New Subparagraph; Poker in Private Residences. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Poker games held in a private residence so long as the house takes no rake or compensation from the prize pool. The house in a poker game held in a private residence may take a fee from the players for dealing.

13 Wagering; Single Player. Amend RSA 287-D:3, V to read as follows:

V. No single wager by a player, on any game of chance, shall exceed the amount of [\$4] **\$6.**

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

**2012-1972s**

#### AMENDED ANALYSIS

This bill:

I. Requires the racing and charitable gaming commission to hold certain contributions to the pari-mutuel pools from race simulcasters in escrow in Cheshire county.

II. Prohibits game operators from charging charitable organizations certain fees.

III. Creates a felony and a violation for promotion or conduction of unauthorized sweepstakes with an unauthorized gambling machine.

IV. Allows the playing of poker in private residences.

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

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

**Recess. Out of recess.**

Prescott is excused.

**President Bragdon rescinded ordering HB 1658-FN to Third Reading.**

#### MOTION OF RECONSIDERATION

**Sen. Bradley, having voted on the prevailing side, moved to reconsider HB 1658-FN, the bill having been previously adopted. Adopted.**

#### FINANCE

**HB 1658-FN**, establishing an income and identity verification system for public assistance recipients; relative to implementation of the Sean William Corey pilot program; and relative to extending the moratorium on nursing home beds and rehabilitation beds.

**President Bragdon ruled Floor Amendment 2333s non-germane.**

**Without objection, President Bragdon moved to suspend Rule 3-7 to allow for the introduction of non-germane Floor Amendment 2333s to HB 1658-FN by the necessary 2/3 vote.**

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

**Sen. Bradley, Dist. 3**

**May 17, 2012**

**2012-2333s**

**05/01**

**Floor Amendment to HB 1658-FN**

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

AN ACT establishing an income and identity verification system for public assistance recipients; relative to implementation of the Sean William Corey pilot program; extending the moratorium on nursing home beds and rehabilitation beds; and repealing assessments for excess benefits paid by employers in the retirement system.

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

4 Repeal; Employer Assessments. RSA 100-A:16, III-a, as inserted by 2008, 300:33, relative to employer assessments for excess benefits paid by employers in the retirement system, is repealed.

5 Repeal; Prospective Amendment of Assessments. 2011, 230:1, 2, and 5, relative to the amendment, application, and interactive estimator of assessments for excess benefits paid by employers in the retirement system, are repealed.

6 Effective Date.

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

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

**2012-2333s**

**AMENDED ANALYSIS**

This bill:

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

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

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

IV. Repeals the provisions establishing the assessments for excess benefits to be paid by employers in the retirement system.

**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.**

**Sen. Bradley moved to remove HB 1297 from the table. Adopted.**

**COMMERCE**

**HB 1297**, relative to federal health care reform and health care exchanges.

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

**Sen. Bradley moved to remove HB 1483-FN from the table. Adopted.**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 1483-FN**, repealing the retirement system special account.

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

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

**Sen. Bradley, Dist. 3**

**May 17, 2012**

**2012-2326s**

**08/10**

**Floor Amendment to HB 1483-FN**

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

AN ACT repealing the retirement system special account and repealing the assessments for excess benefits paid by employers in the retirement system.

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

15 Repeal; Employer Assessments. RSA 100-A:16, III-a, as inserted by 2008, 300:33, relative to employer assessments for excess benefits paid by employers in the retirement system, is repealed.

16 Repeal; Prospective Amendment of Assessments. 2011, 230:1, 2, and 5, relative to the amendment, application, and interactive estimator of assessments for excess benefits paid by employers in the retirement system, are repealed.

17 Effective Date.

I. Sections 15-16 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2012.

**2012-2326s**

#### AMENDED ANALYSIS

This bill repeals the retirement system special account.

This bill also repeals the provisions establishing the assessments for excess benefits to be paid by employers in the retirement system.

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

**Recess. Out of recess.**

**Sen. D'Allesandro offered a floor amendment.**

**Sen. D'Allesandro, Dist. 20**

**May 17, 2012**

**2012-2334s**

**08/10**

#### Floor Amendment to HB 1483-FN

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

AN ACT repealing the assessments for excess benefits paid by employers in the retirement system.

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

1 Repeal; Employer Assessments. RSA 100-A:16, III-a, as inserted by 2008, 300:33, relative to employer assessments for excess benefits paid by employers in the retirement system, is repealed.

