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Nos. 15-16

STATE OF NEW HAMPSHIRE

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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 23, 2012 SESSION
COMMENCEMENT – JUNE 6, 2012 SESSION**

SENATE JOURNAL 15 *(continued)*

May 23, 2012

COMMITTEE OF CONFERENCE CONFEREES NAMED

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services.

The President appointed Senators Odell, Merrill, Morse.

SB 212-FN, relative to pooled risk management programs.

The President appointed Senators Prescott, Forrester, Houde.

SB 218-FN, relative to electric renewable portfolio standards.

The President appointed Senators Bradley, Lambert, Merrill.

SB 219-FN, relative to guaranteed issue for health insurance.

The President appointed Senators White, De Blois, Houde.

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification.

The President appointed Senators White, D'Allesandro, Luther.

SB 229-FN, establishing a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system.

The President appointed Senators Bradley, Groen, Larsen.

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

The President appointed Senators Stiles, Boutin, Merrill.

SB 247-L, relative to certifying municipal culvert installers.

The President appointed Senators Forrester, Boutin, Merrill.

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

The President appointed Senators Prescott, Barnes, Merrill.

SB 318-FN, relative to voter registration.

The President appointed Senators Barnes, Carson, Merrill.

SB 326-FN-A-L, relative to state reimbursement of towns.

The President appointed Senators Sanborn, D'Allesandro, Odell.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

The President appointed Senators Stiles, Forsythe, Kelly.

SB 356, limiting the authority of delegates to Article V amendment conventions.

The President appointed Senators Groen, Larsen, Stiles.

SB 366-FN, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.

The President appointed Senators Gallus, Kelly, Sanborn.

SB 370-FN, relative to the powers of law enforcement and animal control officers.

The President appointed Senators Carson, Larsen, Rausch.

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

The President appointed Senators Barnes, Merrill, Stiles.

SB 406, establishing an early offer alternative in medical injury claims.

The President appointed Senators Luther, Bradley, Kelly.

SB 409-FN, relative to the use of marijuana for medicinal purposes.

The President appointed Senators Forsythe, Bradley, Kelly.

HOUSE MESSAGE

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

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

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 137-FN-L, relative to the state fire code and the state building code.

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

HB 217-FN, including “fetus” in the definition of “another” for the purpose of certain criminal offenses.

HB 283-FN, relative to impaired drivers.

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

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

HB 545, relative to the administrative rulemaking process governing home educated pupils.

HB 574, relative to the taking of private property during a state of emergency.

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

HB 1139, making changes to the unique pupil identification system.

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

HB 1184, relative to arrest without a warrant for the offense of willful concealment.

HB 1223-FN, relative to remedies under the right-to-know law.

HB 1290, relative to notice of lien requirements.

HB 1297, relative to federal health care reform and health care exchanges.

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

HB 1332, relative to the law enforcement authority of fish and game conservation officers.

HB 1360, relative to the state board of education rules concerning special education.

HB 1362, exempting service animals from dog registration and licensing and establishing an option for permanent registration and licensing of service animals.

HB 1366, relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits.

HB 1389, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council and establishing advisory committees for regional vocational education.

HB 1419, relative to the rights of military parents.

HB 1480, requiring all local enforcement agencies and other officials responsible for enforcement of fire codes to provide information on the local and state appeals process when issuing a building permit or notice of violation.

HB 1483-FN, repealing the retirement system special account and repealing the assessments for excess benefits paid by employers in the retirement system.

HB 1508, relative to procedures of the board of mental health practice.

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 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated.

HB 1571, relative to educational evaluation of home schooled children.

HB 1582, relative to medical and surgical benefits for state employees.

HB 1607-FN-L, establishing an education tax credit.

HB 1631, allowing persons licensed to provide emergency medical services to work at social or sporting events.

HB 1633, relative to a tally requirement on school district and village district warrant articles.

HB 1665-FN, enabling a superior court or circuit court to implement one or more drug courts.

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

HCR 31, commending the work of pregnancy care centers in New Hampshire and across the United States.

HCR 35, designating Miss New Hampshire, of the Miss America Scholarship Program, an official ambassador of the state of New Hampshire during her term as Miss New Hampshire.

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 1209, establishing a committee to study administration of the business profits tax and the business enterprise tax.

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities.

HB 1632, establishing a committee to assess the cost savings of digitizing the general court.

COMMITTEE OF CONFERENCE CONFEREES NAMED

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

The President appointed Senators Odell, Gallus, Merrill.

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

The President appointed Senators Forrester, D'Allesandro, Gallus.

HB 388-FN, establishing the amount of the enhanced 911 services surcharge and requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

The President appointed Senators Odell, Lambert, Merrill.

HB 1353, relative to establishing an individual's status as a veteran.

The President appointed Senators Barnes, Boutin, Merrill.

HB 1367, relative to the issuance of administrative inspection warrants.

The President appointed Senators Carson, Groen, Houde.

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

The President appointed Senators Stiles, Forsythe, Kelly.

HB 1487, relative to low carbon fuel standards programs.

The President appointed Senators Bradley, Lambert, Merrill.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

The President appointed Senators Bradley, Lambert, Merrill.

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

The President appointed Senators Carson, Larsen, White.

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

The President appointed Senators Gallus, D'Allesandro, Forrester.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

The President appointed Senators Rausch, Sanborn, Kelly.

CACR 6, Relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

The President appointed Senators Sanborn, De Blois, Larsen.

HOUSE MESSAGE

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

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services.

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

REPRESENTATIVES: Kurk, Keane, Renzullo, R. Barry

SB 218-FN, relative to electric renewable portfolio standards.

REPRESENTATIVES: Garrity, Holden, W. O'Connor, Levasseur

SB 219-FN, relative to guaranteed issue for health insurance.

REPRESENTATIVES: Hunt, Flanders, Manuse, Taylor

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification.

REPRESENTATIVES: Sytek, Bowers, P. Schmidt, C. McGuire

SB 229-FN, establishing a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system.

REPRESENTATIVES: Hawkins, Kurk, Cohn, Hill

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

REPRESENTATIVES: L. Ober, Sterling, DeStefano, James Coffey

SB 247-L, relative to certifying municipal culvert installers.

REPRESENTATIVES: Renzullo, Christensen, Russell, Lovett

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

REPRESENTATIVES: Bates, Tucker, W. Smith, Delemus

SB 318-FN, relative to voter registration.

REPRESENTATIVES: Bates, Tucker, W. Smith, Delemus

SB 326-FN-A, relative to state reimbursement of towns.

REPRESENTATIVES: Stepanek, Ohm, Azarian, Hamm

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

REPRESENTATIVES: Boehm, J. Belanger, Flanagan, Gile

SB 356, limiting the authority of delegates to Article V amendment conventions.

REPRESENTATIVES: Sorg, Itse, Weyler, Cartwright

SB 366, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.

REPRESENTATIVES: Packard, Chandler, Tholl, Cloutier

SB 370-FN, relative to the powers of law enforcement and animal control officers.

REPRESENTATIVES: Haefner, Babson, Gandia, Sad

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

REPRESENTATIVES: Baldasaro, Cunningham, F. McCarthy, Theberge

SB 406, establishing an early offer alternative in medical injury claims.

REPRESENTATIVES: Silva, Giuda, Hagan, Rowe

SB 409-FN, relative to the use of marijuana for medicinal purposes.

REPRESENTATIVES: Reagan, Merrick, Simard, S. Schmidt

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 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

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: Kreis, Parsons, Warden, Gagne

Sen. Houde moves to accede to House Request. Adopted.

The President appointed Senators Groen, Luther, Houde.

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine.

REPRESENTATIVES: Hunt, Flanders, F. Rice, Schlachman

Sen. Prescott moves to accede to House Request. Adopted.

The President appointed Senators Sanborn, De Blois, Houde.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.

REPRESENTATIVES: Sapareto, Azarian, K. Murphy, Almy

Sen. Barnes moves to accede to House Request. Adopted.

The President appointed Senators White, Merrill, Sanborn.

HB 1205, relative to the duty of the long range capital planning and utilization committee.

REPRESENTATIVES: Chandler, Seidel, Graham, Campbell

Sen. Boutin moves to accede to House Request. Adopted.

The President appointed Senators Boutin, Larsen, Rausch.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment.

REPRESENTATIVES: Souza, Hagan, Itse, Rowe

Sen. Houde moves to accede to House Request. Adopted.

The President appointed Senators Houde, Carson, Luther.

HB 1217, relative to the form for executing advance directives for health care decisions.

REPRESENTATIVES: Souza, Itse, Cebrowski, Giuda

Sen. Bradley moves to accede to House Request. Adopted.

The President appointed Senators Bradley, De Blois, Kelly.

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.

REPRESENTATIVES: Warden, Welch, Villeneuve, Greazzo

Sen. Houde moves to accede to House Request. Adopted.

The President appointed Senators Forsythe, Groen, Houde.

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.

REPRESENTATIVES: Hawkins, Kurk, Winter, C. McGuire

Sen. Odell moves to accede to House Request. Adopted.

The President appointed Senators Odell, Boutin, D'Allesandro.

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.

REPRESENTATIVES: Balboni, Fleck, L. Jones, Gorman

Sen. Stiles moves to accede to House Request. Adopted.

The President appointed Senators Forsythe, Stiles, Kelly.

HB 1346, relative to the construction of power line extensions.

REPRESENTATIVES: J. Garrity, Holden, Cataldo, Rappaport

Sen. Odell moves to accede to House Request. Adopted.

The President appointed Senators Odell, Gallus, Merrill.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

REPRESENTATIVES: Itse, Comerford, Sorg, P. Brown

Sen. Prescott moves to accede to House Request. Adopted.

The President appointed Senators Prescott, Lambert, Larsen.

HB 1361, relative to fiscal notes on bills.

REPRESENTATIVES: Itse, Cohn, Serlin, Cebrowski

Sen. Morse moves to accede to House Request. Adopted.

The President appointed Senators Morse, D'Allesandro, Forrester.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax.

REPRESENTATIVES: Stepanek, Sapareto, Ohm, Sanborn

Sen. Odell moves to accede to House Request. Adopted.

The President appointed Senators Morse, Odell, D'Allesandro.

HB 1456, relative to school district policies on health and sex education.

REPRESENTATIVES: Balboni, Hill, Ladd, Brosseau

Sen. Stiles moves to accede to House Request. Adopted.

The President appointed Senators Stiles, Carson, Kelly.

HB 1484, relative to fees for state parks.

REPRESENTATIVES: Renzullo, Lovett, W. Hutchinson, Spang

Sen. Odell moves to accede to House Request. Adopted.

The President appointed Senators Odell, Forrester, Merrill.

HB 1510-FN, relative to taxpayer standing for declaratory judgments.

REPRESENTATIVES: B. Murphy, Giuda, B. Palmer, Watrous

Sen. Houde moves to accede to House Request. Adopted.

The President appointed Senators Forsythe, Carson, Houde.

HB 1535-FN, relative to arrest records under the right-to-know law.

REPRESENTATIVES: Giuda, Silva, Hopper, Watrous

Sen. Houde moves to accede to House Request. Adopted.

The President appointed Senators Carson, Groen, Houde.

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor.

REPRESENTATIVES: Boehm, Bettencourt, D. McGuire, Lauer-Rago

Sen. Stiles moves to accede to House Request. Adopted.

The President appointed Senators Prescott, Carson, Kelly.

HB 1617-FN, repealing the certificate of need law.

REPRESENTATIVES: Garcia, Blankenbeker, Reagan, Donovan

Sen. Bradley moves to accede to House Request. Adopted.

The President appointed Senators Bradley, Kelly, Sanborn.

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.

REPRESENTATIVES: Keane, Garcia, W. Smith, Elliot

Sen. Morse moves to accede to House Request. Adopted.

The President appointed Senators Morse, D'Allesandro, Forrester.

HB 1666-FN, relative to legislative approval of collective bargaining agreements entered into by the state.

REPRESENTATIVES: Weyler, D. McGuire, Kurk, Belvin

Sen. Morse moves to accede to House Request. Adopted.

The President appointed Senators Barnes, D'Allesandro, Morse.

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees.

REPRESENTATIVES: Bates, Byrnes, Birdsell, Gimás

Sen. Barnes moves to accede to House Request. Adopted.

The President appointed Senators Barnes, Forrester, Merrill.

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.

REPRESENTATIVES: Stepanek, Ulery, Azarian, Sanborn

Sen. Prescott moves to accede to House Request. Adopted.

The President appointed Senators Bradley, Larsen, Prescott.

CONFEREE CHANGES

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

Conferee Change: Sen. Gallus replaced Sen. Merrill

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

Conferee Change: Sen. Boutin replaced Sen. Merrill

SB 318-FN, relative to voter registration.

Conferee Change: Sen. Boutin replaced Sen. Merrill

SB 406, establishing an early offer alternative in medical injury claims.

Conferee Change: Sen. Forsythe replaced Sen. Kelly

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

Conferee Change: Sen. Carson replaced Sen. Houde

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

Conferee Change: Sen. Carson replaced Sen. Houde

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

Conferee Change: Sen. Morse replaced Sen. Forrester

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.

Conferee Change: Sen. Prescott replaced Sen. White

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.

Conferee Change: Sen. Morse replaced Sen. Odell

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

Conferee Change: Sen. Carson replaced Sen. Kelly

HB 1487, relative to low carbon fuel standards programs.

Conferee Change: Sen. Odell replaced Sen. Merrill

HB 1490-FN, relative to New Hampshire’s regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Conferee Change: Sen. Odell replaced Sen. Merrill

HB 1617-FN, repealing the certificate of need law.

Conferee Change: Sen. De Blois replaced Sen. Kelly

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.

Conferee Change: Sen. Bragdon replaced Sen. D’Allesandro

HB 1670, apportioning executive council districts.

Conferee Change: Sen. Prescott replaced Sen. Lambert

Conferee Change: Sen. Lambert replaced Sen. Larsen

CACR 6, Relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Conferee Change: Sen. Luther replaced Sen. Larsen

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.

Conferee Change: Sen. Bragdon replaced Sen. Larsen

May 25, 2012
2012-2371-EBA
08/10

Enrolled Bill Amendment to SB 48

The Committee on Enrolled Bills to which was referred SB 48

AN ACT relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 48

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 48

Amend RSA 365:1-a as inserted by section 5 of the bill by replacing lines 1 and 2 with the following:

365:1-a Exceptions. Except for complaints about RSA 371:17 through RSA 371:24, RSA 374:2-a, RSA 374:22-p, RSA 374:28-a, RSA 374:34-a, RSA 374:48 through RSA 374:56, RSA 374:59, and RSA 378:44

Amend RSA 374:22-p, I(b)(8) as inserted by section 11 of the bill by replacing lines 1 and 2 with the following:

(8) Enhanced 911, pursuant to the requirements of the department of safety, bureau of emergency communications, or its successor agency;

Amend RSA 374:1-a, VIII as inserted by section 12 of the bill by replacing lines 1 through 12 with the following:

VIII. Notwithstanding the provisions of RSA 374:1-a:

(a) Incumbent local exchange carriers, whether qualified as an excepted local exchange carrier or otherwise, may not discontinue residential basic service, regardless of technology used, in any portion of their franchise area unless the commission determines that the public good will not be adversely affected by such withdrawal of service;

(b) Rates for basic service of incumbent local exchange carriers which qualify as excepted local exchange carriers may not increase by more than 5 percent for Lifeline Telephone Assistance customers and by more than 10 percent for all other basic service customers in each of the 8 years after the effective date of this paragraph or the effective date of an existing alternative plan of regulation, except for additional rate adjustments, with public utilities commission review and approval, to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes; and

Amend RSA 374:30, II as inserted by section 13 of the bill by replacing line 6 with the following:

obligations of an incumbent local exchange carrier set forth in RSA 362:8 and RSA 374:22-p.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 15, 2012
2012-2276-EBA
08/09

Enrolled Bill Amendment to SB 153-FN

The Committee on Enrolled Bills to which was referred SB 153-FN

AN ACT relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 153-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 153-FN

Amend RSA 310-B:12-b, II(j) as inserted by section 7 of the bill by replacing line 6 with the following:
secured by the principal dwelling of a consumer;

Amend RSA 310-B:12-b, II(l) as inserted by section 7 of the bill by replacing line 1 with the following:

(l) An irrevocable uniform consent to service of process, pursuant to RSA 310-B:12-d;

Amend RSA 310-B:12-n, I(a)(7) as inserted by section 7 of the bill by replacing line 3 with the following:
expertise for the specific geographic area;

Amend RSA 310-B:12-n, I(b) as inserted by section 7 of the bill by replacing line 4 with the following:
appraiser's duties and obligations, whether as a result of negligence or willful misconduct;

Amend RSA 310-B:12-n, I(c) as inserted by section 7 of the bill by replacing line 2 with the following:
application for registration or renewal;

Amend RSA 310-B:16-a, I as inserted by section 11 of the bill by replacing line 10 with the following:

(d) Conduct appraisals independently and free from inappropriate influence and

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2012
2012-2340-EBA
05/09

Enrolled Bill Amendment to SB 237-FN

The Committee on Enrolled Bills to which was referred SB 237-FN

AN ACT 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.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 237-FN

This enrolled bill amendment makes a technical correction and inserts a renumbering contingency.

Enrolled Bill Amendment to SB 237-FN

Amend section 5 of the bill by replacing lines 2 and 3 with the following:

(307) the following new subparagraph:

(308) Moneys deposited in the state park gifts and donations fund established in

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Contingent Renumbering. If SB 330 of the 2012 regular legislative session becomes law, RSA 216-A:3-n as inserted by section 4 of this act and referenced in section 5 of this act shall be renumbered as RSA 216-A:3-o.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2012
2012-2351-EBA
06/03

Enrolled Bill Amendment to SB 254

The Committee on Enrolled Bills to which was referred SB 254

AN ACT relative to funding and expenditures from certain municipal special revenue funds.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 254

The enrolled bill amendment corrects a reference.

Enrolled Bill Amendment to SB 254

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

1 Municipal Budget Law; Definition of Special Warrant Article. Amend RSA 32:3, VI(c) to read as

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2012
2012-2350-EBA
03/09

Enrolled Bill Amendment to SB 284

The Committee on Enrolled Bills to which was referred SB 284

AN ACT establishing a certified public health dental hygienist in New Hampshire.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 284

This enrolled bill amendment corrects the section numbering and makes other technical corrections.

Enrolled Bill Amendment to SB 284

Amend RSA 317-A:21-e, I(f)(2) as inserted by section 1 of the bill by replacing line 1 with the following:

(2) The supervising dentist and the public health dental hygienist shall be responsible for

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

2 Board of Dental Examiners; Rulemaking Authority. Amend RSA 317-A:12, I to read as follows:

I. The application procedure for a dental or dental hygiene license **and for public health dental hygienist certification**;

3 Board of Dental Examiners; Rulemaking Authority. Amend RSA 317-A:12, V to read as follows:

V. How a license **or certification** issued under this chapter shall be renewed;

4 Board of Dental Examiners; Rulemaking Authority. Amend RSA 317-A:12, XI to read as follows:

XI. Continuing education requirements for licensees **and holders of certificates**;

5 Board of Dental Examiners; Rulemaking Authority. Amend RSA 317-A:12, XII-b to read as follows:

XII-b. Procedures which may be assigned by a licensed dentist to dental hygienists, **public health dental hygienists**, dental assistants, and to persons not licensed to practice dentistry;

6 Non-Practice. Amend RSA 317-A:23 to read as follows:

317-A:23 Non-Practice.

I. None of the following procedures may be assigned to a dental hygienist or assistant or to any other person not licensed to practice dentistry:

[F.](a) Diagnosis, treatment planning and prescriptions (including prescriptions for drugs and medications or authorization for restorative, prosthodontic, or orthodontic appliances).

[H.](b) Surgical procedures on hard or soft tissues within the oral cavity; or any other inter-oral procedure that contributes to, or results in, an irremediable alteration of the oral anatomy.

II. Under the public health supervision of an actively licensed dentist and in accordance with a written practice agreement, a certified public health dental hygienist may provide services pursuant to RSA 317-A:21-e, I for which certified public health dental hygienists have been trained and which have been authorized by a supervising dentist in writing. Services may be provided to an individual patient without the patient first seeing a dentist for an examination, diagnosis, and treatment planning if the supervising dentist has provided written general authorization and standing protocols for the certified public health dental hygienist.

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

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 23, 2012
2012-2348-EBA
03/05

Enrolled Bill Amendment to SB 306

The Committee on Enrolled Bills to which was referred SB 306

AN ACT relative to the commercial and industrial construction property tax exemption, and relative to municipal economic development and revitalization districts.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 306

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 306

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

1 Property Tax Exemption; Commercial and Industrial Construction; Procedure. Amend 72:78 to read as

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2012
2012-2345-EBA
09/03

Enrolled Bill Amendment to SB 342

The Committee on Enrolled Bills to which was referred SB 342

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

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 342

This enrolled bill amendment clarifies the name of a board.

Enrolled Bill Amendment to SB 342

Amend RSA 155-A:3-b, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. Notwithstanding any provisions of the state building code or state fire code, the state building code review board

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 16, 2012
2012-2289-EBA
03/09

Enrolled Bill Amendment to SB 344

The Committee on Enrolled Bills to which was referred SB 344

AN ACT allowing the department of resources and economic development to cut vegetation in shoreland areas where public safety is of concern.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 344

This enrolled bill amendment clarifies a reference in the bill.

Enrolled Bill Amendment to SB 344

Amend RSA 483-B:9, V(a)(2)(D)(vi) as inserted by section 1 of the bill by replacing lines 12-13 with the following:

public safety. If such cutting will exceed that which is allowed under subparagraph (iv), the commissioner of the department of resources and economic development

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**May 21, 2012
2012-2343-EBA
09/04**

Enrolled Bill Amendment to SB 375-FN

The Committee on Enrolled Bills to which was referred SB 375-FN

AN ACT relative to a prepaid health plan for Medicaid services and relative to the Medicaid management information system.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 375-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 375-FN

Amend section 2 of the bill by replacing line 1 with the following:

2 Repeal. 2011, 224:365, I, relative to the requirement that the commissioner of

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**May 29, 2012
2012-2383-EBA
04/01**

Enrolled Bill Amendment to HB 222-FN

The Committee on Enrolled Bills to which was referred HB 222-FN

AN ACT relative to the specificity of certain statutory provisions granting rulemaking authority.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 222-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 222-FN

Amend RSA 314:8, III as inserted by section 16 of the bill by replacing it with the following:

III. The content and conduct of [a] ***written and practical*** competency [examination] ***examinations***.

Amend section 18 of the bill by replacing line 1 with the following:

18 Fees; Ophthalmic Dispensers, Amend RSA 327-A:7 as follows:

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 18, 2012

2012-2335-EBA

04/05

Enrolled Bill Amendment to HB 1171

The Committee on Enrolled Bills to which was referred HB 1171

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

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1171

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1171

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

Transportation, *Pipeline and Hazardous Materials Safety Administration* contained in parts

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 29, 2012

2012-2385-EBA

03/10

Enrolled Bill Amendment to HB 1274-FN

The Committee on Enrolled Bills to which was referred HB 1274-FN

AN ACT transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1274-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1274-FN

Amend section 1 of the bill by replacing line 6-7 with the following:

center, except for the equipment, software, buildings, and grounds of the discovery center which shall be transferred to the department of administrative services as provided in section 5 of this

Amend RSA 12-L:1, V as inserted by section 2 of the bill by replacing line 2 with the following:

in RSA 12-L:13 and the corporation's board established in RSA 12-L:14 which is responsible for the

Amend RSA 12-L:9 as inserted by section 4 of the bill by replacing line 6 with the following:

intended for operations through December 31, 2012 shall be deposited in the McAuliffe-

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2012

2012-2344-EBA

05/03

Enrolled Bill Amendment to HB 1415

The Committee on Enrolled Bills to which was referred HB 1415

AN ACT relative to permits for repair or replacement of sewage and waste disposal system.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1415

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1415

Amend RSA 485-A:30, I as inserted by section 1 of the bill by replacing line 8 with the following:
for waste disposal systems, subdivision plans, and [for] permits and approvals under the

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2012
2012-2342-EBA
08/01

Enrolled Bill Amendment to HB 1552-FN

The Committee on Enrolled Bills to which was referred HB 1552-FN

AN ACT relative to the reporting of funds.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1552-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1552-FN

Amend RSA 6:12-f, III as inserted by section 1 of the bill by replacing line 2 with the following:
be the responsibility of the commissioner of administrative services[, in consultation with the

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 18, 2012
2012-2336-EBA
06/10

Enrolled Bill Amendment to HB 1579

The Committee on Enrolled Bills to which was referred HB 1579

AN ACT authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1579

The enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1579

Amend RSA 282-A:152-a, III(g) as inserted by section 1 of the bill by replacing line 1 with the following:

(g) That, including any fee added and retained under paragraph VII, the amount

Amend RSA 282-A:152-a, VIII(f) as inserted by section 1 of the bill by replacing line 2 with the following:
retained under paragraph VII, when added to the amount withheld pursuant to RSA 458-B to exceed

Amend RSA 282-A:152-a, IX as inserted by section 1 of the bill by replacing line 3 with the following:
provisions of subparagraphs VIII(g) and VIII(j). For other willful violations of this section an

Amend RSA 282-A:152-a, X(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) For failure to comply with the provisions of paragraph VIII.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2012
2012-2352-EBA
08/03

Enrolled Bill Amendment to HB 1716

The Committee on Enrolled Bills to which was referred HB 1716

AN ACT relative to the state 10-year transportation improvement program.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1716

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1716

Amend RSA 237:2, VII-a as inserted by section 11 of the bill by replacing line 2 with the following:

the redevelopment of existing rest areas located on Interstate 93 in the town of Hooksett to full service

Amend section 13 of the bill by replacing line 3 with the following:

13933H) which was included in the 10-year plan adopted under 2010, 231:1, is deleted from the

Amend section 14 of the bill by replacing lines 1 and 2 with the following:

14 Interstate 93 Widening Project; Salem to Manchester. The department of transportation may accept and expend any federal or other funds, with the approval of the governor and council, for the Interstate 93

Amend section 15 of the bill by replacing line 3 with the following:

Derry/Londonderry project, number 13065, 1816, for the construction of a new exit 4A on Interstate 93.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. 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 222, relative to the specificity of certain statutory provisions granting rulemaking authority.