2 Repeal; Prospective Amendment of Assessments. 2011, 230:1, 2, and 5, relative to the amendment, application, and interactive estimator of assessments for excess benefits paid by employers in the retirement system, are repealed.

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

**2012-2334s**

#### AMENDED ANALYSIS

This bill repeals the provisions establishing the assessments for excess benefits to be paid by employers in the retirement system.

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

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

**Sens. Larsen and Prescott are excused.**

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

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

**Yeas: 4 - Nays: 18**

**Adopted.**

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

**Sen. Bradley moved to remove HB 1704 from the table. Adopted.**

**PUBLIC AND MUNICIPAL AFFAIRS**

**HB 1704-FN**, relative to limits on political contributions and relative to reporting by political committees.

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

**Sen. Barnes offered a floor amendment.**

**Sen. Barnes, Jr., Dist. 17**

**May 17, 2012**

**2012-2329s**

**03/10**

**Floor Amendment to HB 1704-FN**

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

AN ACT relative to political contributions and expenditures, relative to reporting by political committees, and relatives to nomination of political organizations.

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

1 Declaration of Intent; Political Organization. Amend RSA 655:17-c to read as follows:

655:17-c Declaration of Intent; Political Organization.

**I.** Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, \_\_\_\_\_, chairman of the \_\_\_\_\_ organization hereby declare that the \_\_\_\_\_ organization intends to file nomination papers by the deadline established under RSA 655:43, I. ~~[I further declare that the \_\_\_\_\_ organization intends to file the names of candidates for the following offices with the nomination papers.]~~

***II. At the time of filing the declaration of intent, the chairman of the political organization shall submit a list of the offices for which it intends to file candidates and the names of the candidates for those offices. In addition, each candidate shall file a declaration of candidacy. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the political organization does not obtain enough nomination papers to have its name placed on the ballot, any declarations of candidacy filed for that political organization shall be void.***

2 Definitions; Political Committee. RSA 664:2, III is repealed and reenacted to read as follows:

III. "Political committee" means any organization:

(a) That has as its major purpose to promote the success or defeat of a candidate or candidates or measure or measures and whose combined receipts and expenditures total \$2,500 or more in a calendar year for that purpose; or

(b) That makes combined independent expenditures, as defined in paragraph XI, and electioneering communication expenditures, as defined in paragraph XVIII, that total \$5,000 or more in a calendar year. As used in this paragraph, "organization" includes, but is not limited to, for-profit and nonprofit corporations, associations, and committees formed by a candidate, exploratory campaign, or political party.

3 Definitions; Expenditure. Amend RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future ~~[for the purpose of influencing the nomination for election or election of any candidate]~~. It does not include the candidate's filing fee or his **or her** expenses for personal travel and subsistence.

4 Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity expressly advocating the election or defeat of a clearly identified candidate **or candidates or the success or**



**defeat of a measure or measures** which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

5 New Paragraph; Definitions; Electioneering Communication Expenditures. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Electioneering communication expenditures" means expenditures on any communication that fulfills each of the following conditions:

(a) The communication refers to a clearly identified candidate for state office or refers to a measure without expressly advocating the success or defeat of such candidate or measure;

(b) The communication is publicly broadcasted or distributed within 60 days prior to a general election or within 30 days prior to a primary election for which office the candidate is seeking or the date on which the measure is being voted; and

(c) The communication is targeted to the relevant electorate.

6 Registration of Political Committees. Amend RSA 664:3, I to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The ~~[committee shall register with]~~ **committee's registration shall be received by** the secretary of state not later than ~~[24]~~ **48** hours after ~~[receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500, but in no event later than 14 days after the formation of the committee]~~ **satisfying the definition of a political committee under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures that caused the definition of a political committee to be met. Such itemization shall be made pursuant to the manner set forth in RSA 664:6.** The registration shall **also** be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures ~~[in support of or in opposition to any candidate including]~~ **or electioneering communication expenditures. The registration shall also include** a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer or agent, and the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

7 Prohibited Political Contributions. Amend RSA 664:4 to read as follows:

664:4 Prohibited Political Contributions.

**I.** No contribution, whether tangible or intangible, shall be made, **directly or indirectly**, to ~~[a]~~ **any** candidate~~[- a political committee;]~~ or political party, or ~~[in behalf of a candidate or]~~ **to any** political committee **of a candidate** or political party, ~~[directly or indirectly;]~~ for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election:

~~[I. [Repealed;]~~

~~H. By any partnership as such or by any partner acting in behalf of such partnership.~~

~~HH.] (a)~~ By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization.

~~[IV. [Repealed;]~~

~~V.] (b)~~ By any person, **entity, organization, or political committee** (1) if in excess of ~~[\$5,000]~~ **\$7,000** in value **for the state primary election and in excess of \$7,000 for the general election**, except for

contributions made by a candidate in behalf of his *or her* own candidacy, or if in excess of [~~\$1,000~~] **\$3,500** in value [~~by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does~~] **for the state primary election and in excess of \$3,500 for the general election when a candidate has** not voluntarily agree to limit his *or her* campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, **provided that a person organization, or political committee may also contribute an additional \$5,000 during an exploratory period to either a person exploring a potential candidacy or the political committee working on behalf of such a person prior to his or her filing of a declaration of candidacy**, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his *or her* fiscal agent, a political committee or its treasurer, or not to any one of the same.

***II. This section shall not be construed to limit the amount of contributions that may be made to political committees that solely make independent expenditures and do not make contributions to candidates, campaigns, political parties, or political committees of either candidates or political parties.***

8 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) [~~\$625,000~~] **\$1,000,000** in a state primary election.
- (b) [~~\$625,000~~] **\$1,000,000** in a state general election.

~~I-a. For United States senator:~~

- ~~(a) \$625,000 in a state primary election.~~
- ~~(b) \$625,000 in a state general election.~~

H. For representative to Congress:

- ~~(a) \$350,000 in a state primary election.~~
- ~~(b) \$350,000 in a state general election.]~~

~~[HH.]~~ **II.** For executive council:

- (a) [~~\$50,000~~] **\$75,000** in a state primary election.
- (b) [~~\$50,000~~] **\$75,000** in a state general election.

~~[IV.]~~ **III.** For state senate:

- (a) [~~\$20,000~~] **\$50,000** in a state primary election.
- (b) [~~\$20,000~~] **\$50,000** in a state general election.

~~[V.]~~ **IV.** For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

- (a) [~~\$.50~~] **\$1.00** per registered voter in the district or the county in a state primary election.
- (b) [~~\$.50~~] **\$1.00** per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

9 Reporting by Political Committee. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures [~~in support of a candidate, measure, or political party~~] exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and home post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing which exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure with the full name and city or town of persons, corporations, committees, or to whomever paid or to be paid, the date paid, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration.

***I-a. For purposes of this section only, any corporation that has tax exempt status by virtue of being organized under section 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code shall not be required to disclose receipts on its filings with the secretary of state.***

10 Reporting by Political Committee. Amend RSA 664:6, II-a to read as follows:

II-a. A political committee shall file a statement in the same form as in paragraph I with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within [24] **48** hours of any contribution exceeding \$500 which is received after the statement under this paragraph is filed and prior to the day of election.

11 Reporting by Political Committee. Amend RSA 664:6, IV-a to read as follows:

IV-a. Any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state ***which shall be received by the secretary of state*** not later than [24] **48** hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures ***and electioneering communication expenditures*** totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure ***or electioneering communication*** meets the definition in RSA 664:2, XI ***or RSA 664:2, XVIII***. Each statement shall contain the date of each independent expenditure ***or electioneering communication expenditure***; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each ***independent expenditure*** was made ***or the name of the candidate who was referenced in each electioneering communication expenditure***; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures ***and electioneering communication expenditures***. If the independent expenditure is made in support of or [to oppose] ***in opposition to*** more than one candidate ***or if the electioneering communication expenditure depicts or mentions more than one candidate***, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

12 Penalties. Amend RSA 664:21, IV to read as follows:

IV. In addition to the fines levied under paragraph I, any person who fails to file any report or statement ***on behalf of a political committee of a candidate*** on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court ***and persons authorized to file reports or statements on their behalf*** shall be subject to a daily fine of \$5 under this paragraph.

13 New Paragraph; Penalties. Amend RSA 664:21 by inserting after paragraph VI the following new paragraph:

VII.(a) A political committee other than a political committee of a candidate that fails to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total amount of independent expenditures and electioneering communication expenditures made during the period from the date the political committee was required to register to the date the political committee registered.

(b) A political committee that fails to report independent expenditures or electioneering communication expenditures in accordance with RSA 664:6, IV-a shall be subject to a fine equal to 25 percent of the total amount of independent expenditures not reported or reported late.