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

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

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

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

SB 48, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments.

SB 237, 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 254, relative to funding and expenditures from certain municipal special revenue funds.

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

SB 306, relative to the commercial and industrial construction property tax exemption, and relative to municipal economic development and revitalization districts.

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

SB 375, relative to a prepaid health plan for Medicaid services and relative to the Medicaid management information system.

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 234, relative to food service licensure.

HB 1225, permitting a charter school to incur long-term debt.

HB 1521, relative to retired state employees group insurance participation.

HB 1552, relative to the reporting of funds.

HB 1721, relative to permitting for the replacement of sewage disposal systems and relative to oil spillage prevention, control, and countermeasure plans.

SB 153, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

SB 236, relative to nomination of candidates and political organizations, election procedure, and recounts.

SB 266, prohibiting electric utilities from installing and maintaining smart meter gateway devices without the residential or business property owner's consent.

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

SB 389, relative to sewer commission costs.

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

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

HB 518, changing the prospective repeal date for the research and development tax credit.

HB 582, relative to communication between employers and employees during bargaining negotiations.

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

HB 1172, authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

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

HB 1555, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department.

HB 1623, relative to records of the legislative ethics committee.

HB 1635, relative to motor vehicle inspections.

HB 1722, relative to disqualification of judges and lawyers from practicing in the circuit courts.

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

SB 238, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.

SB 241, relative to expiration and extension of terrain alteration permits and extending the report date for the commission to study water infrastructure sustainability funding.

SB 245, relative to health care sharing organizations.

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

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

SB 265, relative to the definition of stormwater.

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

SB 276, establishing the vandalizing or defacing of state or municipal property as criminal mischief.

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

SB 282, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.

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

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

SB 315, requiring motorists to give wide berth to highway maintenance vehicles.

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

SB 323, authorizing accounting transfers by the department of corrections.

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

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

SB 369, relative to aid to assisted persons.

SB 371, allowing a lien for labor and materials for professional design services.

SB 382, allowing for proration of property assessments for damaged buildings.

SB 388, relative to the use of land along Silver Lake that is below the public trust boundary.

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

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 479, 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 1207, defining the owner of timber rights for purposes of timber tax assessment.

HB 1241, relative to table wines and specialty beer.

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 1416, relative to a required fluoride statement.

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

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

HB 1587, relative to employer safety programs.

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

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

HB 1686, relative to state contracts.

SB 281, relative to exposure to infectious disease by emergency response and public safety workers and notification of public health authorities.

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

SB 175, regulating the commercial use of a person's identity.

SB 231, relative to municipal liens.

SB 239, relative to the membership and duties of the installation standards board.

SB 244, relative to the administration of the New Hampshire retirement system.

SB 259, relative to the appointment of the director of ports and harbors, relative to the transfer of land within the Pease development authority, and relative to dredging the Hampton and Seabrook Harbors.

SB 286, relative to a controlled drug prescription health and safety program.

SB 288, relative to medical records and patient information.

SB 300, relative to special education services in chartered public schools.

SB 324, relative to the use of funds generated by the Hampton Beach parking facilities.

SB 331, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty, and making an appropriation for a shortfall in an individual medical subsidy payment.

SB 338, relative to military discipline by the national guard and relative to qualifications of national guard judge advocate staff.

SB 348, relative to the pulse oximetry test for newborns.

SB 359, relative to civil actions involving accessibility standards for public buildings.

SB 401, relative to reporting the average daily membership of pupils in the public schools and relative to adjustments to adequate education grants.

SB 404, relative to funding for pupils enrolled in vocational education programs.

SB 407, relative to the purchasing policy of the department of information technology, increasing the amount required for competitive bidding, and relative to the transfer of federal grant funds.

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 16

June 6, 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.

One of the areas in which the medical field and the spiritual field and the emotional and psychological field agree is on the importance of detachment and letting go of those grievances, those angers, those hurt feelings—the things we sort of grab onto and nurse. My spiritual director says: “Charles, you sometimes warm yourself by the fires of your own resentment.” This is very unhealthy. And so, as you begin to end this session, which was so tumultuous and quite dramatic, and has probably involved some barbs being sent back and forth from time to time—letting go of those things will be important.

So, there are these two monks, and they were wandering through the forest—a five-mile hike between monasteries. And you know, monks can’t touch a person of the opposite sex—these are Zen monks. And, they come across, on this five-mile trek in the woods, a woman in a kimono—yellow, embroidered with butterflies and flowers. And, she’s sobbing. And, they say: “Why are you sobbing?” And, she says: “I can’t get across the stream to be with my dying mother because I’m wearing the family kimono.” So, he picks her up and carries her and puts her on the other side of the stream.

So, they walk the five miles to the monastery, and the brother that didn’t touch her turns to him as they’re entering the monastery and says: “I have to tell you, I was appalled that you flouted our monastery vows by touching that woman.” And, he said to his brother: “You’re right. I carried her the five feet across that stream. But, you have carried her for five miles.”

So, as you begin to end this session, don’t carry stuff you don’t need; it’s heavy and it’s poisonous.

Sen. Larsen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Bradley introduced his mother, Helen Bradley, and his sister, Carol Bradley, guests on the Senate floor today.

Sen. D’Allesandro introduced his wife, Patricia D’Allesandro, and his grandson, Anthony Smith, inspiration for the Marvel Comics superhero, The Blue Ear, guests on the Senate floor today.

Sen. White introduced Merv Uhl, a guest in the Senate gallery today.

Sen. White acknowledged State House reporter Norma Love, who is recuperating from surgery.

Without objection, President Bragdon authorized Sen. Prescott to use a personal electronic device on the floor of the Senate.

Sen. Prescott introduced Charles and Susan Quimby, guests in the Senate gallery today.

President Bragdon notified the Senate of a letter of resignation from Sen. Sanborn received June 5, 2012.

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

COMMITTEE OF CONFERENCE REPORTS

Without objection, the Clerk shall read the first recommendation in its entirety and thereafter read the title of each bill only.

**May 31, 2012
2012-2465-CofC
06/09**

Committee of Conference Report on CACR 12, a constitutional concurrent resolution relating to: public education. Providing that: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Recommendation:

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

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

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

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 [Public Education]. In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the legislature shall have the responsibility to maintain a system of public elementary and secondary education and to mitigate local disparities in educational opportunity and fiscal capacity. In furtherance thereof, the legislature shall have the full power and authority to make reasonable standards for elementary and secondary public education and standards of accountability and to determine the amount of, and the methods of raising and distributing, state funding for public education.

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 [Public Education]. In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the legislature shall have the responsibility to maintain a system of public elementary and secondary education and to mitigate local disparities in educational opportunity and fiscal capacity. In furtherance thereof, the legislature shall have the full power and authority to make reasonable standards for elementary and secondary public education and standards of accountability and to determine the amount of, and the methods of raising and distributing, state funding for public education.”

The signatures below attest to the authenticity of this Report on CACR 12, a constitutional concurrent resolution relating to: public education. Providing that: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Conferees on the Part of the Senate
Sen. Bradley, Dist. 3
Sen. Stiles, Dist. 24
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. L. Ober, Hills. 27
Rep. Hess, Merr. 9
Rep. Balboni, Hills. 21
Rep. Renzullo, Hills. 27

2012-2465-CofC

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the legislature shall have the responsibility to maintain a public education system and to mitigate disparities in educational opportunity and fiscal capacity, and shall have the power and authority to make reasonable standards for education and accountability and to determine the amount of state funding for education.

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

A roll call is required.

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

The following Senators voted No: Houde, Kelly, Carson, Larsen, Rausch, Merrill.

Yeas: 17 - Nays: 6

Adopted by necessary 3/5 vote.

May 30, 2012

2012-2450-CofC

06/09

Committee of Conference Report on CACR 13, a Constitutional Amendment Concurrent Resolution 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 adjustment to the rate of such taxes.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on CACR 13, an Constitutional Amendment Concurrent Resolution 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 adjustment to the rate of such taxes.

Conferees on the Part of the Senate
Sen. Bradley, Dist. 3
Sen. Bragdon, Dist. 11
Sen. Prescott, Dist. 23

Conferees on the Part of the House
Rep. Stepanek, Hills. 6
Rep. Ulery, Hills. 27
Rep. Ohm, Hills. 26
Rep. Sanborn, Merr. 5

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

A roll call is required.

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, 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: 19 - Nays: 4

Adopted by necessary 3/5 vote.

**May 31, 2012
2012-2452-CofC
03/10**

Committee of Conference Report on HB 1670, an act apportioning executive council districts.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Coos and Grafton, the unincorporated place of Hale's Location, the towns of Albany, Alton, Andover, Bartlett, Brookfield, Center Harbor, Chatham, Conway, Cornish, Croydon, Danbury, Eaton, Effingham, Freedom, Gilford, Grantham, Hart's Location, Hill, Jackson, Madison, Meredith, Middleton, Milton, Moultonborough, New Durham, New Hampton, New London, Newport, Ossipee, Plainfield, Sanbornton, Sandwich, Springfield, Sunapee, Tamworth, Tilton, Tuftonboro, Wakefield, Wilmot, and Wolfeboro, and the cities of Claremont and Laconia.

II. Councilor district number 2 is constituted of the towns of Acworth, Alstead, Barnstead, Belmont, Boscawen, Bradford, Canterbury, Charlestown, Chesterfield, Dublin, Durham, Farmington, Gilmanton, Gilsum, Goshen, Hancock, Harrisville, Henniker, Hinsdale, Hopkinton, Langdon, Lempster, Madbury, Marlborough, Marlow, Nelson, Newbury, Northfield, Rollinsford, Roxbury, Salisbury, Stoddard, Strafford, Sullivan, Surry, Sutton, Unity, Walpole, Warner, Washington, Webster, Westmoreland, and Winchester, and the cities of Concord, Dover, Franklin, Keene, Rochester, and Somersworth.

III. Councilor district number 3 is constituted of the towns of Atkinson, Brentwood, Chester, Danville, Derry, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Pelham, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham, and the city of Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Allenstown, Auburn, Barrington, Bedford, Bow, Candia, Chichester, Deerfield, Epsom, Goffstown, Hooksett, Lee, Londonderry, Loudon, Northwood, Nottingham, Pembroke, and Pittsfield, and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Antrim, Bennington, Brookline, Deering, Dunbarton, Fitzwilliam, Francestown, Greenfield, Greenville, Hillsborough, Hollis, Hudson, Jaffrey, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Richmond, Rindge, Sharon, Swanzey, Temple, Troy, Weare, Wilton, and Windsor, and the city of Nashua.

The signatures below attest to the authenticity of this Report on HB 1670, an act apportioning executive council districts.

Conferees on the Part of the Senate
Sen. Stiles, Dist. 24
Sen. Prescott, Dist. 23
Sen. Lambert, Dist. 13

Conferees on the Part of the House
Rep. Mirski, Graf. 10
Rep. Bates, Rock. 4
Rep. Chandler, Carr. 1
Rep. Rowe, Hills. 6

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

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

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

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

Yeas: 17 - Nays: 6

Adopted.

Recess. Out of recess.

**May 29, 2012
2012-2406-CofC
01/10**

Committee of Conference Report on HB 102, an act establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

Recommendation:

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

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

Amend RSA 21-U:7 as inserted by section 1 of the bill by replacing it with the following:

21-U:7 Cooperative Information-Sharing Database. Each member agency shall be responsible for providing for the planning, development, acquisition, and management of the cooperative information-sharing database under a shared service program.

The signatures below attest to the authenticity of this Report on HB 102, an act establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

Conferees on the Part of the Senate
Sen. White, Dist. 9
Sen. Luther, Dist. 12
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. Hunt, Ches. 7
Rep. Mauro, Rock. 4
Rep. McGuinness, Hills. 20
Rep. Itse, Rock. 9

The question is on the adoption of the Committee of Conference Report. Adopted.

Sen. White asserts Rule 2-15 on HB 102.

May 29, 2012
2012-2390-CofC
01/09

Committee of Conference Report on HB 145, an act permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

Recommendation:

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

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

Amend RSA 570-A:2, II(m)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Any audio or video recording of a public official shall remain the property of its owner. In the event that such property is seized by law enforcement authorities, the device containing the audio or video recording along with the audio or video file shall be provided to the owner of the property within 10 business days of the day the property is seized.

The signatures below attest to the authenticity of this Report on HB 145, an act permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

Conferees on the Part of the Senate
 Sen. Groen, Dist. 6
 Sen. Luther, Dist. 12
 Sen. Carson, Dist. 14

Conferees on the Part of the House
 Rep. Welch, Rock. 8
 Rep. Warden, Hills. 7
 Rep. Parsons, Straf. 3
 Rep. Swinford, Belk. 5

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

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

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

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

Yeas: 17 - Nays: 6

Adopted.

May 30, 2012
2012-2434-CofC
09/01

Committee of Conference Report on HB 146, an act relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 146, an act relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

Conferees on the Part of the Senate
 Sen. Forsythe, Dist. 4
 Sen. Groen, Dist. 6
 Sen. Carson, Dist. 14

Conferees on the Part of the House
 Rep. Giuda, Merr. 7
 Rep. LaCasse, Sull. 4
 Rep. Rowe, Hills. 6
 Rep. Silva, Hills. 26

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

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, White, Luther, Carson, Barnes, De Blois, Rausch, Morse, Prescott, Stiles.

The following Senators voted No: Houde, Odell, Kelly, Lambert, Larsen, Boutin, D'Allesandro, Merrill, Bragdon.

Yeas: 14 - Nays: 9

Adopted.

May 30, 2012

2012-2436-CofC

05/04

Committee of Conference Report on HB 158, an act relative to the misuse of social security numbers.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 New Section; Misuse of Social Security Number. Amend RSA 275-A by inserting after section 4-a the following new section:

275-A:4-b Misuse of Social Security Numbers.

I. Any person whose social security number has been used by another for identification purposes shall have a civil cause of action against:

- (a) The person who misused the number with fraudulent intent.
- (b) Any individual who knowingly supplied or aided in obtaining false social security documentation.
- (c) Any employer who knows the documentation is false.

II. Any employer who receives verification of the employee's eligibility to work from the Social Security Administration, E-Verify, or any other reputable organization providing a verification service shall be deemed to have exercised reasonable care and shall have an affirmative defense to the cause of action.

III. Damages awarded by the court shall be treble damages or \$10,000, whichever is greater, plus reasonable attorney's fees and any costs incurred to correct the records of the aggrieved party.

The signatures below attest to the authenticity of this Report on HB 158, an act relative to the misuse of social security numbers.

Conferees on the Part of the Senate
Sen. Carson, Dist. 14
Sen. Luther, Dist. 12
Sen. Houde, Dist. 5

Conferees on the Part of the House
Rep. B. Murphy, Rock. 18
Rep. Hagan, Rock. 7
Rep. B. Palmer, Hills. 26
Rep. Watrous, Merr. 12

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012

2012-2430-CofC

04/05

Committee of Conference Report on HB 193, an act relative to the Mount Washington commission.

Recommendation:

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

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

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Mount Washington Commission; Powers and Duties. Amend RSA 227-B:6 by inserting after paragraph VIII the following new paragraph:

IX.(a) Submit an annual report beginning October 1, 2012 to the senate president and the speaker of the house of representatives detailing the costs of any services provided and any expenses reimbursed to the legislative members of the commission while in the performance of their duties for the commission for the prior fiscal year ending June 30.

(b) Submit an annual report beginning October 1, 2012 to the chairpersons of the house and senate finance committees and the chairpersons of the house and senate executive departments and administration committees that includes a line-by-line accounting of all income received and expenses incurred in the prior fiscal year ending June 30. The report shall include, but not be limited to, all grants, donations, rents, and toll road and cog railway contributions received in the prior fiscal year.

Amend section 5 of the bill by replacing paragraph II with the following:

II. The attorney general or designee and the members of the Mount Washington commission shall jointly prepare a report detailing the findings and any recommendations for legislative action and shall submit such report no later than October 1, 2012 to the chairpersons of the house and senate executive departments and administration committees, and the chairperson of the house resources, recreation and development committee.

The signatures below attest to the authenticity of this Report on HB 193, an act relative to the Mount Washington commission.

Conferees on the Part of the Senate
Sen. Carson, Dist. 14
Sen. Groen, Dist. 6
Sen. Larsen, Dist. 15

Conferees on the Part of the House
Rep. Hawkins, Hills. 18
Rep. Hansen, Hills. 6
Rep. Ingbretson, Graf. 5
Rep. Y. Thomas, Coos 4

The question is on the adoption of the Committee of Conference Report. Adopted.

May 31, 2012

2012-2461-CofC

06/09

Committee of Conference Report on HB 256-FN, an act relative to the administrative process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

Recommendation:

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

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

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 17:

16 Attorney General; Hearing Officer. Amend the introductory paragraph of RSA 21-M:3, VIII to read as follows:

VIII. The attorney general shall appoint ~~[one or more individuals]~~ **qualified applicants** to serve as a hearing officer for appeals to any of the councils established under RSA 21-O. The attorney general and the commissioner of the department of environmental services may enter into a memorandum of understanding to transfer funds sufficient to fund the hearing officer position and related expenses. Such individual or individuals shall:

The signatures below attest to the authenticity of this Report on HB 256-FN, an act relative to the administrative process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Gallus, Dist. 1
Sen. Merrill, Dist. 21

Conferees on the Part of the House
Rep. Ahlgren, Carr. 4
Rep. Howard, Sull. 2
Rep. Bowers, Sull. 3
Rep. Giuda, Merr. 7

The question is on the adoption of the Committee of Conference Report. Adopted.

May 31, 2012
2012-2464-CofC
09/01

Committee of Conference Report on HB 350-FN, an act updating laws relative to the fiscal committee of the general court.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 350-FN, an act updating laws relative to the fiscal committee of the general court.

Conferees on the Part of the Senate
Sen. Morse, Dist. 22
Sen. D'Allesandro, Dist. 20
Sen. Gallus, Dist. 1

Conferees on the Part of the House
Rep. Weyler, Rock. 8
Rep. D. McGuire, Merr. 8
Rep. Winter, Merr. 3
Rep. Foose, Merr. 1

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012
2012-2416-CofC
01/04

Committee of Conference Report on HB 351-FN, an act relative to insurance reimbursement for doctors of naturopathic medicine.

Recommendation:

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

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

Amend RSA 415:18-w as inserted by section 2 of the bill by replacing it with the following:

415:18-w Naturopathy Providers; Payment for Equivalent Types of Services; Group. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses may provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from a health service performed by a doctor of naturopathic medicine licensed under RSA 328-E if that particular type of service is within the scope of practice of such doctor and if the insurer would reimburse for that type of service when performed by any other type of health care provider. Such coverage, if provided, shall be subject to each insurer's standards and mechanisms for determining medical necessity, for credentialing pursuant to RSA 420-J:4, and for contracting pursuant to RSA 420-J:8. Any such benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

The signatures below attest to the authenticity of this Report on HB 351-FN, an act relative to insurance reimbursement for doctors of naturopathic medicine.

Conferees on the Part of the Senate
Sen. Sanborn, Dist. 7
Sen. DeBlois, Dist. 18
Sen. Houde, Dist. 5

Conferees on the Part of the House
Rep. Hunt, Ches. 7
Rep. Flanders, Belk. 4
Rep. F. Rice, Rock. 15
Rep. Schlachman, Rock. 13

2012-2416-CofC

AMENDED ANALYSIS

This bill requires health insurance reimbursement for health care services provided by a doctor of naturopathic medicine licensed under RSA 328-E under individual insurance policies and allows for such coverage under group insurance policies.

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

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

The following Senators voted Yes: Gallus, Bradley, Forsythe, Houde, 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: 15 - Nays: 8

Adopted.

Sen. Bradley asserts Rule 2-15 on HB 351-FN.

Sen. White asserts Rule 2-15 on HB 351-FN.

May 30, 2012

2012-2447-CofC

09/04

Committee of Conference Report on HB 388-FN, an act establishing the amount of the enhanced 911 services surcharge and requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 388-FN, an act establishing the amount of the enhanced 911 services surcharge and requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Lambert, Dist. 13
Sen. Merrill, Dist. 21

Conferees on the Part of the House
Rep. J. Garrity, Rock. 6
Rep. Holden, Hills. 4
Rep. Cataldo, Straf. 3
Rep. Parison, Hills. 3

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012

2012-2448-CofC

04/09

Committee of Conference Report on HB 533-FN-LOCAL, an act establishing a cap on the amount of school building aid grants distributed in each fiscal year.

Recommendation:

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

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

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

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

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

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

I. To aid local school districts in meeting the costs of ~~[the payment of debt for]~~ school buildings ~~[and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program]~~, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay ~~[annually]~~ to the school districts of the state, sums

in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w[, depending on which option a school district elects. The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed].

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

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

IV. Beginning July 1, 2013, and every fiscal year thereafter, school building aid grants for construction or renovation projects approved by the department of education shall not exceed \$50,000,000 per fiscal year less any debt service payments owed in the fiscal year, unless otherwise provided by an act of the general court. School building aid grants shall be funded from appropriations in the state operating budget and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants.

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

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

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

(2)(A) For construction authorized by a school district after July 1, 2013, school building aid grants for new construction shall not exceed the state appropriation for school building aid for the fiscal year, less any debt service payments due and owing in the fiscal year for construction or renovation projects approved in a prior fiscal year, less the amount owed for construction or renovation projects approved prior to July 1, 2013 in accordance with subparagraph (a)(1), unless otherwise provided by an act of the general court. School building aid grants approved pursuant to RSA 198:15-u through RSA 198:15-w, shall be disbursed to school districts pursuant to this subparagraph and no state bonds shall be authorized or issued for the purpose of funding school building aid grants. The amount of the grant to any school district duly organized, any city main-

taining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be calculated based on the criteria set forth in RSA 198:15-v.

(B) The state board of education shall approve the disbursement of 80 percent of the eligible grant amount upon approval of the application for school building aid grants by the state board of education, and shall disburse the balance of the grant amount upon completion of the construction and verification of the final cost of construction by the department of education.

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

(D) Any state aid for leased space pursuant to RSA 198:15-hh shall require a separate appropriation, and shall not be included in the state appropriation for school building aid.

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

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

(2) ~~[The cost of any proposed renovation project shall be less than the cost of a new acquisition for the same purpose]~~ *A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall submit, when applying for aid under this chapter, the least costly building plan based on a 20-year life cycle cost analysis that meets minimum state building standards in this chapter along with any alternative plans that may be proposed.*

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

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

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

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

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

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

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

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

~~I-b.(a) A school district, or other entity listed in paragraph I of this section, which is in compliance with the requirements of this section, shall be entitled to receive an additional grant equal to 3 percent of the total construction costs. To be eligible for additional grant moneys, construction projects, as built, shall meet the~~

criteria for designation as a high performance school under the most recent edition of the New England version of standards from the Collaborative for High Performance Schools. Application for the grant of additional moneys shall be submitted on forms developed by the department of education.

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

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

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

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

- (1) Daily facility cleaning.
- (2) Grounds maintenance.
- (3) Refuse removal.
- (4) Snow removal.
- (5) Minor maintenance and repair.
- (6) Pest management.
- (7) Periodic equipment servicing and preventive maintenance.
- (8) Plan for 12 month operations, if applicable.

(c) The average amount of space, in square feet, assigned to each custodian for daily cleaning.

(d) The process for reporting, recording, verifying, and prioritizing building problems and fire safety issues.

(e) The process for assigning corrective work.

(f) The process for determining that corrective work has solved the problem.

(g) The process for tracking and analyzing recurring problems.

(h) The process for scheduling and completing preventive maintenance services and inspections on installed equipment and major building systems including, but not limited to heating, ventilation, air conditioning, life safety, elevators, plumbing, roofs, windows, doors, and kitchen appliances.

(i) Custodial or maintenance staff increases or reductions that result from the project.

(j) The training program for employees on new equipment to be installed by the project.

(k) A statement of assurance, signed by the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer's instructions.

(l) A 20-year maintenance plan that identifies and defines the program and activities necessary to achieve the design life expectancy of the building. Such program shall include activities having to do with scheduled repairs, upkeep, minor alterations and enhancements of the building. The maintenance plan shall also consider preventive maintenance supporting building systems and components.

[H. for the purposes of computing grants hereunder, the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes

were issued to provide funds for such school building or school administrative unit facilities; provided, however that funds received from trusts, bequests, gifts or insurance policies shall not be eligible for computing grants hereunder. When bonds and notes are issued for a period of less than 5 years, the amount of aid for which the district is eligible shall be paid in no fewer than 5 equal installments.

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

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

- (a) The acquisition and development of a site.
- (b) Planning, construction, or both, of a new building.
- (c) Planning, construction, or both, of additions to existing buildings .
- (d) Architectural and engineering fees.
- (e) Purchase of equipment and any other costs necessary for the completion of a building as approved by the department of education.
- (f) Substantial renovations approved by the commissioner of education.
- (g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building by the vendor due to the school district's failure to comply with the terms of the lease-purchase agreement. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

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

VI. [Repealed].

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

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

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

(1) Maximum gross square footage per pupil:

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

(2) Maximum usable site size for new schools:

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

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

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

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

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

3 School Building Aid; Approval of Plans. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

I. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the ~~[state board]~~ **department of education** prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. ~~[Application]~~ **Applications** for school building aid **grants** shall be submitted before ~~[January 1]~~ **September 1** of each year in order to be eligible for school building aid **grants** in the fiscal year following the year of submittal.

II.(a) The commissioner shall accept school building aid grant applications based upon completeness and submit a preliminary school building aid grant list to the school building authority established pursuant to RSA 195-C. By January 15 of the fiscal year prior to the biennium in which school building aid grants are to be disbursed, the school building authority shall develop a rank ordered list of all school building construction and renovation proposals submitted by school districts and shall categorize each proposal based on school building and site criteria in descending order. The school building authority shall recommend prioritized proposals to be funded in descending rank order to the state board of education for approval. School districts which have projects approved for funding shall be notified by the department of education of the projected amount to be funded within 10 days of approval. The project rating system and criteria used to rate project applications which shall include an administrative review process for appeal of a school district's project point rating, shall be developed by the department of education and approved by the state board of education. The department of education, after review by the house finance committee, the house special committee on education funding reform, and any senate committee designated by the senate president, shall propose interim rules pursuant to RSA 541-A no later than November 1, 2012, and final rules pursuant to RSA 541-A no later than April 30, 2013, relative to the criteria set forth in this paragraph and the procedures necessary to implement this paragraph.

(b) The commissioner of the department of education shall accept school building construction proposals based upon completeness. The department of education shall consider and score each proposal based on the following criteria:

(1) Unsafe conditions.

(2) Facilities not in compliance with the Americans With Disabilities Act, or obsolete, inefficient, or unsuitable facilities or mechanical and building systems.

(3) Overcrowding and associated influences to instructional areas and programming.

(4) Enrollment projections and population shifts.

(5) Whether a school district has made a reasonable attempt to accommodate maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventive maintenance necessary to achieve the design life expectancy of building systems and components.

(6) A school district's fiscal capacity based on measurable criteria such as the percentage of pupils eligible for free and reduced price meals.

(7) Any other criteria that the state board of education may determine are necessary.

(c) The school building authority shall recommend those proposals to be funded in descending rank order to the state board of education for approval. The state board of education shall publish the list by January 15 of each year. Those proposals not approved shall be considered for approval in the next biennial budget. Project proposals shall be funded to the extent of available appropriations in the fiscal year.

(d) A school district, a city maintaining a school department within its corporate organization, a co-operative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, with projects for which there is insufficient state grant funding may resubmit those projects to the department pursuant to the provisions of this section.

III. ~~[The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B.]~~ Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive ~~[an annual]~~ **a** grant as provided herein.

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

198:15-e Proration and Unexpended Funds. [Hf] In any *fiscal* year, the amount appropriated for distribution as school building grants in accordance with *the version of* RSA 198:15-b *in effect prior to July 1, 2012 shall first be awarded to a school district for an eligible project funded before July 1, 2012. If the amount appropriated* is insufficient [therefor, grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget,] the appropriation shall be prorated proportionally among the districts entitled to a grant. *If the amount appropriated exceeds the amount necessary to fully fund grants to a school district for eligible construction projects funded before July 1, 2012, the remaining amount of the appropriation shall be awarded to a school district for an eligible new proposal in the ranked order developed pursuant to RSA 198:15-c, II(a) and II(b). Such a district shall receive a grant equal to 100 percent of the eligible amount of the request until the amount appropriated has been exhausted. A partial grant may be awarded to the extent that funds are available. If a school district declines a full or partial grant, a grant shall be made to the next ranked school district until the amount appropriated has been exhausted.* Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

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

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

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

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

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

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

<i>Building Aid Factor</i>	<i>Building Aid Grant</i>
<i>0-59</i>	<i>60 percent</i>
<i>60-69</i>	<i>55 percent</i>
<i>70-89</i>	<i>45 percent</i>
<i>90-114</i>	<i>40 percent</i>
<i>115 or greater</i>	<i>30 percent</i>

~~[The percentage once determined for a particular borrowing shall not thereafter be subject to change.]~~

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

I. There shall be a school building authority, referred to in this chapter as the authority, ~~[of 5 members]~~ consisting of the state treasurer, the commissioner of education, ***the state fire marshal or designee***, and 3 other members appointed by the governor, ***one of whom shall have expertise in education, one of whom shall have expertise in finance, and one of whom shall have expertise in building construction or engineering***, with the advice and consent of the council, for terms of 3 years and until their successors are appointed and qualify. The governor shall designate one of said members as chairman. In case of vacancy among the appointive members of the authority, the governor, with the advice and consent of the council, shall fill the same for the unexpired term. The appointive members of the authority shall receive as compensation for their services, while actually engaged in the business of the authority, the sum of \$8 per day plus their necessary subsistence expenses. The appointive members of the authority shall be paid mileage at the state employees rate, plus necessary travel expenses, only when performing activities at the request of the state board of education.

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

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

9 School Building Aid; Annual Grants for Leased Space. Amend the introductory paragraph in RSA 198:15-hh, I to read as follows:

I. The amount of the annual grant for a lease to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of the lease incurred, for the cost of leasing permanent space in a building or buildings not owned by the school district or school administrative unit which is used for the operation of a high school vocational technical education program, to the extent approved by the state board of education[, ~~provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district, in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent~~]. For the purposes of this section, the amount of the annual grant for a lease to a vocational technical education center shall be calculated in the same manner as a cooperative school district. The amount of the annual grant for a chartered public school authorized under RSA 194-B:3-a shall be a sum equal to 30 percent of the annual lease payment incurred for the cost of leasing space. ***The total amount of grants to schools pursuant to this section shall not exceed the state appropriation for leased space. If the amount appropriated is insufficient therefor, the appropriation shall be prorated proportionally among the schools eligible for a grant.*** Such lease agreements shall be eligible for grants under this section, provided all of the following conditions apply:

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

The signatures below attest to the authenticity of this Report on HB 533-FN-LOCAL , an act establishing a cap on the amount of school building aid grants distributed in each fiscal year.

Conferees on the Part of the Senate
Sen. Stiles, Dist. 24
Sen. Forsythe, Dist. 4
Sen. Kelly, Dist. 10

Conferees on the Part of the House
Rep. L. Ober, Hills. 27
Rep. Foose, Merr. 1
Rep. W. Smith, Rock. 18
Rep. Umberger, Carr. 1

The question is on the adoption of the Committee of Conference Report. Adopted.

**May 29, 2012
2012-2412-CofC
05/03**

Committee of Conference Report on HB 597, an act revising the child support guidelines based on an income shares model of calculating child support.

Recommendation:

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

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

Amend the bill by replacing all after section 4 with the following:

5 Applicability. RSA 458-C:3, I as amended by this act shall apply to any child support order issued on or after July 1, 2013. RSA 458-C:3, I as amended by this act shall not apply to a valid child support order in effect on the effective date of this act until the next scheduled review hearing under RSA 458-C:7 or as otherwise agreed by the parties. This act shall not constitute a substantial change in circumstances for purposes of RSA 458-C:7.

6 Effective Date. This act shall take effect July 1, 2013.

The signatures below attest to the authenticity of this Report on HB 597, an act revising the child support guidelines based on an income shares model of calculating child support.

Conferees on the Part of the Senate
Sen. Groen, Dist. 6
Sen. Forsythe, Dist. 4
Sen. Houde, Dist. 5

Conferees on the Part of the House
Rep. Moran, Hills. 18
Rep. E. Hogan, Hills. 25
Rep. Soucy, Hills. 17
Rep. Lovejoy, Rock. 13

The question is on the adoption of the Committee of Conference Report. Adopted.

May 31, 2012
2012-2470-CofC
01/10

Committee of Conference Report on HB 655, an act establishing a committee to study issues regarding the New Hampshire Local Government Center.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 655, an act establishing a committee to study issues regarding the New Hampshire Local Government Center.

Conferees on the Part of the Senate
Sen. Prescott, Dist. 23
Sen. Merrill, Dist. 21
Sen. Sanborn, Dist. 7

Conferees on the Part of the House
Rep. Sapareto, Rock. 5
Rep. Major, Rock. 8
Rep. K. Murphy, Hills. 18
Rep. Itse, Rock. 9

The question is on the adoption of the Committee of Conference Report. Adopted.

May 24, 2012
2012-2360-CofC
08/09

Committee of Conference Report on HB 1211, an act establishing a committee to study the promotion of state-owned land for use for beginning farmers.

Recommendation:

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

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

Amend RSA 425:26 as inserted by section 1 of the bill by replacing it with the following:

I. There is established a committee to study the promotion of lease of state-owned land for use for beginning farmers. The members of the committee shall be as follows:

The signatures below attest to the authenticity of this Report on HB 1211, an act establishing a committee to study the promotion of state-owned land for use for beginning farmers.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Gallus, Dist. 1
Sen. Merrill, Dist. 24

Conferees on the Part of the House
Rep. Haefner, Hills. 27
Rep. Babson, Carr. 3
Rep. Gandia, Hills. 27
Rep. Sad, Ches. 2

The question is on the adoption of the Committee of Conference Report. Adopted.

May 31, 2012
2012-2453-CofC
01/04

Committee of Conference Report on HB 1216, an act relative to the authority for withholding or withdrawal of life-sustaining treatment.

Recommendation:

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

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

Amend RSA 137-J:10, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(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 ***of a health care facility licensed under RSA 151*** as applicable to its general patient population.

The signatures below attest to the authenticity of this Report on HB 1216, an act relative to the authority for withholding or withdrawal of life-sustaining treatment.

Conferees on the Part of the Senate
Sen. Houde, Dist. 5
Sen. Carson, Dist. 14
Sen. Luther, Dist. 12

Conferees on the Part of the House
Rep. Souza, Hills. 11
Rep. Hagan, Rock. 7
Rep. Itse, Rock. 9
Rep. Rowe, Hills. 6

2012-2453-CofC

AMENDED ANALYSIS

This bill clarifies the protocol of a health care facility licensed under RSA 151 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 of Conference Report. Adopted.

May 31, 2012

2012-2463-CofC

01/09

Committee of Conference Report on HB 1217, an act relative to the form for executing advance directives for health care decisions.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 1217, an act relative to the form for executing advance directives for health care decisions.

Conferees on the Part of the Senate
Sen. Bradley, Dist. 3
Sen. DeBlois, Dist. 18
Sen. Kelly, Dist. 10

Conferees on the Part of the House
Rep. Souza, Hills. 11
Rep. Itse, Rock. 9
Rep. Cebrowski, Hills. 18
Rep. Giuda, Merr. 7

The question is on the adoption of the Committee of Conference Report. Adopted.

May 25, 2012

2012-2373-CofC

09/10

Committee of Conference Report on HB 1221, an act relative to the credit for the business enterprise tax against the business profits tax.

Recommendation:

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

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

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

The signatures below attest to the authenticity of this Report on HB 1221, an act relative to the credit for the business enterprise tax against the business profits tax.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Luther, Dist. 12
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Stepanek, Hills. 6
Rep. Ohm, Hills. 26
Rep. Azarian, Rock. 4
Rep. Almy, Graf. 11

The question is on the adoption of the Committee of Conference Report. Adopted.

May 24, 2012

2012-2357-CofC

05/01

Committee of Conference Report on HB 1230-FN, an act requiring a listing of state real property.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 1230-FN, an act requiring a listing of state real property.

Conferees on the Part of the Senate
Sen. Morse, Dist. 22
Sen. Forrester, Dist. 2
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Graham, Hills. 18
Rep. E. Smith, Ches. 4
Rep. McConkey, Carr. 3
Rep. Bouchard, Merr. 11

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012

2012-2428-CofC

04/09

Committee of Conference Report on HB 1246, an act permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 1246, an act permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.

Conferees on the Part of the Senate
Sen. Forsythe, Dist. 4
Sen. Groen, Dist. 6
Sen. Houde, Dist. 5

Conferees on the Part of the House
Rep. Warden, Hills. 7
Rep. Welch, Rock. 8
Rep. Villeneuve, Hills. 16
Rep. Greazzo, Hills. 17

The question is on the adoption of the Committee of Conference Report. Adopted.

May 31, 2012

2012-2472-CofC

08/09

Committee of Conference Report on HB 1260-FN, an act 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.

Recommendation:

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

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

Amend the bill by replacing section 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. For purposes of this chapter, the term includes only those sweepstakes that an entrant can enter, play or otherwise interact with using a gambling machine furnished by the sweepstakes operator or an affiliate or person under contract with the operator, in an establishment controlled by, affiliated with or contracting with the operator.

The signatures below attest to the authenticity of this Report on HB 1260-FN, an act 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.

Conferees on the Part of the Senate
Sen. Morse, Dist. 22
Sen. Boutin, Dist. 16
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Hawkins, Hills. 18
Rep. Kurk, Hills. 7
Rep. Winter, Merr. 3
Rep. C. McGuire, Merr. 3

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012
2012-2449-CofC
04/05

Committee of Conference Report on HB 1325, an act 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.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 School Attendance; Legal Residence Required. Amend RSA 193:12, II(a)(2) to read as follows:

(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. ***In a divorce decree, or parenting plan developed pursuant to RSA 461-A, 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. The parents shall update their parenting plan to reflect this agreement.*** 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.

The signatures below attest to the authenticity of this Report on HB 1325, an act 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.

Conferees on the Part of the Senate
Sen. Forsythe, Dist. 4
Sen. Stiles, Dist. 24
Sen. Kelly, Dist. 10

Conferees on the Part of the House
Rep. Balboni, Hills. 21
Rep. Fleck, Carr. 5
Rep. L. Jones, Straf. 1
Rep. Gorman, Hills. 23

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012
2012-2442-CofC
06/01

Committee of Conference Report on HB 1346, an act relative to the construction of power line extensions.

Recommendation:

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

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

Amend RSA 370:12 as inserted by section 1 of the bill by replacing it with the following:

370:12 Installation of Power Line Extensions. Any New Hampshire utility customer that requires a power line extension located on private property may hire a contractor who is licensed in the state of New Hampshire and is approved by the utility. Such contractor shall supply and install materials specified by the local utility for underground and overhead line extensions, the cost of which shall be borne by the utility customer.

The signatures below attest to the authenticity of this Report on HB 1346, an act relative to the construction of power line extensions.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Gallus, Dist. 1
Sen. Merrill, Dist. 21

Conferees on the Part of the House
Rep. J. Garrity, Rock. 6
Rep. Holden, Hills. 4
Rep. Cataldo, Straf. 3
Rep. Rappaport, Coos 1

The question is on the adoption of the Committee of Conference Report. Adopted.

May 31, 2012
2012-2474-CofC
09/01

Committee of Conference Report on HB 1350, an act relative to the style and form of new articles **and amendments to articles proposed by constitutional amendment concurrent resolutions.**

Recommendation:

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

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

Amend RSA 17-A:8, I as inserted by section 1 of the bill by replacing it with the following:

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

The signatures below attest to the authenticity of this Report on HB 1350, an act relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

Conferees on the Part of the Senate
 Sen. Prescott, Dist. 23
 Sen. Lambert, Dist. 13
 Sen. Larsen, Dist. 15

Conferees on the Part of the House
 Rep. Itse, Rock. 9
 Rep. Comerford, Rock. 9
 Rep. Sorg, Graf. 3
 Rep. P. Brown, Rock. 2

2012-2474-CofC

AMENDED ANALYSIS

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

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012

2012-2438-CofC

08/09

Committee of Conference Report on HB 1383, an act relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 1383, an act relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

Conferees on the Part of the Senate
 Sen. Stiles, Dist. 24
 Sen. Forsythe, Dist. 4
 Sen. Carson, Dist. 14

Conferees on the Part of the House
 Rep. Boehm, Hills. 27
 Rep. Duarte, Rock. 1
 Rep. Balboni, Hills. 21
 Rep. Hill, Merr. 6

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

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, 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: 18 - Nays: 5

Adopted.

May 29, 2012

2012-2397-CofC

09/01

Committee of Conference Report on HB 1418-FN-A, an act increasing the threshold amounts for taxation under the business enterprise tax.

Recommendation:

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

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

Amend the bill by replacing sections 10 and 11 with the following:

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(1), in determining gross business profits before net operating loss and special deductions, a business organization shall calculate expense deductions not to exceed \$25,000 as permitted under Internal Revenue Code section 179 using the version of the United States Internal Revenue Code in effect as of January 1, 2012.

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, 2012.

The signatures below attest to the authenticity of this Report on HB 1418-FN-A, an act increasing the threshold amounts for taxation under the business enterprise tax.

Conferees on the Part of the Senate
 Sen. Morse, Dist. 22
 Sen. Odell, Dist. 8
 Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
 Rep. Stepanek, Hills. 6
 Rep. Itse, Rock. 9
 Rep. Ohm, Hills. 26
 Rep. Sanborn, Merr. 5

2012-2397-CofC

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 calculate expense deductions not to exceed \$25,000 according to the federal Internal Revenue Code section 179 in effect as of January 1, 2012 in the calculation of gross business profits under the business profits tax.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012

2012-2415-CofC

04/09

Committee of Conference Report on HB 1484, an act relative to fees for state parks.

Recommendation:

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

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

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

4 Free Admission to State Park System for Members of the Armed Forces. RSA 216-A:3-g, V is repealed and reenacted to read as follows:

V.(a) Upon presentation of military identification, any active member of the armed forces who meets the minimum requirements for satisfactory membership, as defined in federal regulations, shall not be charged a fee for admission to day-use areas of the state park system. In this section, "armed forces" means armed forces as defined in RSA 21:50, II and includes active and reserve members of the New Hampshire national guard.

(b) Any New Hampshire national guard member who retired in pay grade E6 or below shall not be charged a fee for day-use admission to the state park system.

(c) Any fees for the use of enterprise activities as described in paragraph II of this section shall be charged.

5 Contingency. If SB 358-FN of the 2012 legislative session becomes law, section 4 of this act shall take effect at 12:02 a.m. on the effective date of SB 358-FN. If SB 358-FN does not become law, section 4 of this act shall take effect upon the passage of this act.

6 Effective Date.

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

II. Section 4 of this act shall take effect as provided in section 5 of this act.

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

The signatures below attest to the authenticity of this Report on HB 1484, an act relative to fees for state parks.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Forrester, Dist. 2
Sen. Merrill, Dist. 21

Conferees on the Part of the House
Rep. Renzullo, Hills. 27
Rep. Lovett, Sull. 4
Rep. Kappler, Rock. 2
Rep. Bowers, Sull. 3

2012-2415-CofC

AMENDED ANALYSIS

This bill:

I. Provides that a change to the fees for access to or use of the state park system proposed by the commissioner of the department of resources and economic development shall take effect no later than 60 days after such change is proposed, unless the fee change is denied by the fiscal committee.

II. Adds provisions relating to alterations to nonconforming structures located within protected shoreland.

III. Changes eligibility requirements for free admission to the state park system for members of the armed forces.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012

2012-2391-CofC

06/01

Committee of Conference Report on HB 1487, an act relative to low carbon fuel standards programs.

Recommendation:

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

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

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

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

The signatures below attest to the authenticity of this Report on HB 1487, an act relative to low carbon fuel standards programs.

Conferees on the Part of the Senate
Sen. Bradley, Dist. 3
Sen. Lambert, Dist. 13
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. J. Garrity, Rock. 6
Rep. Holden, Hills. 4
Rep. W. O'Connor, Straf. 3
Rep. Tucker, Rock. 17

2012-2391-CofC

AMENDED ANALYSIS

This bill prohibits the state from participating in any low carbon fuel standards program requiring quotas, caps, or mandates on fuels used for transportation, industrial purposes, or home heating without prior legislative approval.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 25, 2012
2012-2375-CofC
09/04

Committee of Conference Report on HB 1490-FN, an act relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Recommendation:

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

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

Amend RSA 125-O:21, III as inserted by section 3 of the bill by replacing it with the following:

III. The department shall make available for sale at one or more auctions all of the budget allowances for a given year, except for those granted or reserved under RSA 125-O:22, VI, 125-O:24, and 125-O:25. The department may also make available for sale at one or more auctions a portion of future year budget allowances. Such auctions may be conducted in coordination with other states. Revenues from the sale of allowances shall be deposited in the ~~[greenhouse gas emissions reduction]~~ **energy efficiency** fund established under RSA 125-O:23.

III-a. Budget allowances that are required to be made available for sale at auction under paragraph III, but remain unsold, shall not be retired by the department.

Amend RSA 125-O:23, I as inserted by section 4 of the bill by replacing it with the following:

I. There is hereby established an energy efficiency fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein, as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All programs supported by these funds shall be subject to audit by the commission as deemed necessary. A portion of the fund moneys shall be used to pay for commission and department costs to administer this subdivision, including contributions for the state's share of the costs of the RGGI regional organization. No fund moneys shall be used by the commission or the department to contract with outside consultants. The commission shall transfer from the fund to the department such costs as may be budgeted and expended, or otherwise approved by the fiscal committee of the general court and the governor and council, for the department's cost of administering this subdivision.