14 Repeal. RSA 655:40-b, relative to filing names of candidates, is repealed.

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

**2012-2329s**

#### AMENDED ANALYSIS

This bill:

I. Modifies the procedure for nominating a political organization.

II. Modifies the definition of "political committee."

III. Increases the limit on campaign contributions.

IV. Authorizes contributions of up to \$5,000 each during the exploratory period of a campaign.

V. Increases voluntary campaign expenditure limits.

VI. Requires reporting by political committees of electioneering communication expenditures, as defined in the bill.

**Recess. Out of recess.**

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

**Sen. D'Allesandro moved to Lay on the Table HB 1704-FN. Failed.**

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

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

**Sens. Larsen and Prescott are excused.**

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

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

**Yeas: 16 - Nays: 6**

**Adopted.**

**Sen. Merrill offered a floor amendment.**

**Sen. Merrill, Dist. 21**

**May 17, 2012**

**2012-2331s**

**03/10**

#### Floor Amendment to HB 1704-FN

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

AN ACT relative to political contributions and expenditures, relative to reporting by political committees, and relatives to nomination of political organizations.

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

1 Declaration of Intent; Political Organization. Amend RSA 655:17-c to read as follows:

## 655:17-c Declaration of Intent; Political Organization.

I. Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, \_\_\_\_\_, chairman of the \_\_\_\_\_ organization hereby declare that the \_\_\_\_\_ organization intends to file nomination papers by the deadline established under RSA 655:43, I. ~~[I further declare that the \_\_\_\_\_ organization intends to file the names of candidates for the following offices with the nomination papers.]~~

**II. At the time of filing the declaration of intent, the chairman of the political organization shall submit a list of the offices for which it intends to file candidates and the names of the candidates for those offices. In addition, each candidate shall file a declaration of candidacy. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the political organization does not obtain enough nomination papers to have its name placed on the ballot, any declarations of candidacy filed for that political organization shall be void.**

2 Definitions; Political Committee. RSA 664:2, III is repealed and reenacted to read as follows:

III. "Political committee" means any organization:

(a) That has as its major purpose to promote the success or defeat of a candidate or candidates or measure or measures and whose combined receipts and expenditures total \$2,500 or more in a calendar year for that purpose; or

(b) That makes combined independent expenditures, as defined in paragraph XI, and electioneering communication expenditures, as defined in paragraph XVIII, that total \$5,000 or more in a calendar year. As used in this paragraph, "organization" includes, but is not limited to, for-profit and nonprofit corporations, associations, partnerships, unions, and committees formed by a candidate, exploratory campaign, or political party.

3 Definitions; Expenditure. Amend RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future ~~[for the purpose of influencing the nomination for election or election of any candidate]~~. It does not include the candidate's filing fee or his **or her** expenses for personal travel and subsistence.

4 Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity expressly advocating the election or defeat of a clearly identified candidate **or candidates or the success or defeat of a measure or measures** which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

5 New Paragraph; Definitions; Electioneering Communication Expenditures. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Electioneering communication expenditures" means expenditures on any communication that fulfills each of the following conditions:

(a) The communication refers to a clearly identified candidate for state office or refers to a measure without expressly advocating the success or defeat of such candidate or measure;

(b) The communication is publicly broadcasted or distributed within 60 days prior to a general election or within 30 days prior to a primary election for which office the candidate is seeking or the date on which the measure is being voted; and

(c) The communication is targeted to the relevant electorate.

6 Registration of Political Committees. Amend RSA 664:3, I to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The ~~[committee shall register with]~~ **committee's registration shall be received by** the secretary of state not later than ~~[24]~~ **48** hours after ~~[receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500, but in no event later than 14 days after the formation of the committee]~~ **satisfying the definition of a political committee under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures that caused the definition of a political committee to be met. Such itemization shall be made pursuant to the manner set forth in RSA 664:6.** The registration shall **also** be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures ~~[in support of or in opposition to any candidate including]~~ **or electioneering communication expenditures. The registration shall also include** a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer or agent, and the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

7 Prohibited Political Contributions. Amend RSA 664:4 to read as follows:

664:4 Prohibited Political Contributions.