The signatures below attest to the authenticity of this Report on HB 1490-FN, an act relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Conferees on the Part of the Senate
 Sen. Bradley, Dist. 3
 Sen. Lambert, Dist. 13
 Sen. Odell, Dist. 8

Conferees on the Part of the House
 Rep. J. Garritty, Rock. 16
 Rep. Holden, Hills. 4
 Rep. W. O'Connor, Straf. 3
 Rep. Tucker, Rock. 17

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

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

The following Senators voted Yes: Forrester, Bradley, Forsythe, Groen, 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: 17 - Nays: 6

Adopted.

May 30, 2012
2012-2445-CofC
10/09

Committee of Conference Report on HB 1510-FN, an act relative to taxpayer standing for declaratory judgments.

Recommendation:

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

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

Amend the bill by replacing section 1 with the following:

1 Declaratory Judgments; Standing. Amend RSA 491:22, I to read as follows:

I. Any person claiming a present legal or equitable right or title may maintain a petition against any person claiming adversely to such right or title to determine the question as between the parties, and the court's judgment or decree thereon shall be conclusive. *The taxpayers of a taxing district in this state shall be deemed to have an equitable right and interest in the preservation of an orderly and lawful government within such district; therefore any taxpayer in the jurisdiction of the taxing district shall have standing to petition for relief under this section when it is alleged that the taxing district or any agency or authority thereof has engaged, or proposes to engage, in conduct that is unlawful or unauthorized, and in such a case the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced. The preceding sentence shall not be deemed to convey standing to any person (a) to challenge a decision of any state court if the person was not a party to the action in which the decision was rendered, or (b) to challenge the decision of any board, commission, agency, or other authority of the state or any municipality, school district, village district, or county if there exists a right to appeal the decision under RSA 541 or any other statute and the person seeking to challenge the decision is not entitled to appeal under the applicable statute.* The existence of an adequate remedy at law or in equity shall not preclude any person from obtaining such declaratory relief. However, the provisions of this paragraph shall not affect the burden of proof under RSA 491:22-a or permit awards of costs and attorney's fees under RSA 491:22-b in declaratory judgment actions that are not for the purpose of determining insurance coverage.

The signatures below attest to the authenticity of this Report on HB 1510-FN, an act relative to taxpayer standing for declaratory judgments.

Conferees on the Part of the Senate
Sen. Forsythe, Dist. 4
Sen. Carson, Dist. 14
Sen. Houde, Dist. 5

Conferees on the Part of the House
Rep. B. Murphy, Rock. 18
Rep. Giuda, Merr. 7
Rep. B. Palmer, Hills. 26
Rep. Watrous, Merr. 12

The question is on the adoption of the Committee of Conference Report. Adopted.

**May 31, 2012
2012-2460-CofC
01/09**

Committee of Conference Report on HB 1535-FN, an act relative to arrest records under the right-to-know law.

Recommendation:

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

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

Amend RSA 594:14-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Arrest records shall contain, at a minimum:

- (a) The identity of the individual arrested;
- (b) The identity of the arresting officer or officers unless the officer's supervisor has good cause to believe that identifying the officer would not serve the public interest;
- (c) A statement as to reasons why and how the arrest was made;
- (d) The alleged crime; and

(e) Whether the arrest was made pursuant to a warrant.

The signatures below attest to the authenticity of this Report on HB 1535-FN, an act relative to arrest records under the right-to-know law.

Conferees on the Part of the Senate
Sen. Carson, Dist. 14
Sen. Groen, Dist. 6
Sen. Houde, Dist. 5

Conferees on the Part of the House
Rep. Giuda, Merr. 7
Rep. Silva, Hills. 26
Rep. G. Hopper, Hills. 7
Rep. Watrous, Merr. 12

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012

2012-2395-CofC

05/04

Committee of Conference Report on HB 1593-FN, an act relative to the department of information technology.

Recommendation:

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

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

Amend the bill by replacing all after section 8 with the following:

9 Information Technology Council; Legislative Member Added. Amend RSA 21-R:6, II(h) to read as follows:

(h) ~~[One]~~ **Two** state ~~[representative]~~ **representatives**, appointed by the speaker of the house of representatives for the duration of ~~[his or her]~~ **their** legislative term.

10 Repeal. RSA 21-R:6, II(g), providing for the appointment of a senator to the information technology council, is repealed.

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

The signatures below attest to the authenticity of this Report on HB 1593-FN, an act relative to the department of information technology.

Conferees on the Part of the Senate
Sen. Carson, Dist. 14
Sen. Larsen, Dist. 15
Sen. White, Dist. 9

Conferees on the Part of the House
Rep. Hansen, Hills. 6
Rep. Pilotte, Hills. 16
Rep. Bowers, Sull. 3
Rep. Winter, Merr. 3

2012-2395-CofC

AMENDED ANALYSIS

This bill:

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

II. Permits agency heads to appoint designees to the information technology council, adds a house member to the council, and removes the senate member.

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

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

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

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012

2012-2439-CofC

01/09

Committee of Conference Report on HB 1617-FN, an act repealing the certificate of need law.

Recommendation:

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

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

Amend the bill by replacing all after section 17 with the following:

18 Effective Date. This act shall take effect June 30, 2015.

The signatures below attest to the authenticity of this Report on HB 1617-FN, an act repealing the certificate of need law.

Conferees on the Part of the Senate
Sen. Bradley, Dist. 3
Sen. DeBlois, Dist. 18
Sen. Sanborn, Dist. 7

Conferees on the Part of the House
Rep. Keane, Merr. 13
Rep. Itse, Rock. 9
Rep. R. Barry, Hills. 19
Rep. Kappler, Rock. 2

2012-2439-CofC

AMENDED ANALYSIS

This bill prospectively repeals the certificate of need law.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012

2012-2444-CofC

05/04

Committee of Conference Report on HB 1658-FN, an act 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.

Recommendation:

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

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

Amend RSA 167:4-c, I as inserted by section 1 of the bill by replacing it with the following:

I. The department shall 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.

Amend RSA 167:4-c, III as inserted by section 1 of the bill by replacing it with the following:

III. The department shall 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.

Amend the bill by deleting sections 4 and 5 and renumbering the original section 6 to read as 4.

The signatures below attest to the authenticity of this Report on HB 1658-FN, an act 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.

Conferees on the Part of the Senate
Sen. Morse, Dist. 22
Sen. Bragdon, Dist. 11
Sen. Forrester, Dist. 2

Conferees on the Part of the House
Rep. T. Keane, Merr. 13
Rep. Kappler, Rock. 2
Rep. W. Smith, Rock. 18
Rep. R. Barry, Hills. 19

2012-2444-CofC**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 of Conference Report. Adopted.

May 31, 2012

2012-2468-CofC

06/01

Committee of Conference Report on HB 1666-FN, an act relative to legislative approval of collective bargaining agreements entered into by the state.

Recommendation:

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

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

Amend RSA 273-A:9, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. Notwithstanding any other provision of law to the contrary, every collective bargaining agreement entered into by the state shall be approved by the fiscal committee of the general court before each takes effect.

The signatures below attest to the authenticity of this Report on HB 1666-FN, an act relative to legislative approval of collective bargaining agreements entered into by the state.

Conferees on the Part of the Senate
Sen. Barnes, Jr., Dist. 17
Sen. D'Allesandro, Dist. 20
Sen. Morse, Dist. 22

Conferees on the Part of the House
Rep. Weyler, Rock. 8
Rep. D. McGuire, Merr. 8
Rep. Kurk, Hills. 7
Rep. Belvin, Hills. 6

2012-2468-CofC**AMENDED ANALYSIS**

This bill requires approval by the fiscal committee of the general court of all collective bargaining agreements entered into by the state.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 30, 2012

2012-2435-CofC

05/01

Committee of Conference Report on HB 1687-FN, an act relative to state employee information available on the state transparency website.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 1687-FN, an act relative to state employee information available on the state transparency website.

Conferees on the Part of the Senate
Sen. Gallus, Dist. 1
Sen. D'Allesandro, Dist. 20
Sen. Forrester, Dist. 2

Conferees on the Part of the House
Rep. Hawkins, Hills. 18
Rep. L. Ober, Hills. 27
Rep. Belvin, Hills. 6
Rep. D. McGuire, Merr. 8

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012
2012-2400-CofC
09/01

Committee of Conference Report on HB 1701-FN, an act prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on HB 1701-FN, an act prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

Conferees on the Part of the Senate
 Sen. Rausch, Dist. 19
 Sen. Sanborn, Dist. 7
 Sen. Kelly, Dist. 10

Conferees on the Part of the House
 Rep. Baldasaro, Rock. 3
 Rep. F. McCarthy, Carr. 1
 Rep. Cunningham, Sull. 2
 Rep. Theberge, Coos 4

The question is on the adoption of the Committee of Conference Report. Adopted.

Recess. Out of recess.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 326-FN-A-L, relative to state reimbursement of towns.

May 30, 2012
2012-2437-CofC
08/09

Committee of Conference Report on SB 326-FN-A-LOCAL, an act relative to state reimbursement of towns.

Recommendation:

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

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

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

1 Repeal. RSA 122:4, II, relative to reimbursement to towns and cities of moneys owed by other states, is repealed.

2 Contingency. Notwithstanding RSA 122:4, II, if any other state in a river management compact with the state of New Hampshire makes a payment in any amount on an arrearage to the state of New Hampshire, then within 30 days of receiving such payment, the state treasurer shall distribute such money to the towns affected by RSA 484 in the manner prescribed by RSA 122:4, I for the fiscal years ending June 30, 2012 and June 30, 2013. Any additional funds shall lapse to the general fund on June 30, 2013.

3 Interest and Dividends Tax; Who Taxable. Amend RSA 77:3, I(b) and (c) to read as follows:

(b) Partnerships, limited liability companies, **and** associations, [~~and trusts,~~] the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) ~~[Fiduciaries]~~ **Executors** deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year.

4 Interest and Dividends Tax; Trusts Not Subject to Tax. Amend RSA 77:4, III to read as follows:

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, **or** association~~[-or trust]~~ issuing the same, on shares in partnerships, limited liability companies, **or** associations~~[-or trusts]~~ the beneficial interest in which is represented by transferable shares.

5 Interest and Dividends Tax; Income From Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts. ~~[The income received by estates held by trustees, any one of whom is an inhabitant of this state, or has derived his appointment from a court of this state, shall be subject to the taxes imposed by this chapter, except that]~~ **Interest and dividend** income received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their ~~[owners]~~ **grantor**, to the extent that the ~~[persons to whom the income from the trust is payable, or for whose benefit it is accumulated, are inhabitants]~~ **grantor is an inhabitant or resident** of this state. **Income reported by, and taxed federally as interest or dividends to, a trust beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as interest or dividends in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.**

6 Interest and Dividends Tax; Guardians, etc. Amend RSA 77:13 to read as follows:

77:13 Guardians, etc. RSA 77:9 ~~[to 12]~~ **through RSA 77:11** shall apply to guardians, conservators, trustees in bankruptcy, receivers, and assignees for the benefit of creditors, so far as apt, to the taxable income received by them ~~[and to their beneficiaries, and to corporations acting as trustees or in any other fiduciary capacity]~~.

7 Interest and Dividends Tax; Application of Sections. Amend RSA 77:14-d to read as follows:

77:14-d Application of Sections. RSA 77:14-a to 77:14-c shall apply, so far as apt, to associations ~~[and trusts]~~, but not to partnerships, limited liability companies, **and** associations~~[-and trusts]~~ the beneficial interest in which is represented by transferable shares.

8 Repeal. RSA 77:12, relative to taxation of income from nonresident trustees, is repealed.

9 Applicability. Sections 3-8 of this act shall apply to taxable periods ending on or after December 31, 2011.

10 Effective Date.

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

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

The signatures below attest to the authenticity of this Report on SB 326-FN-A-LOCAL, an act relative to state reimbursement of towns.

Conferees on the Part of the Senate
Sen. Sanborn, Dist. 7
Sen. D'Allesandro, Dist. 20
Sen. Odell, Dist. 8

Conferees on the Part of the House
Rep. Stepanek, Hills. 6
Rep. Ohm, Hills. 26
Rep. Simard, Graf. 8
Rep. Almy, Graf. 11

2012-2437-CofC

AMENDED ANALYSIS

This bill:

I. Repeals the reduction in certain reimbursements paid to towns and cities who have lost taxable valuation of certain lands.

II. Allows moneys received by the state to pay arrearages under certain river compacts to be distributed to towns listed under such compacts.

III. Eliminates certain taxation of trusts under the interest and dividends tax.

Sen. Bradley moved that the Senate not adopt the Committee of Conference report and discharge the members and that the Senate form a new Committee of Conference on SB 326-FN-A-L. Adopted.

SUSPENSION OF SENATE RULES

Sen. Bradley moved that the Rules of the Senate be suspended as to allow after the deadlines: the formation of a new Committee of Conference, sign-off on a new Committee of Conference report, not later than 3:15 p.m. on June 6, 2012, and reporting of the new Committee of Conference on SB 326-FN-A-L.

The question is on the motion to suspend the rules. Adopted by necessary 2/3 vote.

The President appointed Senators Odell, Morse, D'Allesandro.

May 31, 2012

2012-2458-CofC

06/01

Committee of Conference Report on CACR 6, a constitutional amendment concurrent resolution relating to: taxation. Providing that: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Recommendation:

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

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

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

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 articles:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the members present and voting in the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state, or to authorize the issuance of state bonds.

[Art.] 5-d. [Appropriation for Payment of Interest and Installments of Principal on Bonded Debt.] The general court shall provide by appropriation for the payment of interest upon and installments of principal of all bonded debt created on behalf of the State as the same shall become due and payable. If at anytime the general court shall fail to make any such appropriation, the treasurer of the State shall set apart from the first general fund revenues thereafter received a sum sufficient to pay such interest or installments of principal and shall so apply the money thus set apart.

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 new articles to read as follows:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the members present and voting in the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state, or to authorize the issuance of state bonds.

[Art.] 5-d. [Appropriation for Payment of Interest and Installments of Principal on Bonded Debt.] The general court shall provide by appropriation for the payment of interest upon and installments of principal of all bonded debt created on behalf of the State as the same shall become due and payable. If at anytime the general court shall fail to make any such appropriation, the treasurer of the State shall set apart from the first general fund revenues thereafter received a sum sufficient to pay such interest or installments of principal and shall so apply the money thus set apart.”

The signatures below attest to the authenticity of this Report on CACR 6, a constitutional amendment concurrent resolution relating to: taxation. Providing that: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principal of all state bonds.

Conferees on the Part of the Senate
 Sen. Sanborn, Dist. 7
 Sen. DeBlois, Dist. 18
 Sen. Luther, Dist. 12

Conferees on the Part of the House
 Rep. Stepanek, Hills. 6
 Rep. Sanborn, Merr. 5
 Rep. Ulery, Hills. 27
 Rep. Ohm, Hills. 26

2012-2458-CofC

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that a 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase any tax or license fee that has been levied, or to authorize the issuance of state bonds.

This resolution also provides for appropriations for the payment of interest and installments of principal of all bonded state debt.

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

A roll call is required.

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

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

Yeas: 14 - Nays: 9

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

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

SB 218-FN, relative to electric renewable portfolio standards.

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification.

SB 247-L, relative to certifying municipal culvert installers.

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

SB 318-FN, relative to voter registration.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

SB 356, limiting the authority of delegates to Article V amendment conventions.

SB 370-FN, relative to the powers of law enforcement and animal control officers.

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

SB 406, establishing an early offer alternative in medical injury claims.

SB 409-FN, relative to the use of marijuana for medicinal purposes.

Without objection, the Clerk shall read the first recommendation in its entirety and thereafter read the title of each bill only.

May 29, 2012

2012-2396-CofC

06/01

Committee of Conference Report on SB 19, an act relative to the definition of "prime wetlands."

Recommendation:

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

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

Amend RSA 482-A:11, IV(a) and RSA 482-A:11(b)(1) as inserted by section 1 of the bill by replacing them with the following:

IV.(a) The department shall not grant a permit with respect to any project to be undertaken in ~~[or within 100 feet of]~~ an area mapped, designated, and filed as a prime wetland pursuant to RSA 482-A:15, ***or within 100 feet of any prime wetland where a 100 foot buffer was required at the time of designation***, unless the department first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the department is able, specifically, to find clear and convincing evidence on the basis of all information considered by the department, and after a public hearing, if a public hearing is deemed necessary under RSA 482-A:8, that the proposed project, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the department of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

(b)(1) A property owner may request from the department a waiver from subparagraph (a), under rules adopted by the department, to perform forest management work and related activities in the forested portion of a prime wetland or its 100-foot buffer, ***where such buffer was required at the time of designation, that do not qualify under the notification of forest management or timber harvest activities having minimum wetlands impact process***. The request for the waiver shall include, but not be limited to:

(A) A sketch of the property depicting the best approximate location of each prime wetland and its 100-foot buffer, ***where such buffer was required at the time of designation***, in which work is proposed and the location of proposed work, including access roads;

(B) A written description of the work to be performed and a copy of the notice of intent to cut, if applicable; and

(C) A list of the prime wetland values as identified by the municipality in designating each prime wetland under RSA 482-A:15.

Amend the bill by replacing all after section 2 with the following:

3 Administrative Provisions. Amend RSA 482-A:11, IV(c) to read as follows:

(c) A property owner may request a waiver from the department, under rules adopted by the department under RSA 541-A, from the provisions of this chapter to perform work not addressed under subparagraph (b) within a portion of ~~[the]~~ ***any*** 100-foot buffer of a prime wetland on his or her property ***as provided in subparagraph (a)***. At the time of the waiver request, the property owner shall notify, by certified mail, the local governing body, the planning board, if any, and the conservation commission, if any, of the municipalities in which the waiver is being sought that a waiver is being sought from the department. Where a buffer associated with the application extends into an abutting property, the property owner requesting the waiver shall provide notice to the owner of that abutting property.

4 New Paragraph; Definitions; Wetland Functions. Amend RSA 482-A:2 by inserting after paragraph X the following new paragraph:

XI. "Wetland functions" means the practical measurable values of wetlands. The 12 primary wetland functions are ecological integrity, wetland-dependent wildlife habitat, fish and aquatic life habitat, scenic quality, educational potential, wetland-based recreation, flood storage, groundwater recharge, sediment trapping, nutrient trapping/retention/transformation, shoreline anchoring, and noteworthiness.

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

The signatures below attest to the authenticity of this Report on SB 19, an act relative to the definition of "prime wetlands."

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Gallus, Dist. 1
Sen. Lambert, Dist. 13

Conferees on the Part of the House
Rep. Renzullo, Hills. 27
Rep. W. Hutchinson, Hills. 9
Rep. Kappler, Rock. 2
Rep. Haefner, Hills. 27

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012
2012-2392-CofC
06/09

Committee of Conference Report on SB 218-FN, an act relative to electric renewable portfolio standards.

Recommendation:

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

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

Amend the bill by replacing section 2 with the following:

2 Definitions; Renewable Energy Source; Useful Thermal Energy. Amend RSA 362-F:2, XV to read as follows:

XV. "Renewable energy source," "renewable source," or "source" means a class I, II, III, or IV source of electricity or ~~[electricity displacement by a class I source under RSA 362-F:4, I(g)]~~ **a class I source of useful thermal energy**. An electrical generating facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4, shall not be considered a renewable source.

XV-a. "Useful thermal energy" means renewable energy delivered from class I sources that can be metered and that is delivered in New Hampshire to an end user in the form of direct heat, steam, hot water, or other thermal form that is used for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed.

Amend RSA 362-F:3 as inserted by section 3 of the bill by replacing it with the following:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	2008	2009	2010	2011	2012	2013	2014	2015	2025
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%	[16%] 15% (*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	6.5%	6.5%	[6.5%] 7.0%	[6.5%] 8.0%	[6.5%] 8.0%
Class IV	0.5%	1%	1%	1%	1%	[1%] 1.3%	[1%] 1.4%	[1%] 1.5%	[1%] 1.5%

*Class I increases an additional ~~[one]~~ **0.9** percent per year from 2015 through 2025. ***A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.2 percent in 2013, 0.4 percent in 2014, and increased annually by 0.2 percent per year from 2015 through 2025.*** Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

Amend RSA 362-F:10, II and III as inserted by section 14 of the bill by replacing them with the following:

II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the extent sufficient certificates are not otherwise available at a price below the amounts specified in this paragraph, an electricity provider may, at the time of report submission for that year under RSA 362-F:8, make payment to the commission at the following rates for each megawatt-hour not met for a given class obligation through the acquisition of certificates:

(a) Class I—~~[\$57.12,]~~ **\$55, except for that portion of the class electric renewable portfolio standards to be met by qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3 which shall be \$25 beginning January 1, 2013.**

(b) Class II—~~[\$150]~~ **\$55.-**

(c) Class III—[\$28] **\$31.50.**

(d) Class IV—[\$28] **\$26.50.**

III. Beginning in [2008] **2013**, the commission shall adjust these rates by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor **for classes III and IV and ½ of such Index for classes I and II.**

Amend the bill by replacing section 19 with the following:

19 New Section; Phase-In for Existing Supply Contract Load. Amend RSA 362-F by inserting after section 13 the following new section:

362-F:14 Phase-In for Existing Supply Contract Load. The increases in the annual purchase percentages in RSA 362-F:3 as compared to those in effect as of January 1, 2012 shall apply to the electrical load under any electrical power supply contracts for a term of years entered into by providers of electricity prior to or on July 1, 2012, upon the expiration of the term of any such contract. Providers of electricity shall inform the commission by July 1 of each year of all such contracts and their terms, including but not limited to the execution date and expiration date of the contract and the annual volume of electrical energy supplied.

The signatures below attest to the authenticity of this Report on SB 218-FN, an act relative to electric renewable portfolio standards.

Conferees on the Part of the Senate
Sen. Bradley, Dist. 3
Sen. Lambert, Dist. 13
Sen. Merrill, Dist. 21

Conferees on the Part of the House
Rep. J. Garrity, Rock. 6
Rep. Holden, Hills. 4
Rep. W. O'Connor, Straf. 3
Rep. Levasseur, Hills. 11

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

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Houde, Groen, 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: 23 - Nays: 0

Adopted.

**May 29, 2012
2012-2425-CofC
10/05**

Committee of Conference Report on SB 226, an act transferring the administration of the electricians' board to the joint board for licensure and certification.

Recommendation:

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

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

Amend RSA 309-B:10, I(e) as inserted by section 8 of the bill by replacing it with the following:

(e) By assessing administrative fines, after notification and due process, in amounts established by the board which shall not exceed \$2,000 per offense or, in the case of continuing offenses, \$200 for each day the violation continues, whichever is greater.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. Section 6 of this act shall take effect January 1, 2014.

II. Sections 8 and 9 of this act shall take effect July 1, 2012.

III. The remainder of this act shall take effect July 1, 2013.

The signatures below attest to the authenticity of this Report on SB 226, an act transferring the administration of the electricians' board to the joint board for licensure and certification.

Conferees on the Part of the Senate
Sen. White, Dist. 9
Sen. D'Allesandro, Dist. 20
Sen. Luther, Dist. 12

Conferees on the Part of the House
Rep. Sytek, Rock. 4
Rep. Bowers, Sull. 3
Rep. P. Schmidt, Straf. 4
Rep. C. McGuire, Merr. 8

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012

2012-2399-CofC

06/01

Committee of Conference Report on SB 247-LOCAL, an act relative to certifying municipal culvert installers.

Recommendation:

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

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

Amend RSA 482-A:3, XVIII as inserted by section 2 of the bill by replacing it with the following:

XVIII. The department shall develop an installer's certification program, in accordance with paragraph XVII, and shall determine the educational requirements for certification, including continuing education requirements. Professional engineers who are duly licensed by the New Hampshire board of professional engineers are exempt from the program requirements of this section. All certified individuals who perform such work shall submit a quarterly report to the department fully identifying work that they performed during each quarter and documentation of continuing education requirements.