**I.** No contribution, whether tangible or intangible, shall be made, **directly or indirectly**, to ~~[a]~~ **any** candidate~~[-, a political committee,]~~ or political party, or ~~[in behalf of a candidate or]~~ **to any** political committee **of a candidate** or political party, ~~[directly or indirectly,]~~ for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election~~[-~~:

~~I. [Repealed.]~~

~~II. By any partnership as such or by any partner acting in behalf of such partnership.~~

~~III. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization.~~

~~IV. [Repealed.]~~

~~V.]~~ by any person, **entity, organization, or political committee** (1) if in excess of ~~[\$5,000]~~ **\$7,000** in value **for the state primary election and in excess of \$7,000 for the general election**, except for contributions made by a candidate in behalf of his **or her** own candidacy, or if in excess of ~~[\$1,000]~~ **\$3,500** in value ~~[by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does]~~ **for the state primary election and in excess of \$3,500 for the general election when a candidate has** not voluntarily agree to limit his **or her** campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a, **provided that a person organization, or political committee may also contribute an additional \$5,000 during an exploratory period to either a person exploring a potential candidacy or the political committee working on behalf of such a person prior to his or her filing of a declaration of candidacy**, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his **or her** fiscal agent, a political committee or its treasurer, or not to any one of the same.

**II. This section shall not be construed to limit the amount of contributions that may be made to political committees that solely make independent expenditures and do not make contributions to candidates, campaigns, political parties, or political committees of either candidates or political parties.**

8 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

## I. For governor:

(a) ~~[\$625,000]~~ **\$1,000,000** in a state primary election.(b) ~~[\$625,000]~~ **\$1,000,000** in a state general election.~~I-a. For United States senator:~~~~(a) \$625,000 in a state primary election.~~~~(b) \$625,000 in a state general election.~~~~II. For representative to Congress:~~~~(a) \$350,000 in a state primary election.~~~~(b) \$350,000 in a state general election.~~~~III. For executive council:~~~~(a) \$50,000]~~ **\$75,000** in a state primary election.~~(b) \$50,000]~~ **\$75,000** in a state general election.~~IV. For state senate:~~~~(a) \$20,000]~~ **\$50,000** in a state primary election.~~(b) \$20,000]~~ **\$50,000** in a state general election.~~V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:~~~~(a) [\$50]~~ **\$1.00** per registered voter in the district or the county in a state primary election.~~(b) [\$50]~~ **\$1.00** per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate's behalf by the candidate's committee or committees, the candidate's party, and the candidate's immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

9 Reporting by Political Committee. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures ~~[in support of a candidate, measure, or political party]~~ exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and home post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing which exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure with the full name and city or town of persons, corporations, committees, or to whomever paid or to be paid, the date paid, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration.

***I-a. For purposes of this section only, any corporation that has tax exempt status by virtue of being organized under section 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code shall not be required to disclose receipts on its filings with the secretary of state.***

10 Reporting by Political Committee. Amend RSA 664:6, II-a to read as follows:

II-a. A political committee shall file a statement in the same form as in paragraph I with the secretary of state not later than the Wednesday immediately preceding a primary and a general election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within [24] **48** hours of any contribution exceeding \$500 which is received after the statement under this paragraph is filed and prior to the day of election.

11 Reporting by Political Committee. Amend RSA 664:6, IV-a to read as follows:

IV-a. Any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state ***which shall be received by the secretary of state*** not later than [24] **48** hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures ***and electioneering communication expenditures*** totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure ***or electioneering communication*** meets the definition in RSA 664:2, XI ***or RSA 664:2, XVIII***. Each statement shall contain the date of each independent expenditure ***or electioneering communication expenditure***; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each ***independent*** expenditure was made ***or the name of the candidate who was referenced in each electioneering communication expenditure***; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures ***and electioneering communication expenditures***. If the independent expenditure is made in support of or [to oppose] ***in opposition to*** more than one candidate ***or if the electioneering communication expenditure depicts or mentions more than one candidate***, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

12 Penalties. Amend RSA 664:21, IV to read as follows:

IV. In addition to the fines levied under paragraph I, any person who fails to file any report or statement ***on behalf of a political committee of a candidate*** on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court ***and persons authorized to file reports or statements on their behalf*** shall be subject to a daily fine of \$5 under this paragraph.

13 New Paragraph; Penalties. Amend RSA 664:21 by inserting after paragraph VI the following new paragraph:

VII.(a) A political committee other than a political committee of a candidate that fails to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total amount of independent expenditures and electioneering communication expenditures made during the period from the date the political committee was required to register to the date the political committee registered.

(b) A political committee that fails to report independent expenditures or electioneering communication expenditures in accordance with RSA 664:6, IV-a shall be subject to a fine equal to 25 percent of the total amount of independent expenditures not reported or reported late.

14 Repeal. RSA 655:40-b, relative to filing names of candidates, is repealed.

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

**2012-2331s**

#### AMENDED ANALYSIS

This bill:

I. Modifies the procedure for nominating a political organization.

II. Modifies the definition of "political committee."



III. Increases the limit on campaign contributions.

IV. Authorizes contributions of up to \$5,000 each during the exploratory period of a campaign.

V. Increases voluntary campaign expenditure limits.

VI. Requires reporting by political committees of electioneering communication expenditures, as defined in the bill.

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

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

**Sens. Larsen and Prescott are excused.**

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

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

**Yeas: 4 - Nays: 18**

**Failed.**

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

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

**Sens. Larsen and Prescott are excused.**

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

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

**Yeas: 16 - Nays: 6**

**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**

**CACR 13**, relating to prohibiting an assessment, rate, or tax on personal income. Providing that no assessment, rate, or tax on income earned by a natural person shall be levied by the state of New Hampshire except taxes in effect on January 1, 2012 and adjustments to the rate of such taxes.

**CACR 26**, Relating to administration of the supreme court. Providing that the legislature and the chief justice of the supreme court shall have concurrent power to make rules governing the administration of all the courts of the state.

**HB 217-FN**, including "fetus" in the definition of "another" for the purpose of certain criminal offenses.

**HB 351-FN**, relative to insurance reimbursement for doctors of naturopathic medicine.

**HB 518-FN-A**, changing the prospective repeal date for the research and development tax credit.

**HB 545**, relative to the administrative rulemaking process governing home educated pupils.

**HB 655**, repealing a prospective repeal regarding certain authority of the secretary of state relative to pooled risk management programs.

**HB 1139**, making changes to the unique pupil identification system.

**HB 1205**, relative to the duty of the long range capital planning and utilization committee, relative to the sale of the former Laconia state school property, and relative to the funding of the E-Court initiative for the judicial branch.

**HB 1216**, relative to the authority for withholding or withdrawal of life-sustaining treatment.

**HB 1225**, permitting a charter school to incur long-term debt.

**HB 1246**, authorizing the county sheriff to issue pistol or revolver licenses under certain circumstances.

**HB 1260-FN**, relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes.

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

**HB 1290**, relative to notice of lien requirements.

**HB 1297**, relative to federal health care reform and health care exchanges.

**HB 1325**, relative to legal residency requirements for purposes of school attendance for children of divorced parents.

**HB 1332**, relative to the law enforcement authority of fish and game conservation officers.

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

**HB 1360**, relative to the state board of education rules concerning special education.

**HB 1361**, establishing a committee to study payments from the uncompensated care fund.

**HB 1389**, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council and establishing advisory committees for regional vocational education.

**HB 1418-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax and extending the commission to study business taxes; excluding charges for Internet access from the communications services tax and requiring the transfer of insurance premium tax revenue to the department of health and human services; and relative to section 179 expense deductions under the business profits tax.

**HB 1419**, relative to the rights of military parents.

**HB 1456**, relative to school district policies on health and sex education, relative to the appointment of the treasurer of the Concord school district, and relative to truancy.

**HB 1483-FN**, repealing the retirement system special account and repealing the assessments for excess benefits paid by employers in the retirement system.

**HB 1551**, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing claimant's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants barred by liability immunity provisions.

**HB 1571**, relative to educational evaluation of home schooled children.

**HB 1583**, relative to immunity for school personnel using reasonable force to protect a minor.

**HB 1607-FN-L**, establishing an education tax credit.

**HB 1617-FN**, repealing the certificate of need law and extending the moratorium on nursing home beds and rehabilitation beds.

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

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

**HB 1658-FN**, establishing an income and identity verification system for public assistance recipients; relative to implementation of the Sean William Corey pilot program; extending the moratorium on nursing home beds and rehabilitation beds; and repealing assessments for excess benefits paid by employers in the retirement system.

**HB 1666-FN**, relative to approval by the fiscal committee of the general court of all cost items in any collective bargaining agreements entered into by the state.

**HB 1699-FN**, relative to driving under the influence of drugs.

**HB 1704-FN**, relative to political contributions and expenditures, relative to reporting by political committees, and relatives to nomination of political organizations.

**HB 1722**, relative to disqualification of judges and lawyers from practicing in the circuit courts.

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

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

Sen. Bradley: HB 351-FN.

Sen. White: HB 351-FN, HB 1410.

#### **ANNOUNCEMENTS**

##### **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 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.**