The signatures below attest to the authenticity of this Report on SB 247-LOCAL, an act relative to certifying municipal culvert installers.

Conferees on the Part of the Senate
Sen. Forrester, Dist. 2
Sen. Boutin, Dist. 16
Sen. Merrill, Dist. 21

Conferees on the Part of the House
Rep. Renzullo, Hills. 27
Rep. C. Christensen, Hills. 19
Rep. Kappler, Rock. 2
Rep. Lovett, Sull. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

May 31, 2012

2012-2466-CofC

03/04

Committee of Conference Report on SB 289-FN, an act relative to presenting photo identification to vote in person.

Recommendation:

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

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

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

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

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. *The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit.* The voter, if still qualified to vote in the town or ward *and having presented a valid photo identification verifying the voter's identity or executed a qualified voter affidavit*, and unless challenged as provided for in RSA [659:27-33] **659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. *The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and whether such voter executed a qualified voter affidavit.***

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

(a) A driver's license issued by the state of New Hampshire or any other state, regardless of expiration date.

(b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21.

(c) A United States armed services identification card.

(d) A United States passport, regardless of expiration date.

(e) Any other valid photo identification issued by federal, state, county, or municipal government.

(f) A valid student identification card.

(g) A photo identification not authorized by subparagraphs (a) through (f) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a qualified voter affidavit as if no identification was presented.

(h) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.

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

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a qualified voter affidavit in accordance with paragraph I. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

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

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

2 New Subdivisions; Voter Identification Advisory Committee; Notice of Voter Identification Requirements; Voter Education Requirements. Amend RSA 652 by inserting after section 23 the following new subdivisions:

Voter Identification Advisory Committee

652:24 Voter Identification Advisory Committee.

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

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

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

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

Notice of Voter Identification Requirements

652:25 Notice of Voter Identification Requirements. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this section.

Voter Education Requirements

652:26 Voter Education Requirements.

I. The secretary of state shall prepare an explanatory document explaining the proof of identity requirements of RSA 659:13, including all the permissible methods for proving identity and the dates of applicability of these requirements. The secretary of state shall provide copies of the explanatory document to all towns and wards, so it will be available to all persons registering to vote at the city or town hall and at all polling places at each election held after the effective date of this section.

II. The secretary of state shall take whatever measures he or she deems necessary to educate the public about the voter identification requirements in RSA 659:13. Such measures shall include prominently displaying on the department of state's website information for voters relating to the voter identification requirements in RSA 659:13. The department shall also provide explanatory information relating to voter identification requirements to media outlets that request such information and shall encourage such outlets to assist the department in educating the public about the voter identification requirements in RSA 659:13.

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

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, **reimbursing the department of safety for voter identification cards**, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least ~~[15]~~ **12** times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

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

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

(b) The identification card voucher shall be in the following form:

IDENTIFICATION CARD VOUCHER

To be completed by applicant:

Name: _____

Domicile Address: _____

Mailing Address: _____

I hereby swear or affirm that I require a photo identification for voting purposes and that I do not possess a form of identification that meets the requirements of the election laws of this state.

I hereby swear or affirm that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

To be completed by town or city clerk:

I, the clerk of _____ (town or city), hereby swear or affirm that the person identified on this voucher is listed on the voter checklist in this city or town.

(Signature of town or city clerk)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

5 Statutes Posted. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place at all elections: RSA 654:7-a, RSA 654:7-b; **RSA 659:13**, RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

6 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I-II to read as follows:

I. A person is subject to a civil penalty not to exceed \$5,000 if such person:

(a) When registering to vote; when obtaining an official ballot; [or] when casting a vote by official ballot; **or when applying for a photo identification card for voting purposes, purposely or knowingly** makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a domicile affidavit, **or affidavit of religious exemption, an identification card voucher**, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

(b) Votes more than once for any office or measure;

(c) Applies for a ballot in a name other than his or her own;

(d) Applies for a ballot in his or her own name after he or she has voted once;

(e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654; [or]

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; **or**

(g) Presents falsified proof of identity at any election.

II. A person is guilty of a class B felony if, at any election, such person [purposefully] **purposely** or knowingly commits an act specified in subparagraph I(b) **or I(e)**. A person is guilty of a class A misdemeanor if, at any election, such person [purposefully] **purposely** or knowingly commits any of the other acts listed in paragraph I, **and, if the act involved the use of false proof of identity or voting using the name of another person, the person shall be sentenced to a mandatory sentence in the county correctional facility of not less than 30 days for a first offense under this section, 90 days for a second offense under this section, and 180 days for a third or subsequent offense under this section.**

7 Obtaining a Ballot. RSA 659:13 is repealed and reenacted to read as follows:

659:13 Obtaining a Ballot.

I.(a) A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name and address to one of the ballot clerks who shall, if the name is found on the checklist by the ballot clerk, repeat the name and address. If the address announced by voter is different from what appears on the checklist, but is in the same town or ward, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction.

(b) The voter, if the ballot clerk determines that he or she is qualified to vote in the town or ward, and unless challenged as provided for in RSA 659:27 through 659:33, shall then be asked to present proof of his or her identity meeting the requirements of paragraph II. If the voter presents such proof of identity to the ballot clerk, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. If the photo identification is an out-of state driver's license or nondriver's identification card, the ballot clerk shall record the state of issuance on the checklist in accordance with uniform procedures developed by the secretary of state in a color designated for such entries and the supervisors of the checklist or designee shall submit the information to the secretary of state within 30 days of the election. The voter shall then be allowed to enter the space enclosed by the guardrail to mark and cast his or her ballot.

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit in accordance with RSA 654:12. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements. If the voter executes a qualified voter affidavit, the ballot clerk shall mark the checklist in accordance with uniform procedures developed by the secretary of state.

(2) If the voter executes a qualified voter affidavit, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attach the photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2 inches, or larger, and be in color. The moderator

or his or her designee who took the photograph and the voter shall then sign the qualified voter affidavit. The moderator or designee shall delete the photograph from the camera in the presence of the voter. If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute a qualified voter affidavit without a photograph.

(3) If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall be attested to by an election officer and attached to the qualified voter affidavit.

(4) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and has executed a qualified voter affidavit.

II. A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual's voter registration record; it also shall show a photograph of the individual to whom the identification was issued; and it shall also have an expiration date that has not been exceeded by a period of more than 5 years from the current date. The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

(a) A driver's license issued by any state or the federal government.

(b) A nondriver's identification card issued by the motor vehicles division, department, agency, or office of any state.

(c) A United States armed services identification card.

(d) A United States passport.

(e) A qualified voter affidavit in accordance with subparagraph I(c).

III. If a voter on the nonpublic checklist executes an affidavit in accordance with subparagraph I(c), the affidavit shall not be subject to RSA 91-A.

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a qualified voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

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

(c) Within 60 days after any election held after November 1, 2012, the secretary of state shall compile a report by voting district of the number of voters who registered or voted on election day but did not present valid photo identification, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

V.(a) The secretary of state shall provide to each town or city the photography equipment, supplies, and printing device that are necessary to enable it to comply with the photograph provision of subparagraph I(c), along with instructions in their use.

(b) If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the secretary of state may waive a voter's compliance with the photograph requirement of subparagraph I(c).

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

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of [voting] equipment [which] *that* complies with Help America Vote Act of 2002, Public Law 107-252, *or with RSA 659:13, V*, reimbursing the department of safety for *the actual cost of* voter identification cards, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

9 Statutes Posted. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place at all elections: RSA 654:7-a, RSA 654:7-b; RSA 659:13, ***RSA 659:13-b***, RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

10 New Section; Proof of Voter Identity Instructions to be Posted. Amend RSA 658 by inserting after section 29 the following new section:

658:29-a Proof of Voter Identity Instructions to be Posted. The secretary of state shall prepare a notice explaining to voters the photo identification requirement in RSA 659:13, including all the permissible methods for proving identity, and directing voters to the department of state's website or to the town or city clerk to obtain the explanatory document described in RSA 652:26, I, for additional information. Such notice shall also include the penalties as described in RSA 659:34. The governing body of each town or ward shall prominently display this notice for at least 14 days prior to each election held after the effective date of this section. The poster shall be placed outside the guardrail at each polling place at all elections.

11 New Section; Affidavit of Religious Exemption. Amend RSA 659 by inserting after section 13-a the following new section:

659:13-b Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the following form:

AFFIDAVIT OF RELIGIOUS EXEMPTION

Name: _____

Domicile Address: _____

Date of birth: _____

I hereby swear or affirm that because of my religious beliefs, I object to having my photograph taken and that I do not possess a form of identification that meets the requirements of the election laws of this state showing my photograph.

I hereby swear or affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

This affidavit was executed before us on the date shown and the person who subscribed his or her name to the foregoing affidavit swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

(Name of Election Officer)

(Date)

(Signature of Election Officer)

12 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter and domicile affidavits, ***affidavit of religious exemption***, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter and domicile affidavits, ***affidavits of religious exemption***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

13 New Paragraph; Disposition and Retention Schedule. Amend RSA 33-A:3-a by inserting after paragraph CLV the following new paragraph:

CLVI. Affidavits of religious exemption: until voter is removed from checklist plus 7 years.

14 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present a valid photo identification at all elections after the effective date of this act. Notwithstanding the provisions of RSA 659:13, as amended by this act, prior to November 1, 2012, if the voter does not present such identification, he or she may vote without executing a qualified voter affidavit, but the ballot clerk shall provide the voter with a copy of the explanatory document specified in RSA 652:26 and explain the need for photo identification after November 1, 2012. The ballot clerks shall tally the number of voters that do not present a valid photo identification at the September 2012 state primary election, and the town or city clerk shall report the number with the election return.

15 Effective Date.

I. Sections 7-13 of this act shall take effect September 1, 2013.

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

The signatures below attest to the authenticity of this Report on SB 289-FN, an act relative to presenting photo identification to vote in person.

Conferees on the Part of the Senate
Sen. Prescott, Dist. 23
Sen. Barnes, Jr., Dist. 17
Sen. Boutin, Dist. 16

Conferees on the Part of the House
Rep. Bates, Rock. 4
Rep. Tucker, Rock. 17
Rep. W. Smith, Rock. 18
Rep. DeLemus, Straf. 1

2012-2466-CofC

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may execute a qualified voter affidavit. Voters who do not present a valid photo identification shall be mailed and instructed to return an identity verification letter. This bill requires that the secretary of

state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles. This bill also establishes minimum sentences for certain voter fraud violations. Beginning September 1, 2013, voters who prove identity by executing a qualified voter affidavit shall be photographed or execute an affidavit of religious exemption.

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

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

The following Senators voted Yes: Forrester, Bradley, Forsythe, Groen, 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: 17 - Nays: 6

Adopted.

Recess. Out of recess.

May 29, 2012

2012-2409-CofC

03/09

Committee of Conference Report on SB 318-FN, an act relative to voter registration

Recommendation:

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

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

Amend RSA 654:12, V(b) as inserted by section 5 of the bill by replacing it with the following:

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at ~~[a state general]~~ **any** election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within [90] **60** days after the ~~[general]~~ election, ***except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election.*** The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

Amend RSA 654:12, V(d) as inserted by section 6 of the bill by replacing it with the following:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing domicile affidavits since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

The signatures below attest to the authenticity of this Report on SB 318-FN, an act relative to voter registration

Conferees on the Part of the Senate
 Sen. Barnes, Jr., Dist. 17
 Sen. Carson, Dist. 14
 Sen. Boutin, Dist. 16

Conferees on the Part of the House
 Rep. Bates, Rock. 4
 Rep. Tucker, Rock. 17
 Rep. W. Smith, Rock. 18
 Rep. DeLemus, Straf. 1

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

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

The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, 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: 18 - Nays: 5

Adopted.

**May 29, 2012
 2012-2384-CofC
 03/05**

Committee of Conference Report on SB 328, an act relative to the procedure for filling a vacancy on a cooperative school board.

Recommendation:

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

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

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

Amend RSA 671:33, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

The signatures below attest to the authenticity of this Report on SB 328, an act relative to the procedure for filling a vacancy on a cooperative school board.

Conferees on the Part of the Senate
 Sen. Stiles, Dist. 24
 Sen. Forsythe, Dist. 4
 Sen. Kelly, Dist. 10

Conferees on the Part of the House
 Rep. Boehm, Hills. 27
 Rep. J. Belanger, Hills. 5
 Rep. Stepanek, Hills. 6
 Rep. Gile, Merr. 10

The question is on the adoption of the Committee of Conference Report. Adopted.

**May 30, 2012
 2012-2429-CofC
 05/04**

Committee of Conference Report on SB 356, an act limiting the authority of delegates to Article V **amendment conventions.**

Recommendation:

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

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

Amend the bill by deleting sections 10-12 and renumbering the original section 13 to read as 10.

The signatures below attest to the authenticity of this Report on SB 356, an act limiting the authority of delegates to Article V amendment conventions.

Conferees on the Part of the Senate
Sen. Groen, Dist. 6
Sen. Larsen, Dist. 15
Sen. Stiles, Dist. 24

Conferees on the Part of the House
Rep. Sorg, Graf. 3
Rep. Itse, Rock. 9
Rep. Weyler, Rock. 8
Rep. Cartwright, Ches. 2

2012-2429-CofC

AMENDED ANALYSIS

This bill:

I. Limits the scope of amendments that may be considered by delegates to a constitutional convention called pursuant to Article V of the United States Constitution.

II. Recodifies title 29, relative to religious societies.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012

2012-2414-CofC

08/09

Committee of Conference Report on SB 370-FN, an act relative to the powers of law enforcement and animal control officers.

Recommendation:

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

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

The signatures below attest to the authenticity of this Report on SB 370-FN, an act relative to the powers of law enforcement and animal control officers.

Conferees on the Part of the Senate
Sen. Carson, Dist. 14
Sen. Larsen, Dist. 15
Sen. Rausch, Dist. 19

Conferees on the Part of the House
Rep. Haefner, Hills. 27
Rep. Babson, Carr. 3
Rep. Gandia, Hills. 27
Rep. Sad, Ches. 2

The question is on the adoption of the Committee of Conference Report. Adopted.

May 29, 2012

2012-2398-CofC

01/09

Committee of Conference Report on SB 398, an act proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

Recommendation:

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

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

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

The signatures below attest to the authenticity of this Report on SB 398, an act proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day

Conferees on the Part of the Senate
Sen. Barnes Jr., Dist. 17
Sen. Merrill, Dist. 21
Sen. Stiles, Dist. 24

Conferees on the Part of the House
Rep. Baldasaro, Rock. 3
Rep. Cunningham, Sull. 2
Rep. F. McCarthy, Carr. 1
Rep. Theberge, Coos 4

The question is on the adoption of the Committee of Conference Report. Adopted.

**May 31, 2012
2012-2462-CofC
10/04**

Committee of Conference Report on SB 406, an act establishing an early offer alternative in medical injury claims.

Recommendation:

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

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

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

1 Findings and Purpose.

I. The general court finds that the legal system for resolving claims for medical injury requires reform to encourage the fast and efficient payment of meritorious claims. Under the current system individuals with meritorious claims are either unable to litigate their claims or wait for an uncertain recovery while medical providers are often deprived of a fair and reasonable opportunity to address and resolve claims in a timely manner. In addition, the general public is adversely affected because significant resources are spent on litigation costs and defensive medicine or on coverage for those unable to litigate claims. The result is a system that has higher than necessary health care costs, higher liability insurance premiums, and higher health insurance premiums.

II. These overarching conclusions are based upon the following factual findings:

(a) Inconsistent results: Recent data presented to the general court by the New Hampshire insurance department pursuant to RSA 519-B:14, II shows that the current medical injury liability system produces inconsistent results with average indemnity payments on similar claims varying substantially from year to year.

(b) Long waits for the parties: The testimony before the general court demonstrates that medical injury cases are highly complex, requiring specialized medical evidence and testimony. This complex medical evidence and testimony requires additional discovery and case preparation that results in a particularly lengthy process for resolving cases.

(c) Costly litigation: Recent data presented to the general court by the New Hampshire insurance department pursuant to RSA 519-B:14, II shows that the aggregate administrative and litigation costs for all claims for medical injury nearly exceed the amount that claimants receive for their injuries.

(d) Defensive medicine: Data from the American Medical Association, Gallup, Harvard School of Public Health, Health Affairs Magazine, and other reliable sources estimate that defensive medicine, practiced in response to the current medical injury system, increases the annual health care expenditures in the United States by billions of dollars. These organizations consider defensive medicine to be diagnostic tests or treatments that have little or no expected benefit to the patient, ordered primarily as a means to guard against claims of liability.

III. The legislature further finds that the slow, inconsistent, and costly nature of the existing medical injury litigation system has a detrimental impact upon injured claimants, whose medical and economic needs require rapid resolution of their claims with less uncertainty, risk, and costs, as well as upon medical providers whose provision of patient care is disrupted by lengthy and costly litigation of medical injury claims.

IV. Therefore, the important governmental objective of this act is to supplement the existing medical injury compensation system with an alternative system that will provide fast and certain results for those

who use it, while preserving access to the court system and medical injury screening panels for parties that choose to resolve claims under the current system. The general court further finds that the early offer process set forth in RSA 519-C as inserted by this act to resolve medical injury claims is substantially related to this important governmental objective.

V. The general court further finds that medical injury claimants will benefit from the early offer process set forth in RSA 519-C as inserted by this act as it provides the option of a simple, clear process defined in statute that provides prompt and sure recovery of all economic losses associated with meritorious claims settled pursuant to RSA 519-C. The early offer process, if elected, would be more efficient and cost effective in many cases than the high risk, high cost traditional litigation process.

VI. In exchange for the benefits of the early offer process established in this act, the claimant agrees to participate fully in the process, which may affect the damages the claimant can recover, the fees the claimant's attorney may receive, and other important rights or claims that may exist under the existing system.

VII. The general court finds that the benefits to the public and to the parties to medical injury claims from the process established in this act far exceed the burdens imposed on the general public and medical injury claimants.

2 New Chapter; Early Offers for Medical Injury Claims. Amend RSA by inserting after chapter 519-B the following new chapter:

CHAPTER 519-C EARLY OFFERS FOR MEDICAL INJURY CLAIMS

519-C:1 Definitions. In this chapter:

I. "Claim for medical injury" means any claim against a medical care provider, whether based in tort, contract, or otherwise, to recover damages on account of a medical injury.

II. "Claimant" means an individual who, in his or her own right, or on behalf of another as otherwise permitted by law, is seeking compensation for a medical injury, due to alleged sub-standard medical care or treatment.

III. "Early offer" means an offer to pay an injured person's economic loss related to a medical injury, and reasonable attorney's fees and costs incurred in representing the injured person under this chapter. No other damages of any kind shall be included in an early offer under this chapter.

IV. "Economic loss" means monetary expenses incurred by or on behalf of a claimant reasonably related to a medical injury and its consequences, including actual out-of-pocket medical expenses, replacement services, additional payment to the claimant pursuant to RSA 519-C:7, and 100 percent of the claimant's salary, wages or income from self-employment or contract work lost as a result of the medical injury. Economic loss does not include: pain and suffering, punitive damages, enhanced compensatory damages, exemplary damages, damages for loss of enjoyment of life (hedonic damages), inconvenience, physical impairment, mental anguish, emotional pain and suffering, and loss of the following: earning capacity, consortium, society, companionship, comfort, protection, marital care, parental care, attention, advice, counsel, training, guidance or education, and all other non-economic damages of any kind.

V. "Hearing officer" means a person of judicial and/or legal training, common sense, and a respect for the law, chosen by agreement of the parties from a list of neutral persons maintained by the judicial branch office of mediation and arbitration. If the parties cannot agree on the choice of a hearing officer, one will be selected at random from the list by the insurance department. Fees paid to the hearing officer for presiding at hearings under this chapter shall be paid by the medical care provider at a rate of \$200 per hour and shall be reviewed for reasonableness by the insurance department. No hearing officer shall be employed by the insurance department or shall serve if such service would constitute a conflict under the New Hampshire Rules of Professional Conduct, or would require disqualification under the Code of Judicial Conduct.

VI. "Medical care provider" means a physician, physician's assistant, registered or licensed practical nurse, hospital, clinic, or other health care provider or agency licensed by the state, or otherwise lawfully providing medical care or services, or an officer, employee, or agent thereof acting in the course of and scope of employment.

VII. "Medical injury" or "injury" means any adverse, untoward, or undesired consequences caused by professional services rendered by a medical care provider, whether resulting from negligence, error, or omission

in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

VIII. "Notice of injury" means written notice by certified mail provided to the medical care provider alleged to have caused a medical injury, and containing:

- (a) The name, address, and telephone number of the claimant;
- (b) The believed date and place of the alleged medical injury;
- (c) The nature of the alleged injury;
- (d) An explanation, if known, as to how the alleged injury was caused;
- (e) A description of the severity of the alleged injury, including the claimant's opinion of where the injury is located on the National Practitioner Data Bank severity scale;
- (f) Medical records and medical bills associated with the alleged injury or a limited authorization allowing the medical care provider to obtain medical records and medical bills associated with the alleged injury;
- (g) Evidence of lost wages or income from self-employment or contract work for the individual suffering from an alleged medical injury, which may be supplied through income tax returns or paycheck stubs for the year prior to the alleged injury and any subsequent records up to the date of the notice of alleged injury, or a limited authorization allowing the medical care provider to obtain such records;
- (h) A demand for economic loss resulting from the alleged injury, that includes only medical expenses, replacement services, reasonable attorney fees, and lost wages, or income from self-employment or contract work;
- (i) The name, address and telephone number of claimant's attorney; and
- (j) A request that the medical care provider extend an early offer of settlement of the claim.

IX. "Personal representative" means an executor, administrator, successor personal representative, or special administrator of a decedent's estate or a person legally authorized to perform substantially the same functions.

X. "Reasonable attorney fee" means 20 percent of the present value of the claimant's economic loss and the reasonable costs incurred in representing the injured person under this chapter.

XI. "Replacement services" means expenses reasonably incurred in obtaining ordinary and necessary services from others, who are not members of the injured person's household, in lieu of those the injured person would have performed for the benefit of the household, but could not because of the injury.

XII. "Wages" means monetary payment for services rendered, and the reasonable value of board, rent, housing, lodging, fuel, or a similar advantage received from the employer and gratuities received in the course of employment from others than the employer; but "wages" shall not include any sum paid by the employer to the employee to cover any special expenses incurred by the employee because of the nature of the employment. For individuals receiving unemployment benefits pursuant to RSA 282-A:25 at the time of the injury, wages shall equal the wage rate used to determine the unemployed individual's unemployment benefit pursuant to RSA 282-A:25. For a minor who is injured prior to reaching the age of 18 and who is unable to perform any gainful work as a result of the medical injury, upon reaching the age of 18 wages shall equal the mean New Hampshire per capita income as shown by the American Community Survey's 1-year Estimate (inflation adjusted), produced by the United States Census Bureau.

519-C:2 Procedure.

I. After a medical injury, the claimant may:

- (a) Pursue resolution of a claim for medical injury pursuant to this chapter; or
- (b) Pursue an action for medical injury as provided in RSA 507-E and RSA 519-B.

II. For as long as the claimant and medical provider are proceeding under this chapter, this section shall govern the procedure for resolving the medical injury claim at issue between the 2 parties, notwithstanding any other provision of law.

III. If the claimant elects to pursue a remedy under this chapter, the claimant shall serve a notice of injury to the medical care provider alleged to be responsible for the injury and an executed notification and waiver of rights in the form set forth in RSA 519-C:13, by certified mail, return receipt requested.

IV. Upon the receipt by the medical care provider of a notice of injury and an executed notification and waiver of rights, the medical care provider may elect to:

- (a) Extend an early offer of settlement; or
- (b) Decline to extend an early offer of settlement.

V. A claimant's failure to submit a notice of injury requesting an early offer, or a provider's failure to extend an early offer, shall not be subject to review in any hearing, court, or other proceeding of any kind.

VI. The medical care provider shall respond to the claimant's notice of injury in writing, within 90 days, setting forth the details of its early offer, or indicating that the medical care provider has decided not to extend an early offer of settlement. The medical care provider's written response shall be sent by certified mail, return receipt requested, to the address provided in the claimant's notice of injury.

VII. The medical care provider may request in writing that the individual alleging a medical injury submit to an independent medical examination by a qualified and board certified physician chosen by the medical care provider and agreed to by the claimant at a time and place reasonably convenient for the claimant. If the parties cannot agree on a physician to conduct the examination within 30 days of the request, the hearing officer shall select the physician. The physician conducting the examination shall not be affiliated directly or indirectly in any way, with the medical care provider alleged to have caused the injury. The cost of the examination, including reasonable travel expenses for the claimant, shall be paid by the medical care provider's professional liability insurance company. Within 5 days of receipt, the medical provider or its insurer shall, at no cost to the claimant, provide the claimant with all reports and documents originating from the examination. The claimant shall also be entitled to obtain a transcript and/or audio-video recording of the examination at the claimant's expense. Any physician conducting medical examinations under this section shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties and in good standing with the New Hampshire board of medicine.

VIII. If the medical care provider requests that the claimant submit to a physical examination as set forth in paragraph VII, the time allowed for a medical care provider to respond to the claimant's notice of injury shall be extended by 30 days.

IX. If the medical care provider extends an early offer, the claimant shall accept or reject the medical care provider's written offer in writing within 60 days of receipt of the offer. If the claimant requests a hearing pursuant to RSA 519-C:10, to resolve any dispute with respect to the content of an early offer, the timeframe within which the claimant may accept or reject the early offer shall be extended until 10 days after the decision on the disputed issue is issued by the hearing officer.

X. If the claimant accepts the medical care provider's early offer, the claimant shall notify the medical care provider in writing by certified mail, return receipt requested, and thereafter, the claimant is barred from pursuing any claim for the same medical injury against any medical care provider.

XI. If the claimant rejects the medical care provider's early offer or does not accept the medical care provider's early offer within the time constraints provided by paragraph IX, the early offer shall be considered rejected. A claimant who rejects an early offer may pursue an action for medical injury against the medical care provider pursuant to RSA 507-E and RSA 519-B.

XII. A claimant who rejects an early offer and who does not prevail in an action for medical injury against the medical care provider by being awarded at least 125 percent of the early offer amount, shall be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in the proceedings under this chapter. The claimant shall certify to the court that a bond or other suitable security for payment of the medical care provider's reasonable attorney's fees and costs has been posted before the court shall consider the case.

519-C:3 Unrepresented Claimant.

I. If the claimant is not represented by legal counsel, upon receiving a notice of injury, the medical care provider shall provide a neutral advisor who is a member of the New Hampshire Bar or a retired judge, at the medical care provider's expense, to offer assistance to the claimant and medical care provider under this

chapter. Among other things, the neutral advisor shall encourage the claimant to consider retaining an attorney, and shall ensure the claimant is aware of the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B.

II. A claimant who was unrepresented at the time the claimant submitted the notice and waiver of rights shall have the right to withdraw the notice of injury and the notice and waiver of rights within 5 business days after the claimant's first meeting with the neutral advisor, which shall occur no later than 10 business days from claimant's notification of the identity of the neutral advisor. In the event the claimant withdraws the notice of injury, the early offer process shall be terminated and both parties shall proceed as if the notice of injury was never filed.

III. No medical care provider or insurer shall extend an early offer prior to the expiration of 15 business days after the claimant receives notification of the appointment of the neutral advisor.

519-C:4 Confidentiality.

I. Proceedings, records, and communications during negotiation of an early offer shall be treated as private and confidential by the claimant and the medical care provider. The outcome and any other writings, evidence, or statements made or offered by a party or a party's representative during negotiation of an early offer and relevant only to the early offer process are not admissible in court or in a screening panel hearing under RSA 519-B, shall not be submitted or used for any purpose in a subsequent trial, and shall not be publicly disclosed.

II. A notice of injury provided pursuant to RSA 519-C:2, III, and subsequent actions taken pursuant to this chapter shall be exempt from the reporting requirements of RSA 329:17 and administrative rules adopted thereunder, unless the parties reach a settlement under this chapter. Settlements reached pursuant to this chapter are not exempt from the reporting requirements of RSA 329:17 and said administrative rules.

519-C:5 Payment of Early Offer.

I. If an early offer is accepted, economic losses previously incurred by the claimant as a result of the medical injury and the reasonable attorney fee shall be paid by the medical care provider to the claimant within 15 days of the claimant accepting an early offer.

II. If an early offer is accepted, the medical care provider shall pay future economic losses incurred by the claimant to the claimant as such losses accrue. If any requested payment is denied, the medical provider shall notify the claimant in writing of the denial and the basis for denial, and inform the claimant that any request for a hearing under RSA 519-C:10 regarding the denial must be made within 30 days of the date of denial.

(a) Payments for medical bills arising after the early offer settlement is reached shall be made within 15 days after the medical care provider receives reasonable proof of the fact and the amount of loss sustained. If reasonable proof is not supplied as to the entire claim, the amount supported by reasonable proof shall be paid within 15 days after such proof is received. Any part or all of the remainder of the claim that is later supported by reasonable proof shall be paid within 15 days after such proof is received by the medical care provider. The medical care provider shall pay any and all fees and charges incurred by the claimant resulting from failure to make timely payment of medical bills.

(b) Payment of lost wages shall be made weekly. At a minimum, such payments shall be adjusted annually on July 1 by a factor equal to the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for Boston-Brockton-Nashua, MA-NH-ME-CT for the prior 12 months established by the Federal Bureau of Labor Statistics.

(c) Payment of any other amounts due under an early offer shall be paid within 30 days of the date that the provider receives notice and proof of the fact and amount that is due.

(d) When necessary for the medical care provider or its insurer to evaluate whether medical expenses are reasonably related to the medical injury, the medical care provider may request in writing that the claimant submit to an independent medical evaluation as provided by RSA 519-C:2, VII.

III. Interest shall accrue at the rate of 1-1/2 percent per month on any amounts due under an early offer that are not paid as prescribed by this section.

IV. In lieu of periodic payments, the claimant and medical care provider may agree upon a lump sum payment for any and all potential future economic losses suffered by the claimant, provided that the lump sum agreement is reviewed and approved by a hearing officer after a hearing.

519-C:6 Compensation for Death. If death results from a medical injury, the amount of an early offer pursuant to this chapter shall include:

- I. Any economic loss incurred by the decedent prior to death;
- II. The value at the time of death of what would have been the net earnings of the deceased, less living expenses during the period of his or her life expectance, but for the medical injury;
- III. The value of replacement services during the period of the decedent's life expectance, but for the medical injury;
- IV. The additional payment determined pursuant to RSA 519-C:7; and
- V. A reasonable attorney fee.

519-C:7 Additional Payment to the Claimant.

I. In addition to the lost wages, medical expenses, and replacement services, economic loss included in any early offer under this chapter shall include an additional payment to the claimant.

II. The additional payment, as adjusted under paragraph V, that must be included in an early offer shall be:

- (a) For a temporary injury involving only emotional harm, without physical injury: \$6,600.
- (b) For a temporary injury involving insignificant harm: \$2,100.
- (c) For a temporary injury involving minor harm: \$7,800.
- (d) For a temporary injury involving major harm: \$31,500.
- (e) For a permanent injury involving minor harm: \$35,500.
- (f) For a permanent injury involving significant harm: \$81,500.
- (g) For a permanent injury involving major harm: \$127,500.
- (h) For a permanent injury involving grave harm, or an injury resulting in death: \$140,000.

III. Classification of injuries under paragraph II shall be determined using the National Practitioner Data Bank severity scale.

IV. Either party may request a hearing pursuant to RSA 519-C:10 to resolve a dispute regarding classification of injury severity under this section.

V. The additional payment amounts in paragraph II shall be adjusted annually on July 1 beginning in 2013 by a factor equal to the percentage change in the CPI-U index for medical care for the Northeast Region for the prior 12 months established by the Federal Bureau of Labor Statistics.

519-C:8 Assignments; Certain Claims of Creditors.

- I. Payments for economic loss under this chapter shall not be assignable.
- II. Claims for child support, spousal support, or combination child and spousal support payments, pursuant to RSA 458-B, may be enforced against economic loss settlements.

519-C:9 Multiple Parties Alleged to have Contributed to Causing Medical Injury.

I. Every early offer to settle a claim under this chapter shall include all of the economic loss, plus a reasonable attorney fee as set forth herein, and shall not be reduced or apportioned based on comparative fault of multiple providers. Any medical care provider, or combination of providers alleged to have contributed to causing an injury may extend an early offer as provided in this chapter, and acceptance of that offer by the claimant shall bar any further lawsuit or other claims for compensation by the claimant against all medical care providers arising as a result of the same medical injury. However, any medical care provider that extends an early offer to a claimant may seek contribution in a separate action against any medical care provider or other party that contributed to causing the medical injury. The injured individual shall not be a party to any action for contribution between medical care providers, however, the injured individual shall reasonably cooperate with the proceedings and provide such reasonable information and testimony as may be necessary to resolve the contribution claim. The parties to the action shall pay the injured individual all reasonable costs associated with such reasonable cooperation and testimony, including travel expenses and reasonable loss of earnings or a witness fee of \$100 per day, whichever is greater.

II. Nothing in this section shall be regarded as exempting contribution claims from any applicable provisions of RSA 519-B.

III. Nothing in this section shall limit claims by the claimant against any party other than medical care providers who participated in providing medical care which gave rise to the medical injury.

519-C:10 Dispute Resolution.

I. Upon the request of either party, a qualified hearing officer shall be chosen as provided in RSA 519-C:1, V to resolve a dispute regarding an early offer made under this chapter.

II. Dispute resolution under this chapter shall be limited to the following issues:

(a) Whether an early offer includes all of the economic loss related to the injury that is required by this chapter;

(b) Whether economic loss of any kind, past or future, asserted by the claimant, is reasonably related to an injury that is the subject of an early offer;

(c) Which severity level, pursuant to RSA 519-C:7, most closely describes the injury that is the subject of an early offer; or

(d) What the net present value of an early offer is, for the purposes of calculating the appropriate payment for reasonable attorney fees.

III. No other disputes arising under this chapter may be the subject of, or resolved through a hearing under, this section.

IV. Any request for a hearing pursuant to this section shall contain a reasonably complete statement of the issue or issues to be resolved in the hearing and shall fully identify all parties to the dispute. Any issue not listed in paragraph II shall not be considered. Hearings concerning economic loss that arises after a settlement under this chapter shall be requested within 30 days of the date payment for such economic loss is denied under RSA 519-C:5, II.

V. The medical care provider or, if applicable, the medical care provider's insurer shall pay all reasonable costs associated with a hearing under this section.

VI. Hearings conducted under this chapter shall be governed exclusively by this section and by rules adopted pursuant to RSA 519-C:15.

VII. Any hearing conducted under this chapter shall be conducted within 45 days of the request and a decision shall be issued within 10 days of completion of the hearing. Hearings may be conducted in person or telephonically.

VIII. On a motion from any party, or on his or her own motion, a hearing officer may summarily determine any issue in dispute without a hearing if it appears from the record that there are no material issues of fact in dispute. By agreement of the parties, any dispute may be determined by the hearing officer on the written record without a hearing.

IX. Hearings conducted pursuant to this chapter shall be limited to a reasonable amount of time as determined by the hearing officer, shall not require the presence or testimony of expert witnesses, and shall be recorded by an accurate audio or stenographic recording of all testimony, available to both parties at the non-prevailing parties' expense.

X. Parties to a hearing under this section shall exchange exhibits and witness lists at least 10 days prior to the hearing. No exhibit may be introduced or witness called in a hearing unless exchanged with the opposing party pursuant to this paragraph.

XI. The hearing officer shall issue a written decision resolving the issues in dispute. If the hearing officer finds against the medical provider on any issue, the decision shall modify the terms of the early offer. The early offer, as modified by the decision of the hearing officer, shall be binding on the parties.

XII. In a hearing conducted pursuant to subparagraph II(b) of this section, if the hearing officer determines the claimant's position to be frivolous, the claimant shall reimburse the medical care provider for its costs related to presenting the dispute to the hearing officer, up to a maximum of \$1,000.

XIII. In a hearing conducted pursuant to subparagraph II(b) of this section, if the hearing officer determines the medical care provider's position to be frivolous, the medical care provider shall reimburse the claimant for its costs related to presenting the dispute to the hearing officer, up to a maximum of \$1,000, or if the claimant is unrepresented, pay the claimant double the amount that was frivolously disputed or denied.

519-C:11 Limitations of Claims.

I. Except for claims on behalf of deceased individuals, claims for medical injury to a competent adult under this chapter shall be subject to the limitation set forth in RSA 508:4.

II. Except for claims on behalf of deceased individuals, claims for medical injury to a minor or incompetent under this chapter shall be subject to the limitation set forth in RSA 508:8.

III. Claims for medical injuries on behalf of deceased individuals shall be subject to the limitations set forth in RSA 556:7.

IV. Providing a notice of injury to a medical care provider as provided in this chapter shall operate to toll the applicable statute of limitation with respect to that injury from the time such notice is provided to a medical care provider until the expiration of time for a medical care provider to extend an early offer, or if an early offer is extended, until the acceptance or rejection of an early offer by the claimant, whichever occurs later.

519-C:12 Subrogation. Any insurer or third party who has paid or reimbursed economic losses to or for the benefit of the claimant, shall have the right of subrogation against the medical provider entering into an early offer of settlement under this chapter.

519-C:13 Notice and Waiver of Rights.

I. Claimants electing to pursue resolution of a medical injury under this chapter shall execute a notice and waiver of rights which contains the following wording:

WAIVER OF RIGHTS

By agreeing to submit a notice of injury to the medical care provider, I understand that my rights to seek legal remedies and a jury trial for my injuries guaranteed by Part I, Articles 14 and 20 of the New Hampshire Constitution may be affected.

I understand that I have the right to consult and retain an attorney to represent me regarding this matter, and that if an early offer settlement is reached, my attorney will be paid pursuant to RSA 519-C:5, I by the health care provider, in addition to any amount that is paid for my economic loss.

If I do not have an attorney when I sign this waiver form, the medical provider will appoint a neutral advisor to assist me in the early offer process and to explain, among other things, the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B. I HAVE THE RIGHT TO WITHDRAW THIS WAIVER AND THE NOTICE OF INJURY ANY TIME PRIOR TO MIDNIGHT OF THE FIFTH BUSINESS DAY AFTER MY FIRST MEETING WITH THE ADVISOR, WHICH MUST OCCUR NO LATER THAN 10 BUSINESS DAYS FROM MY NOTIFICATION OF THE IDENTITY OF THE NEUTRAL ADVISOR.

If after submitting a notice of injury, the medical care provider does NOT extend an early offer (RSA 519-C:1, III), I am free to pursue my legal remedies as defined in New Hampshire law without restriction.

If after submitting a notice of injury, the medical care provider does extend an early offer (RSA 519-C:1, III), I may either:

(1) Accept the early offer;

(2) Request a hearing before a hearing officer to determine whether the early offer includes all of the economic loss I am entitled to under the statute, and if necessary, the hearing officer may order the medical care provider to increase the early offer to meet the requirements of the early offer law; or

(3) Reject the early offer and seek legal remedies.

I understand that if I reject an early offer and am later awarded economic damages equal to or less than 125 percent of the amount of the early offer, I will be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in proceedings under this chapter.

I understand that if an early offer is made by the medical care provider and I accept that offer, disputes regarding the early offer can be resolved only in accordance with RSA 519-C:10 by a hearing officer listed with the judicial branch office of mediation and arbitration, at my request or the request of the medical care provider. If either party believes that the decision of the hearing officer is unlawful, that party may seek discretionary review in the New Hampshire court system; however, there is no assurance that the courts will undertake such review.

Date _____

Signature _____

II. A properly executed waiver form by a claimant who is competent at the time the waiver is executed shall be conclusively presumed to be a sufficient, knowing, and voluntary waiver if the waiver form complies with this section.

519-C:14 Other Action for Injury. Except as set forth in RSA 519-C:2, IX, a claimant may only pursue an action for medical injury as provided in RSA 507-E and RSA 519-B when:

I. The claimant elects not to submit a notice of injury pursuant to this chapter;

II. The medical care provider elects not to extend an early offer pursuant to this chapter in response to the notice of injury; or

III. The claimant withdraws the notice of injury and the notice and waiver of rights pursuant to RSA 519-C:3.

519-C:15 Rulemaking. The commissioner of the New Hampshire insurance department shall adopt rules necessary to administer the hearings process under this chapter.

519-C:16 Reports.

I. The insurance commissioner shall report to the general court annually, on or before November 1, on the effects of the early offer process established in this chapter. Such reports shall include, but not be limited to, statistics of each time the early offer process was initiated, including the number of claimants requesting early offers, the number of claimants receiving early offers, a record of the amount of each demand for economic loss, the corresponding early offer from the medical provider and the ultimate amount received by the claimant, if any, the severity of injuries, the time from initial notice to final resolution of claims, and the amount paid on claims.

II. The insurance commissioner may adopt rules under RSA 541-A to collect the data from insurers or any self-insured entity necessary to prepare the report required by this section. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

3 Prospective Repeal. RSA 519-C, relative to early offers for medical injury claims, is repealed.

4 Confidentiality of Police Personnel Files. RSA 105:13-b is repealed and reenacted to read as follows:

105:13-b Confidentiality of Personnel Files.

I. Exculpatory evidence in a police personnel file of a police officer who is serving as a witness in any criminal case shall be disclosed to the defendant. The duty to disclose exculpatory evidence that should have been disclosed prior to trial under this paragraph is an ongoing duty that extends beyond a finding of guilt.

II. If a determination cannot be made as to whether evidence is exculpatory, an in camera review by the court shall be required.

III. No personnel file of a police officer who is serving as a witness or prosecutor in a criminal case shall be opened for the purposes of obtaining or reviewing non-exculpatory evidence in that criminal case, unless the sitting judge makes a specific ruling that probable cause exists to believe that the file contains evidence relevant to that criminal case. If the judge rules that probable cause exists, the judge shall order the police department employing the officer to deliver the file to the judge. The judge shall examine the file in camera and make a determination as to whether it contains evidence relevant to the criminal case. Only those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential and shall be returned to the police department employing the officer.

5 Study Committee Established; Self-Referrals for Implantable Medical Devices.

I. There is hereby established a committee to study the issue of health care practitioners making referrals of patients for the use of implantable medical devices when the practitioner has an ownership or other financial interest in the supplier of the implantable medical device.

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

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

(b) Two members 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 the issue of health care practitioner self-referrals for implantable medical devices and make recommendations as to any future legislation.

V. The members of the committee shall elect a chairperson from among the members. The first-named house of representatives member shall call the first meeting. The first meeting shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

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

6 Effective Date.

I. Section 2 of this act shall take effect January 1, 2013.

II. Section 3 of this act shall take effect November 1, 2020.

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

The signatures below attest to the authenticity of this Report on SB 406, an act establishing an early offer alternative in medical injury claims.

Conferees on the Part of the Senate
Sen. Luther, Dist. 12
Sen. Bradley, Dist. 3
Sen. Forsythe, Dist. 4

Conferees on the Part of the House
Rep. Silva, Hills. 26
Rep. Giuda, Merr. 7
Rep. Hagan, Rock. 7
Rep. Rowe, Hills. 6

2012-2462-CofC

AMENDED ANALYSIS

This bill establishes a system of early offers for medical injury claims as an alternative to litigation or screening panels under RSA 519-B.

This bill clarifies the confidentiality provisions regarding use of police personnel files as evidence in criminal cases.

This bill also establishes a committee to study the issue of health care practitioners making referrals of patients for the use of implantable medical devices when the practitioner has an ownership or other financial interest in the supplier of the implantable medical device.

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

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

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

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

Yeas: 18 - Nays: 4

Adopted.

Sen. Houde asserts Rule 2-15 on SB 406.

HOUSE MESSAGE

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

SB 326-FN-A, relative to state reimbursement of towns.

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

REPRESENTATIVES: Stepanek, Ohm, Major, Azarian

Recess. Out of recess.

May 30, 2012

2012-2441-CofC

04/10

Committee of Conference Report on SB 409-FN, an act relative to the use of marijuana for medicinal purposes.

Recommendation:

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

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

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

1 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-U the following new chapter:

CHAPTER 126-V USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-V:1 Definitions. In this chapter:

I. "Provider-patient relationship" means a relationship between a provider and a patient that includes:

- (a) Taking a medical history;
- (b) Performing a relevant physical examination;
- (c) Reviewing prior treatment and treatment response;
- (d) Obtaining and reviewing relevant diagnostic test results;
- (e) The provider being available for and offering follow-up care and treatment to the patient, including but not limited to patient examinations;
- (f) Creating and maintaining patient records; and
- (g) Notifying the patient's primary care provider when appropriate.

II. "Cultivation location" means a locked and enclosed site, under the control of the qualifying patient or designated caregiver who has reported the location of the site to the department, where marijuana is cultivated in accordance with the provisions of this chapter.

III.(a) "Qualifying medical condition" means the presence of both:

- (1) A severely debilitating or terminal disease; and
- (2) Symptoms or treatment results that include at least one of the following: wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, elevated intraocular pressure, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

(b) "Severely debilitating or terminal disease" means:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, inflammatory autoimmune-mediated arthritis, Parkinson's disease, systemic lupus erythematosus, quadriplegia, paraplegia, sickle cell disease, cerebral palsy, epilepsy, severe spinal cord injury, intractable skeletal muscular spasticity, traumatic brain injury, Tourette's Syndrome, spinal cord disease, chronic pancreatitis with cysts, one or more injuries that significantly interfere with daily activities as documented by the patient's treating provider, or painful peripheral neuropathy only if the application is accompanied by medical records that confirm the objective presence of painful peripheral neuropathy that has been refractory to other treatments; or

(2) A medical condition which is not listed in subparagraph (1) and which the commissioner determines, on a case by case basis, is severely debilitating or terminal, based upon the written request of a person who furnishes written certification to the commissioner and who demonstrates the symptoms or treatment results listed in subparagraph (a)(2).

IV. "Department" means the department of health and human services.

V. "Designated caregiver" means an individual:

- (a) Who is at least 21 years of age; and
- (b) Who has agreed to assist with a qualifying patient's medical use of marijuana; and
- (c) Who has never been convicted of any drug-related offense; and
- (d) Who possesses a valid registry identification card issued pursuant to RSA 126-V:4

VI. "Marijuana" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

VII. "Medical use" means the acquisition, possession, cultivation, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's qualifying medical condition or symptoms or results of treatment associated with the qualifying patient's qualifying medical condition. It shall not include the use of marijuana by a designated caregiver who is not a qualifying patient.

VIII. "Medicinal use certificate" means a certificate issued by the commissioner of health and human services indicating that a donation has been made to the registry identification card fund established in RSA 126-V:7. The commissioner shall establish the minimum donation amount each year in an amount sufficient to cover the costs associated with this chapter, but not to exceed \$200. The donor shall receive one medicinal use certificate for each donation of the minimum amount and may transfer the certificate to any person applying as a qualified patient or a designated caregiver.

IX. "Provider" means a physician licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances. For a visiting qualifying patient, "provider" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

X. "Qualifying patient" means an individual who has been diagnosed by a provider as having a qualifying medical condition and who possesses a valid registry identification card issued pursuant to RSA 126-V:4.

XI. "Registry identification card" means a document issued by the department pursuant to RSA 126-V:4 that identifies an individual as a qualifying patient or a designated caregiver.

XII. "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter.

XIII. "Unusable marijuana" means any marijuana, other than usable marijuana, including the seeds, stalks, and roots of the plant.

XIV. "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XV. "Visiting qualifying patient" means a patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days.

XVI. "Written certification" means a document signed by a provider stating that in the provider's professional opinion, after having completed a full assessment of the patient's medical history and current medical condition made in the course of a provider-patient relationship of at least 3 months in duration, the patient has a qualifying medical condition, and the potential benefits of the medical use of marijuana would likely

outweigh the health risks for the qualifying patient. If the patient's qualifying medical condition is of recent or sudden onset and the certifying provider is primarily responsible for the patient's care related to his or her qualifying medical condition, the 3-month requirement for the provider-patient relationship required in this paragraph shall not apply. The written certification shall be valid for up to one year. The date of expiration and the patient's qualifying medical condition shall be specified on the written certification.

126-V:2 Possession of Medical Marijuana by a Qualifying Patient or Designated Caregiver.

I. A qualifying patient shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege for the medical use of marijuana in accordance with this chapter, if the qualifying patient possesses, cultivates, or possesses and cultivates, an amount of marijuana that does not exceed the following:

(a) If the qualifying patient does not have a designated caregiver for the possession and cultivation of marijuana that occurs at the cultivation location reported to the department, or while transporting marijuana and marijuana plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

- (1) Six ounces of usable marijuana; and
- (2) Any amount of unusable marijuana; and
- (3) Four mature marijuana plants and 12 seedlings, with a total canopy of no more than 100 square feet.

(b) If the qualifying patient is not at the cultivation location reported to the department:

- (1) Two ounces of usable marijuana; and
- (2) Any amount of unusable marijuana.

II. A designated caregiver shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege for the medical use of marijuana in accordance with this chapter on behalf of a qualifying patient if the designated caregiver possesses or cultivates, or both, an amount of marijuana that does not exceed the following:

(a) If at the cultivation location reported to the department, or while transporting marijuana and marijuana plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

- (1) Six ounces of usable marijuana; and
- (2) Any amount of unusable marijuana; and
- (3) Four mature marijuana plants and 12 seedlings, with a total canopy of no more than 100 square feet.

(b) If not at the cultivation location reported to the department:

- (1) Two ounces of usable marijuana; and
- (2) Any amount of unusable marijuana.

III. A qualifying patient or designated caregiver shall not be subject to arrest, prosecution, or penalty for giving marijuana to a qualifying patient or a visiting qualifying patient where nothing of value is transferred in return, or for offering to do the same, if the person giving the marijuana does not knowingly cause the recipient to possess more marijuana than is permitted by this section.

IV.(a) A qualifying patient is presumed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a valid registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is presumed to be lawfully engaged in assisting with the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a valid registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the qualifying patient's qualifying medical condition or symptoms or effects of the treatment associated with the qualifying medical condition, in accordance with this chapter.

V. A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied such a right solely for conduct allowed under this chapter and there shall be no presumption of neglect or child endangerment.

VI. Notwithstanding paragraph III, a designated caregiver may receive compensation for costs, not including labor, associated with assisting a qualifying patient who has designated the designated caregiver to assist him or her with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

VII. A provider shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing entity, solely for providing written certifications or for otherwise stating that, in the provider's professional opinion, and in the context of a provider-patient relationship, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana, provided that nothing shall prevent a professional licensing entity from sanctioning a provider for failing to properly evaluate a patient's medical condition.

VIII. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited if the basis for the seizure or forfeiture is activity related to marijuana that is exempt from state criminal penalties under this chapter.

IX. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing entity, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter.

X. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a valid registry identification card issued by the department in this state, provided that:

(a) The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-V:1, III; and

(b) A visiting qualifying patient shall not cultivate marijuana in New Hampshire.

XI.(a) Any qualifying patient or registered caregiver who sells marijuana to another person who is not a qualifying patient or registered caregiver under this chapter shall be subject to the penalties specified in RSA 318-B:26, IX-a, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26.

(b) The department may revoke the registry identification card of a qualifying patient or registered caregiver who violates any other provision of this chapter, and the qualifying patient or registered caregiver shall be subject to any other penalties established in law for the violation.

XII. Where a state or local law enforcement agency encounters an individual who, during the course of an investigation, credibly asserts that he or she is a qualifying patient or designated caregiver, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual or entity to any law enforcement agency that does not recognize the protection of this chapter, and any prosecution of the individual or entity for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing marijuana to a person who is not allowed to possess it under this chapter.

XIII. A person who ceases to be a qualifying patient or designated caregiver shall have 10 days after notification by the department to dispose of marijuana in one of the following ways:

(a) If the person was a designated caregiver and the qualifying patient who designated the caregiver is still a qualifying patient, but has designated a new caregiver or will cultivate plants himself or herself, the designated caregiver may transfer marijuana to the new person who will cultivate for the qualifying patient;

(b) The person may notify local law enforcement and request that they dispose of the marijuana;

(c) The person may dispose of marijuana, after mixing marijuana with other ingredients such as soil to render it unusable; or

(d) The person may donate usable marijuana to a qualifying patient.

XIV. For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a provider, and shall not constitute the use of an illicit substance.

126-V:3 Prohibitions and Limitations on the Use of Medical Marijuana.

I. A qualifying patient may use medical marijuana on privately owned real property only with the permission of the property owner.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of marijuana while:

(1) Operating a motor vehicle, commercial vehicle, boat, or vessel, or any other vehicle propelled or drawn by power other than muscular power; or

(2) In his or her place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of marijuana by a qualified patient or designated caregiver for purposes other than for medical use as permitted by this chapter.

(c) The smoking of marijuana in any public place, including:

(1) A school bus, public bus, or other public vehicle; or

(2) A place of employment, without the written permission of the employer; or

(3) The grounds of any preschool, elementary, or secondary school; or

(4) Any correctional facility; or

(5) Any public park, public beach, public recreation center, public field, or youth center.

III. Nothing in this chapter shall be construed to require:

(a) Any health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the medical use of marijuana; or

(b) Any individual or entity in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property; or

(c) Any accommodation of the medical use of marijuana on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or for working while under the influence of marijuana;

IV. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

V. A qualifying patient or designated caregiver who is found to be in possession of marijuana outside of his or her home and is not in possession of his or her registry identification card, may be subject to a \$100 fine.

126-V:4 Departmental Administration.

I. Except as provided in paragraph V, the department shall issue a registry identification card to a person applying as a qualifying patient who submits all of the following information:

(a) Written certification as defined in RSA 126-V:1.

(b) An application or a renewal application accompanied by a medicinal use certificate.

(c) Name, residential and mailing address, and date of birth of the applicant, except that if the applicant is homeless, no residential address is required.

(d) Name, address, and telephone number of the applicant's provider.

(e) Name, address, and date of birth of the applicant's designated caregiver, if any. A qualifying patient shall have only one designated caregiver.

(f) Street address of the cultivation location, if the qualifying patient does not have a designated caregiver.

(g) A statement signed by the applicant, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that his or her diversion of marijuana is punishable as a class B felony and revocation of his or her registry identification card, in addition to other penalties for the illegal sale of marijuana.

II.(a) Except as provided in paragraph V, the department shall issue a registry identification card to a person applying as a designated caregiver who submits all of the following information:

(1) An application or a renewal application accompanied by a medicinal use certificate.

(2) Name, residential and mailing address, and date of birth of the applicant.

(3) Name, residential and mailing address, and date of birth of the qualifying patient for whom the applicant will act as designated caregiver, except that if the qualifying patient is homeless, no residential address is required. A designated caregiver shall act on behalf of only one qualifying patient.

(4) A complete set of fingerprints.

(5) Street address of the cultivation location.

(6) A statement indicating the applicant's preference as to whether the applicant requests the department to retain his or her fingerprints on file for any renewal application or whether the applicant requests the department to destroy his or her fingerprints and acknowledges that the applicant shall resubmit fingerprints if the applicant applies for renewal as a designated caregiver.

(7) A signed statement from the applicant agreeing to act as the designated caregiver for the qualifying patient named in the application and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that the diversion of marijuana is punishable as a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.

(b) A person who is applying to be a designated caregiver shall submit to a state and federal criminal records check. The department shall request the department of safety to perform the state and federal criminal records check and the department of safety shall complete such records checks and convey the findings of such checks to the department within 30 days of the request. The department and the department of safety may exchange necessary data including fingerprint data with the Federal Bureau of Investigation without disclosing that the records check is related to the provisions of this chapter and acts permitted by it. Unless the applicant stated that he or she prefers his or her fingerprints to be kept on file for any renewal, the department and the department of safety shall destroy each set of fingerprints obtained pursuant to this chapter after the criminal records check is complete.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section. The department shall approve or deny an application or renewal for a qualifying patient within 15 days of receipt of the application. The department shall approve or deny an application or renewal to serve as a designated caregiver within 45 days of receipt of the application. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or the applicant previously had a registry identification card revoked for violating the provisions of this chapter, or if the department determines that the information provided was falsified. The department shall notify an applicant of the denial of an application. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

IV. The department shall issue registry identification cards to persons applying as a qualifying patient or designated caregiver within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the provider states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier date, then the registry identification card shall expire on that date. Registry identification cards shall contain all of the following:

- (a) Name, mailing address, and date of birth of the qualifying patient or designated caregiver.
- (b) The date of issuance and expiration date of the registry identification card.
- (c) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the qualifying patient or the designated caregiver.
- (d) A designation that the person is either a “qualifying patient” or a “designated caregiver.” If the person is a designated caregiver, the identification card shall include the random 10-digit identification number of the qualifying patient for whom he or she is providing care.
- (e) A photograph of the qualifying patient or designated caregiver.
- (f) A statement that the qualifying patient or designated caregiver is permitted under state law to possess marijuana pursuant to this chapter for the medical use of the qualifying patient.
- (g) For a qualifying patient’s registry identification card, a statement that either:
 - (1) The person is a qualifying patient who has not designated a caregiver and is therefore exempt from state penalties for cultivating marijuana; or
 - (2) The person is a qualifying patient who has designated a caregiver, and therefore shall not be permitted to cultivate marijuana.

V. The department shall not issue a registry identification card to an applicant under 18 years of age who is applying as a qualifying patient unless:

- (a) The applicant’s provider has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the applicant; and
- (b) The custodial parent or legal guardian with responsibility for health care decisions for the applicant consents in writing to:
 - (1) Allow the applicant’s medical use of marijuana; and
 - (2) Control the acquisition of the marijuana and the frequency of the medical use of marijuana by the applicant; and
- (c) The custodial parent or legal guardian completes an application in accordance with the requirements of paragraph I on behalf of the applicant.

VI. The department shall provide each approved qualifying patient and caregiver a statement with the registry identification card explaining federal law on the possession of marijuana and that possession of a state registry identification card does not protect a person from federal criminal penalties.

VII.(a) A qualifying patient shall notify the department of any change in his or her name, address, or designated caregiver within 10 days of such change. If the qualifying patient’s certifying provider notifies the department in writing that either the qualifying patient no longer suffers from a qualifying medical condition or that the provider no longer believes the qualifying patient would receive benefit from the medical use of marijuana, the registry identification card shall become void upon notification by the department to the qualifying patient.

(b) When a qualifying patient or a designated caregiver notifies the department of any change to a name or address, the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random 10-digit identification number within 15 days of receiving the updated information.

(c) If a qualifying patient notifies the department of a change in his or her designated caregiver and the prospective designated caregiver meets the requirements of this chapter, the department shall issue the designated caregiver a registry identification card with a new random 10-digit identification number within 45 days of receiving the designated caregiver’s application.

(d) A qualifying patient or designated caregiver who fails to notify the department of any changes to his or her name, address, designated caregiver, or cultivation location shall be guilty of a violation and may be subject to a fine not to exceed \$150.

(e) If a qualifying patient or designated caregiver loses his or her registry identification card, he or she shall notify the department within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 10-digit identification number.

VIII. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

IX.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, date of registry identification card expiration, random 10-digit identification number, street address at which the marijuana plants will be cultivated or possessed, and the effective date of any change of cultivation location. The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the medical use of marijuana.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that they have probable cause to believe marijuana is possessed or cultivated at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or a cultivation location.

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that they have probable cause to believe a specific individual possesses or cultivates marijuana, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

(4) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has made a legal determination that there is probable cause to believe the information is false or falsified.

X. Within 5 days of learning of the death of a qualifying patient, a surviving family member, caretaker, executor, or the patient's designated caregiver shall notify the department that the qualifying patient has died. Within 5 days of learning of the death of a qualifying patient, the surviving family member, caretaker, executor, or the patient's designated caregiver shall either request that the local law enforcement agency remove any remaining marijuana or shall dispose of the marijuana in a manner that is specified by the department by rule.

XI. The department shall submit to the legislature an annual report that shall not disclose any identifying information about qualifying patients, designated caregivers, or providers, but shall contain, at a minimum, the following information:

- (a) The number of applications and renewals filed for registry identification cards.
- (b) The number of qualifying patients and designated caregivers approved in the state.
- (c) The nature of the qualifying medical conditions of the qualifying patients.
- (d) The number of registry identification cards revoked.
- (e) The number of providers providing written certifications for qualifying patients.

126-V:5 Affirmative Defense.

I. Except as provided in RSA 126-V:3, it is an affirmative defense to any prosecution for an offense involving marijuana or marijuana paraphernalia intended for medical use that:

(a) The defendant is a qualifying patient in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than allowed under this chapter, and the qualifying patient was engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

(b)(1) The defendant is a designated caregiver in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than allowed under this chapter; and

(2) The designated caregiver was engaged in the medical use of marijuana on behalf of a qualifying patient in accordance with the provisions of this chapter.

(c) If a defendant proves the elements of the affirmative defense listed in subparagraph (I)(a) or (b), the charges shall be dismissed with prejudice.

II. A person who is arrested for possession, cultivation, or transportation of marijuana, or possession of marijuana paraphernalia, may raise as an affirmative defense that he or she is person with a qualifying medical condition who is not yet in possession of a valid registry identification card if:

(a) Prior to the arrest, the person submitted to the department a valid application to become a qualifying patient, complete with a written certification, but the person had not yet received a registry identification card from the department; and

(1) The person does not possess more than 2 ounces of usable marijuana and any amount of unusable marijuana, if the marijuana is not on the person's property; or

(2) If the marijuana is on the person's property, the person does not possess more than 6 ounces of usable marijuana and any amount of unusable marijuana and is not cultivating more than 4 mature marijuana plants and 12 seedlings, which shall be in a locked and enclosed location on the person's property.

(b) The affirmative defense under this section shall not be available to a person who has violated any of the provisions of RSA 126-V:3, I-IV.

(c) If a defendant proves the elements of the affirmative defense listed in this paragraph, the defendant shall be acquitted of any charge to which the defendant proved the affirmative defense.

III. A person who is arrested for possession, cultivation, or transportation of marijuana, or possession of marijuana paraphernalia, prior to the date on which the department begins accepting registry identification card applications may raise as an affirmative defense that he or she is a person with a qualifying medical condition who is not yet in possession of a valid registry identification card if:

(a) The person produces a written statement signed by a provider stating that in the provider's professional opinion, after having completed a full assessment of the person's medical history and current medical condition made in the course of a provider-patient relationship of at least 3 months duration, unless the person's qualifying medical condition is of recent or sudden onset in which case the 3-month time requirement shall not apply, the person has a qualifying medical condition and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the person; and

(1) The person does not possess more than 2 ounces of usable marijuana and any amount of unusable marijuana, if the marijuana is not on the person's property; and

(2) If the marijuana is on the person's property, the person does not possess more than 6 ounces of usable marijuana and any amount of unusable marijuana, and does not possess or is not cultivating more than 4 mature marijuana plants and 12 seedlings which shall be in a locked and enclosed location.

(b) The affirmative defense under this section shall not be available to a person who has violated any of the provisions of RSA 126-V:3, I-IV.

(c) If a defendant proves the elements of the affirmative defense listed in this paragraph, the defendant shall be acquitted of any charge to which the defendant proved the affirmative defense.

126-V:6 Rulemaking.

I. Not later than 90 days after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider and process applications for issuance and renewals of registry identification cards for qualifying patients and designated caregivers and for the processing of medicinal use certificates.

II. The department may accept gifts, grants, donations, or other funds from private sources without the approval of the governor and council.

126-V:7 Registry Identification Card Fund. There is hereby established in the office of the state treasurer a fund to be known as the registry identification card fund which shall be kept separate and distinct from all other funds. The fund is established to pay for the operational expenses of the program for permitting the use of marijuana for medicinal purposes as established in this chapter. The moneys in this fund shall

be nonlapsing and continually appropriated to the department. Interest on fund balances shall accrue to the fund. All fines and other income received by the department and all monetary gifts, grants, and donations received by the department pursuant to this chapter shall be deposited in the fund.

2 New Subparagraph; Application of Receipts; Registry Identification Card Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (307) the following new subparagraph:

(308) Moneys deposited in the registry identification card fund established in RSA 126-V:7.

3 New Paragraph; Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph I-a the following new paragraph:

I-b. It shall be unlawful for a qualifying patient or designated caregiver as defined under RSA 126-V:1 to sell marijuana to another person who is not a qualifying patient or designated caregiver. A conviction for the sale of marijuana to a person who is not a qualifying patient or designated caregiver shall not be construed to preclude or limit a prosecution or conviction of any person for sale of marijuana or any other offense defined in this chapter.

4 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph IX the following new paragraph:

IX-a. A qualifying patient or designated caregiver as defined in RSA 126-V:1 who is convicted of selling marijuana to a person who is not a qualifying patient or designated caregiver shall be guilty of a class B felony and shall be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$300,000, or both.

5 Repeal. The following are repealed:

I. RSA 126-V:1 through RSA 126-V:7, relative to use of marijuana for medicinal purposes.

II. RSA 6:12, I(b)(308), relative to the registry identification card fund.

III. RSA 318-B:2, I-b, relative to selling marijuana to a person who is not a qualifying patient or a designated caregiver.

IV. RSA 318-B:26, IX-a, relative to the penalty for selling marijuana to a person who is not a qualifying patient or a designated caregiver.

6 Applicability. The provisions of RSA 126-V:1-4 as inserted by section 1 of this act shall take effect on the earlier of July 1, 2013 or upon certification by the commissioner of the department of health and human services to the secretary of state and the director of the office of legislative services that sufficient funds are available in the registry identification card fund established in RSA 126-V:7 to meet the expenses of the use of marijuana for medicinal purposes program established in RSA 126-V from the effective date of this section until July 1, 2013.

7 Effective Date.

I. RSA 126-V:1-4 as inserted by section 1 of this act shall take effect as provided in section 6 of this act.

II. Section 5 of this act shall take effect July 1, 2015.

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

The signatures below attest to the authenticity of this Report on SB 409-FN, an act relative to the use of marijuana for medicinal purposes.

Conferees on the Part of the Senate
Sen. Forsythe, Dist. 4
Sen. Bradley, Dist. 3
Sen. Kelly, Dist. 10

Conferees on the Part of the House
Rep. Reagan, Rock. 1
Rep. Merrick, Coos 2
Rep. Simard, Graf. 8
Rep. Itse, Rock. 9

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

A division vote was requested.

Yeas: 13 - Nays: 9

Adopted.

Sen. Barnes is in opposition to the adoption of the Committee of Conference Report on SB 409-FN.

ANNOUNCEMENTS

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

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 326-FN-A-L, relative to state reimbursement of towns.

June 6, 2012

2012-2494-CofC

09/01

Committee of Conference Report on SB 326-FN-A-LOCAL, an act relative to state reimbursement of towns.

Recommendation:

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

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

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

1 Repeal. RSA 122:4, II, relative to reimbursement to towns and cities of moneys owed by other states, is repealed.

2 Contingency. Notwithstanding RSA 122:4, II, if any other state in a river management compact with the state of New Hampshire makes a payment in any amount on an arrearage to the state of New Hampshire, then within 30 days of receiving such payment, the state treasurer shall distribute such money to the towns affected by RSA 484 in the manner prescribed by RSA 122:4, I for the fiscal years ending June 30, 2012 and June 30, 2013. Any additional funds shall lapse to the general fund on June 30, 2013.

3 Interest and Dividends Tax; Who Taxable. Amend RSA 77:3, I(b) and (c) to read as follows:

(b) Partnerships, limited liability companies, **and** associations, ~~and trusts,~~ the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) ~~Fiduciaries~~ **Executors** deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year.

4 Interest and Dividends Tax; Trusts Not Subject to Tax. Amend RSA 77:4, III to read as follows:

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, **or** association~~[-or trust]~~ issuing the same, on shares in partnerships, limited liability companies, **or** associations~~[-or trusts]~~ the beneficial interest in which is represented by transferable shares.

5 Interest and Dividends Tax; Income From Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts. ~~[The income received by estates held by trustees, any one of whom is an inhabitant of this state, or has derived his appointment from a court of this state, shall be subject to the taxes imposed by this chapter, except that]~~ **Interest and dividend** income received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their [owners] **grantor**, to the extent that the ~~[persons to whom the income from the trust is payable, or for whose benefit it is accumulated, are inhabitants]~~ **grantor is an inhabitant or resident** of this state. **Income reported by, and taxed federally as interest or dividends to, a trust beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as interest or dividends in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.**

6 Interest and Dividends Tax; Guardians, etc. Amend RSA 77:13 to read as follows:

77:13 Guardians, etc. RSA 77:9 [to 12] **through RSA 77:11** shall apply to guardians, conservators, trustees in bankruptcy, receivers, and assignees for the benefit of creditors, so far as apt, to the taxable income received by them [~~and to their beneficiaries, and to corporations acting as trustees or in any other fiduciary capacity~~].

7 Interest and Dividends Tax; Application of Sections. Amend RSA 77:14-d to read as follows:

77:14-d Application of Sections. RSA 77:14-a to 77:14-c shall apply, so far as apt, to associations [~~and trusts~~], but not to partnerships, limited liability companies, **and** associations[~~and trusts~~] the beneficial interest in which is represented by transferable shares.

8 Repeal. RSA 77:12, relative to taxation of income from nonresident trustees, is repealed.

9 Applicability. Sections 3-8 of this act shall apply to taxable periods ending on or after December 31, 2013.

10 Effective Date.

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

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

The signatures below attest to the authenticity of this Report on SB 326-FN-A-LOCAL, an act relative to state reimbursement of towns.

Conferees on the Part of the Senate
Sen. Odell, Dist. 8
Sen. Morse, Dist. 22
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Stepanek, Hills. 6
Rep. Ohm, Hills. 26
Rep. Major, Rock. 8
Rep. Azarian, Rock. 4

2012-2494-CofC

AMENDED ANALYSIS

This bill:

I. Repeals the reduction in certain reimbursements paid to towns and cities who have lost taxable valuation of certain lands.

II. Allows moneys received by the state to pay arrearages under certain river compacts to be distributed to towns listed under such compacts.

III. Eliminates certain taxation of trusts under the interest and dividends tax.

The question is on the adoption of the Committee of Conference Report. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 2-15'S FOR THE DAY

Sen. Bradley: HB 351-FN.

Sen. Houde: SB 406.

Sen. White: HB 102, HB 351-FN.

ANNOUNCEMENTS

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you. It is my sad duty to inform the Senate of the death of James Finch of Londonderry. James, like most of us, was a transplant from somewhere else, but once he arrived in Londonderry in 1978, he really took to the town. He volunteered for many, many different activities and boards. He served on our budget committee, the school space committee; he was a trustee of the trust fund. And, what was really interesting about Jim is that oftentimes he would dress up as Uncle Sam and he would be out at the polls on Election Day, encouraging people to come out and vote, and that's one thing I'll always remember Jim for

doing. He was also an avid outdoorsman; he was a skier for 72 years. And, he claimed that he climbed the Grand Teton in Wyoming. And, he went spelunking throughout New England with his family; it was some of his favorite activities. He was also an actor, and he was very involved in local productions of different plays, including *Annie* and *The Music Man*. He was also a very active participant in St. Jude Parish in Londonderry; he was on the strategic planning committee, the parish council, and a member of the Knights of Columbus. Even though he was retired, he also worked part-time. He was a human resources person, and he still would work part-time at Fidelity. So, even though he was 82 years old, he remained very, very active. He is survived by his wife, two daughters, three sons, 11 grandchildren, and three great-grandchildren. And, his loss is truly a loss for the Town of Londonderry. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Since I have the floor, if I might just do one final note of personal privilege: I think everyone knows Laurie Sortevik, who is sometimes up here. But, we want to recognize that her son, Colby Sortevik, who is a constituent from Pembroke and the son of our 29-year State House employee, Laurie Sortevik, who's in the Information Technology Office downstairs. Colby, her son, was deployed to Afghanistan on May 17th with a U.S. Army Special Unit out of Kansas. And, Colby is a 2011 ROTC graduate of Clarkson University and attended the U.S. Army Pathfinder School in Fort Benning, Georgia. We wanted to just make a special note to Colby and to Laurie, whom I hope is listening, to wish both he and Laurie and all of their family Godspeed and to thank Colby for his service to our country. So, we send that off as a special message to Laurie and Colby for safe and strong leadership for our country. Thank you.

I know I had a very long list of 2-17's, but I wanted to add into the permanent record something on a not so upbeat note, and that is to acknowledge the passing of John Page. John Page had lived in Concord for many years and then moved in his later years to Haverhill. And, I hadn't seen him for a number of years, but I did see that he has passed on, and I wanted to send condolences to his wife, Ruth.

John was the head of the New Hampshire Historical Society between the years of 1969 to 1984. And, he was actually the first person to give me a job here in the state. And, I worked at the New Hampshire Historical Society under his guidance when the Historical Society was only in the Tuck Building and they had not yet purchased the expanded granite space across Main Street.

Anyway, John Page, I think, is respected across the state for his knowledge of the history of the state and for preserving so much of what's special about New Hampshire through what is now the New Hampshire History Museum. He went on to become the first executive director of Inherit New Hampshire, which is now known as the New Hampshire Preservation Alliance.

So, I just wanted to recognize the passing of John Page and put our condolences and his passing into the permanent record. Thank you.

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.

OUTSTANDING BILLS

On May 31, 2012, the following Senate Bills were not signed off in Committee of Conference:

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services.

SB 219-FN, relative to guaranteed issue for health insurance.

SB 229-FN, establishing a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system.

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

SB 366-FN, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.

On May 31, 2012, the following House Bills were not signed off in Committee of Conference:

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 627-FN, relative to “essential benefits” under federal health care reform.

HB 1205, relative to the duty of the long range capital planning and utilization committee.

HB 1353, relative to establishing an individual’s status as a veteran.

HB 1361, relative to fiscal notes on bills.

HB 1367, relative to the issuance of administrative inspection warrants.

HB 1456, relative to school district policies on health and sex education.

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor.

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees.

HOUSE MESSAGE

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

SB 212, relative to pooled risk management programs.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

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.

HB 102, relative to interagency information sharing by financial services regulators.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 158, relative to the misuse of social security numbers.

HB 193, relative to the Mount Washington commission **HB 256-FN**, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

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

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine.

HB 388, requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 655, repealing a prospective repeal regarding certain authority of the secretary of state relative to pooled risk management programs.

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment.

HB 1217, relative to reciprocity of advance directives.

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

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

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 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents.

HB 1346, relative to the construction of power line extensions.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

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 1484, relative to fees for state parks and relative to limitations for nonconforming structures located within protected shoreland.

HB 1487, relative to low carbon fuel standards programs and relative to fees for vital records.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 1510-FN, relative to taxpayer standing for declaratory judgments.

HB 1535-FN, relative to arrest records under the right-to-know law.

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

HB 1617-FN, repealing the certificate of need law and extending the moratorium on nursing home beds and rehabilitation beds.

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 1670, apportioning executive council districts.

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

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

May 31, 2012
2012-2469-EBA
01/10

Enrolled Bill Amendment to SB 83-FN

The Committee on Enrolled Bills to which was referred SB 83-FN

AN ACT enabling municipalities and school districts to create other post-employment benefits (OPEB) trusts.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 83-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 83-FN

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

1 New Section; Other Post-Employment Benefits Trusts. Amend RSA 31 by inserting after

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 6, 2012
2012-2492-EBA
06/01

Enrolled Bill Amendment to SB 203-FN-A

The Committee on Enrolled Bills to which was referred SB 203-FN-A

AN ACT relative to limited liability companies and relative to meetings of a certain legislative study commission by open blogging.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 203-FN-A

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 203-FN-A

Amend RSA 304-C:33 as inserted by section 2 of the bill by replacing line 5 with the following:

forth by RSA 304-C:31, II.

Amend RSA 304-C:67, I as inserted by section 2 of the bill by replacing lines 2 and 3 with the following:

I. Unless paragraph II, RSA 304-C:68, RSA 304-C:69, RSA 304-C:87, V, or RSA 304-C:120, or the operating agreement provide otherwise, all matters that this act reserves for decision by

Amend RSA 304-C:121, II as inserted by section 2 of the bill by replacing line 3 with the following:

of RSA 304-C:53, the transferee shall not be entitled to exercise the transferred management rights.

Amend RSA 304-C:125, II(c) as inserted by section 2 of the bill by replacing line 1 with the following:

(c) Notwithstanding subparagraph (b), a transferee of all of a member's membership

Amend RSA 304-C:126, VI(c) as inserted by section 2 of the bill by replacing line 1 with the following:

(c) A judgment creditor may make a showing to the court under subparagraph (a) that

Amend RSA 304-C:129, III as inserted by section 2 of the bill by replacing line 1 with the following:

III. A limited liability company shall be dissolved if a court of competent jurisdiction

Amend RSA 304-C:141, III as inserted by section 2 of the bill by replacing line 1 with the following:

III. Distributions to members and former members under subparagraph II(b) shall be allocated

Amend RSA 304-C:143, II as inserted by section 2 of the bill by replacing line 3 with the following:

written notice of its dissolution. The written notice of dissolution shall:

Amend RSA 304-C:162, III as inserted by section 2 of the bill by replacing line 1 with the following:

III. A limited liability company's failure to give notice under this section shall not

Amend RSA 304-C:172, IV(a)(2) as inserted by section 2 of the bill by replacing line 3 with the following:

according to the terms of the transfer reflected in the required records; and

Amend RSA 304-C:172, V as inserted by section 2 of the bill by replacing line 1 with the following:

V. The petition filed under subparagraph IV(b) shall name as parties the member, the

Amend RSA 304-C:191, II(c) as inserted by section 2 of the bill by replacing line 2 with the following:

the amount of \$50.

Amend RSA 304-C:191, II(d) as inserted by section 2 of the bill by replacing line 3 with the following:

C:149, or a restated certificate of formation under RSA 304-C:35, a fee in the amount of \$35.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 7, 2012

2012-2495-EBA

06/01

Enrolled Bill Amendment to SB 204

The Committee on Enrolled Bills to which was referred SB 204

AN ACT adopting amendments to Article 9 of the Uniform Commercial Code relative to secured transactions.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 204

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 204

Amend section 9 of the bill by replacing line 1 with the following:

9 Secured Transactions; Priority Interests. Amend RSA 382-A:9-317(a)-(d) to read as follows:

Amend RSA 382-A:9-625(c) as inserted by section 20 of the bill by replacing line 1 with the following:

(c) Persons entitled to recover damages; statutory damages ~~[in consumer goods]~~

Amend section 21 of the bill by replacing line 2 with the following:

after section 9-710 the following new subdivision:

Amend RSA 382-A:9-805(e) as inserted by section 21 of the bill by replacing line 2 with the following:

filed before this act takes effect and a continuation statement filed after this act takes effect is effective

Sen. Carson moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012

2012-2499-EBA

04/09

Enrolled Bill Amendment to SB 218-FN

The Committee on Enrolled Bills to which was referred SB 218-FN

AN ACT relative to electric renewable portfolio standards.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 218-FN

This enrolled bill amendment corrects subparagraph numbering in section 9; deletes section 10, the text of which is identical to current law; and removes a reference in the effective date section to a paragraph which was deleted by committee of conference.

Enrolled Bill Amendment to SB 218-FN

Amend RSA 362-F:4, IV(a) as inserted by section 9 of the bill by replacing line 7 with the following:

(A) Has a total nameplate capacity of 5 MWs or less as measured by the sum of the

Amend RSA 362-F, IV(a) as inserted by section 9 of the bill by replacing line 12 with the following:

(B) Has a total nameplate capacity of one MW or less as measured by the sum of

Amend the bill by deleting section 10 and renumbering the original sections 11-20 to read as 10-19, respectively.

Amend the bill by replacing section 19 with the following:

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

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 12, 2012
2012-2511-EBA
08/03

Enrolled Bill Amendment to SB 247-LOCAL

The Committee on Enrolled Bills to which was referred SB 247-LOCAL

AN ACT relative to certifying municipal culvert installers.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 247-LOCAL

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 247-LOCAL

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

1 Excavating and Dredging Permit. Amend RSA 482-A:3, XVI(a)

Sen. Bradley moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012
2012-2500-EBA
06/04

Enrolled Bill Amendment to SB 289-FN

The Committee on Enrolled Bills to which was referred SB 289-FN

AN ACT relative to presenting photo identification to vote in person.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 289-FN

This enrolled bill amendment makes 2 grammatical corrections.

Enrolled Bill Amendment to SB 289-FN

Amend RSA 5:6-d, III as inserted by section 3 of the bill by replacing line 4 with the following:
 which complies with *the* Help America Vote Act of 2002, Public Law 107-252, *reimbursing the*
 Amend RSA 659:34, I(a) as inserted by section 6 of the bill by replacing line 5 with the following:
 a qualified voter affidavit, a domicile affidavit, *an affidavit of religious exemption, an*

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012
2012-2482-EBA
04/03

Enrolled Bill Amendment to SB 311-FN-A

The Committee on Enrolled Bills to which was referred SB 311-FN-A

AN ACT relative to weights and measures.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 311-FN-A

This enrolled bill amendment corrects the name of one of the member associations on the weights and measures advisory board.

Enrolled Bill Amendment to SB 311-FN-A

Amend RSA 438:8-b, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) One member nominated by the Independent Oil Marketers Association of New England.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 8, 2012
2012-2498-EBA
06/10

Enrolled Bill Amendment to SB 326-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred SB 326-FN-A-LOCAL

AN ACT relative to state reimbursement of towns, relative to taxation of trusts under the interest and dividends tax, and clarifying that a provision of the uniform trust code applies to all trusts.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 326-FN-A-LOCAL

This enrolled bill amendment changes the title of the bill to conform to its contents.

Enrolled Bill Amendment to SB 326-FN-A-LOCAL

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

AN ACT relative to state reimbursement of towns and relative to taxation of trusts under the interest and dividends tax.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012
2012-2479-EBA
05/09

Enrolled Bill Amendment to SB 343-FN

The Committee on Enrolled Bills to which was referred SB 343-FN

AN ACT establishing an independent board of psychologists.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 343-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 343-FN

Amend RSA 329-B:20, I(c)(2) as inserted by section 1 of the bill by replacing lines 3-6 with the following:

Certificate of Professional Qualification in Psychology (CPQ);

(B) The ASPPB Interjurisdictional Practice Certificate (IPC);

(C) The American Board of Professional Psychology (ABPP) certification;

(D) The National Register of Health Providers in Psychology certification; or

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 7, 2012

2012-2496-EBA

10/04

Enrolled Bill Amendment to SB 356

The Committee on Enrolled Bills to which was referred SB 356

AN ACT limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 356

This enrolled bill amendment amends the title of the bill to reflect its contents.

Enrolled Bill Amendment to SB 356

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

AN ACT limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies.

Sen. Bradley moved adoption of the Enrolled Bill Amendment. Adopted.

June 6, 2012

2012-2487-EBA

06/01

Enrolled Bill Amendment to SB 372-FN

The Committee on Enrolled Bills to which was referred SB 372-FN

AN ACT establishing an education tax credit.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 372-FN

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 372-FN

Amend RSA 77-G:1, VIII as inserted by section 4 of the bill by replacing line 2 with the following:

no more than 20 years of age, who has not graduated from high school, and

Amend RSA 77-G:1, VIII(a)(3) as inserted by section 4 of the bill by replacing line1 with the following:

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

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012
2012-2483-EBA
06/03

Enrolled Bill Amendment to SB 402

The Committee on Enrolled Bills to which was referred SB 402

AN ACT relative to the adoption of policies for the management of concussion and head injury in student sports.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 402

This enrolled bill amendment makes 2 technical corrections.

Enrolled Bill Amendment to SB 402

Amend RSA 200:51 as inserted by section 2 of the bill by replacing lines 1 and 2 with the following:

200:51 School Districts; Limitation of Liability. An employee of a school administrative unit, school, or chartered public school, or a school

Amend RSA 200:52, II as inserted by section 2 of the bill by replacing it with the following:

II. "School property" means school property as defined in RSA 193-D:1, V.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 8, 2012
2012-2497-EBA
06/04

Enrolled Bill Amendment to SB 406

The Committee on Enrolled Bills to which was referred SB 406

AN ACT relative to establishing an early offer alternative in medical injury claims, relative to confidentiality of police personnel files, and relative to prohibiting health care practitioner self-referrals for medical devices.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 406

This enrolled bill amendment changes the title of the bill to conform to its contents and makes technical corrections.

Enrolled Bill Amendment to SB 406

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

AN ACT relative to establishing an early offer alternative in medical injury claims, relative to confidentiality of police personnel files, and establishing a committee to study the referral of patients for use of implantable medical devices.

Amend RSA 519-C:9, I as inserted by section 2 of the bill by replacing line 10 with the following:
for contribution between medical care providers; however, the injured individual shall reasonably

Amend RSA 519-C:10, III as inserted by section 2 of the bill by replacing it with the following:

III. No other disputes arising under this chapter may be the subject of, or resolved through, a hearing under this section.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**June 12, 2012
2012-2510-EBA
08/09**

Enrolled Bill Amendment to SB 409-FN

The Committee on Enrolled Bills to which was referred SB 409-FN

AN ACT relative to the use of marijuana for medicinal purposes.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 409-FN

This enrolled bill amendment rennumbers RSA 126-V and changes all references to RSA 126-V in the bill to RSA 126-W to avoid a conflict with SB 245 (2012, 165).

Enrolled Bill Amendment to SB 409-FN

Amend section 1 of the bill by replacing lines 2-5 with the following:

chapter 126-V the following new chapter:

**CHAPTER 126-W
USE OF MARIJUANA FOR MEDICINAL PURPOSES**

126-W:1 Definitions. In this chapter:

Amend RSA 126-W:1,V(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Who possesses a valid registry identification card issued pursuant to RSA 126-W:4

Amend RSA 126-W:1,VIII as inserted by section 1 of the bill by replacing line 3 with the following:

established in RSA 126-W:7. The commissioner shall establish the minimum donation amount each

Amend RSA 126-W:1, X as inserted by section 1 of the bill by replacing line 3 with the following:

to RSA 126-W:4.

Amend RSA 126-W:1, XI as inserted by section 1 of the bill by replacing line 2 with the following:

RSA 126-W:4 that identifies an individual as a qualifying patient or a designated caregiver.

Amend the section heading of RSA 126-V:2 as inserted by section 1 of the bill by replacing it with the following:

126-W:2 Possession of Medical Marijuana by a Qualifying Patient or Designated Caregiver.

Amend RSA 126-W:2, X(a) as inserted by section 1 of the bill by replacing line 3 with the following:

RSA 126-W:1, III; and

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

126-W:3 Prohibitions and Limitations on the Use of Medical Marijuana.

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

126-W:4 Departmental Administration.

Amend RSA 126-W:4, I(a) by replacing it with the following:

(a) Written certification as defined in RSA 126-W:1.

Amend the section heading of RSA 126-V:5 as inserted by section 1 of the bill by replacing it with the following:

126-W:5 Affirmative Defense.

Amend RSA 126-W:5, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. Except as provided in RSA 126-W:3, it is an affirmative defense to any prosecution for an Amend RSA 126-W:5, II(b) as inserted by section 1 of the bill by replacing line 2 with the following: violated any of the provisions of RSA 126-W:3, I-IV.

Amend the section heading of RSA 126-V:6 as inserted by section 1 of the bill by replacing it with the following:

126-W:6 Rulemaking.

Amend the section heading of RSA 126-V:7 as inserted by section 1 of the bill by replacing it with the following:

126-W:7 Registry Identification Card Fund. There is hereby established in the office of the state

Amend RSA 6:12, I(b)(308) as inserted by section 2 of the bill by replacing line 2 with the following: RSA 126-W:7.

Amend RSA 318-B:2, I-b as inserted by section 3 of the bill by replacing line 2 with the following:

RSA 126-W:1 to sell marijuana to another person who is not a qualifying patient or designated

Amend RSA 318-B:26, IX-a as inserted by section 4 of the bill by replacing line 1 with the following:

IX-a. A qualifying patient or designated caregiver as defined in RSA 126-W:1 who is

Amend section 5 of the bill by replacing line 2 with the following:

I. RSA 126-W:1 through RSA 126-W:7, relative to use of marijuana for medicinal purposes.

Amend the bill by replacing section 6 with the following:

6 Applicability. The provisions of RSA 126-W:1-4 as inserted by section 1 of this act shall take effect on the earlier of July 1, 2013 or upon certification by the commissioner of the department of health and human services to the secretary of state and the director of the office of legislative services that sufficient funds are available in the registry identification card fund established in RSA 126-W:7 to meet the expenses of the use of marijuana for medicinal purposes program established in RSA 126-W from the effective date of this section until July 1, 2013.

Amend section 7 of the bill by replacing line 2 with the following:

I. RSA 126-W:1-4 as inserted by section 1 of this act shall take effect as provided in section 6

Sen. Bradley moved adoption of the Enrolled Bill Amendment. Adopted.

June 6, 2012
2012-2490-EBA
03/09

Enrolled Bill Amendment to HB 137-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 137-FN-LOCAL

AN ACT relative to the state fire code and the state building code.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 137-FN-LOCAL

This enrolled bill amendment clarifies references in the bill and inserts an omitted RSA section heading.

Enrolled Bill Amendment to HB 137-FN-LOCAL

Amend paragraph II of section 1 of the bill by replacing line 5 with the following:

committee on administrative rules. When overlap of these 2 codes creates a conflict with

Amend RSA 153:4-b as inserted by section 3 of the bill by replacing line 3 with the following:

state advisory board of fire control, the electricians' board, the board for the licensing and regulation of

Amend RSA 153:4-b as inserted by section 3 of the bill by replacing line 7 with the following:

the state fire marshal. The chairman or designee of the state advisory board of fire control shall serve as the chair

Amend RSA 153:5, II as inserted by section 5 of the bill by replacing line 1 with the following:

II. With the approval of the commissioner of safety, the state advisory board of fire control is

Amend RSA 153:5, IV as inserted by section 5 of the bill by replacing line 6 with the following:

accordance with this section if such bylaws or ordinances are no less restrictive than rules adopted

Amend section 11 of the bill by replacing lines 1-2 with the following:

11 State Building Code. RSA 155-A:2 is repealed and reenacted to read as follows:

155-A:2 State Building Code.

I. All buildings, building components, and structures constructed in New Hampshire shall

Amend RSA 155-A:2, II as inserted by section 11 of the bill by replacing line 3 with the following:

provisions contained in RSA 155-A:10. If the municipal building and fire code officials cannot agree

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012

2012-2478-EBA

06/01

Enrolled Bill Amendment to HB 217-FN

The Committee on Enrolled Bills to which was referred HB 217-FN

AN ACT including "fetus" in the definition of "another" for the purpose of certain criminal offenses.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 217-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 217-FN

Amend RSA 630:1-a, IV as inserted by section 2 of the bill by replacing line 2 with the following:

the meaning of "another" shall mean another person, or a fetus as defined in subparagraph V(b).

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012

2012-2481-EBA

04/01

Enrolled Bill Amendment to HB 283-FN

The Committee on Enrolled Bills to which was referred HB 283-FN

AN ACT relative to impaired drivers.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 283-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 283-FN

Amend RSA 265-A:18, III as inserted by section 4 of the bill by replacing line 7 with the following:

disorder evaluation within 60 days of release, comply with the service plan developed by the IDCMP,

Amend RSA 265-A:42, I as inserted by section 9 of the bill by replacing line 6 with the following:
complied with the service plan developed from the substance abuse disorder evaluation by the IDCMP,

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012
2012-2504-EBA
03/09

Enrolled Bill Amendment to HB 533-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 533-FN-LOCAL

AN ACT establishing a cap on the amount of school building aid grants distributed in each fiscal year.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 533-FN-LOCAL

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 533-FN-LOCAL

Amend RSA 198:15-b, I(a)(1) as inserted by section 2 of the bill by replacing line 15 with the following:
school district, **a** joint maintenance agreement, a receiving district operating an area school, or any
Amend section 5 of the bill by replacing line 1 with the following:

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

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012
2012-2477-EBA
06/09

Enrolled Bill Amendment to HB 574

The Committee on Enrolled Bills to which was referred HB 574

AN ACT relative to the taking of private property during a state of emergency.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 574

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 574

Amend section 2 of the bill by replacing lines 2 and 3 with the following:

Families Excluded. Amend RSA 4:46 by inserting after paragraph I-a the following new paragraph:

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 6, 2012
2012-2489-EBA
04/03

Enrolled Bill Amendment to HB 1168

The Committee on Enrolled Bills to which was referred HB 1168

AN ACT requiring the removal of electronic records and information upon entry of an order of annulment.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1168

This enrolled bill amendment inserts a gender neutral correction to section 1 and corrects the title to accurately reflect the contents of the bill.

Enrolled Bill Amendment to HB 1168

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

AN ACT relative to retention and disclosure of annulled criminal records.

Amend RSA 651:5, X(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) The person whose record is annulled shall be treated in all respects as if he *or she* had never

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012
2012-2501-EBA
03/10

Enrolled Bill Amendment to HB 1230-FN

The Committee on Enrolled Bills to which was referred HB 1230-FN

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

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1230-FN

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 1230-FN

Amend RSA 4:39-e, II as inserted by section 1 of the bill by replacing line 3 with the following:
chairperson of the house public works and highways committee, the chairperson of the long range

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012
2012-2475-EBA
05/09

Enrolled Bill Amendment to HB 1297

The Committee on Enrolled Bills to which was referred HB 1297

AN ACT relative to federal health care reform and health care exchanges.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1297

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1297

Amend RSA 420-N:10, I(h) as inserted by section 2 of the bill by replacing line 2 with the following:
council, who are not employed by or affiliated with a carrier, a producer, or a health care provider,

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012
2012-2503-EBA
06/01

Enrolled Bill Amendment to HB 1418-FN-A

The Committee on Enrolled Bills to which was referred HB 1418-FN-A

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.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1418-FN-A

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1418-FN-A

Amend RSA 77-A:3-a as inserted by section 10 of the bill by replacing line 2 with the following:

RSA 77-A:1, XX, in determining gross business profits before net operating loss and special

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 6, 2012
2012-2488-EBA
04/09

Enrolled Bill Amendment to HB 1483-FN

The Committee on Enrolled Bills to which was referred HB 1483-FN

AN ACT repealing the retirement system special account and repealing the assessments for excess benefits paid by employers in the retirement system.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1483-FN

This enrolled bill amendment adds a contingent provision to avoid a conflict with SB 244-FN of the 2012 legislative session.

Enrolled Bill Amendment to HB 1483-FN

Amend the bill by replacing all after section 16 with the following:

17 Method of Financing; Calculation of Interest; Contingent Version. Amend RSA 100-A:16, II(g) to read as follows:

(g) All interest and dividends earned on the funds of the retirement system shall be credited to the state annuity accumulation fund. The board of trustees shall allow interest on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. The rate of interest for the calendar year beginning January 1 shall be 2 percentage points less than either the most recent board of trustees approved assumed rate of return [~~determined under RSA 100-A:16, II(h)~~] or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR) as approved and accepted by the board of trustees by December 1 of each year, provided the rate shall not be less than zero. Such interest shall be compounded at an annual rate and shall be prorated and credited to the member annuity savings fund to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

18 Contingency. If SB 244-FN of the 2012 legislative session becomes law, then section 17 of this act shall take effect on July 1, 2012 and section 4 of this act shall not take effect. If SB 244-FN does not become law, then section 4 of this act shall take effect on July 1, 2012 and section 17 of this act shall not take effect.

19 Effective Date.

I. Sections 4 and 17 of this act shall take effect as provided in section 18 of this act.

II. Sections 15, 16, and 18 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2012.

Sen. Boutin moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012
2012-2505-EBA
08/10

Enrolled Bill Amendment to HB 1487

The Committee on Enrolled Bills to which was referred HB 1487

AN ACT relative to low carbon fuel standards programs and relative to fees for vital records.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1487

This enrolled bill amendment changes the title to reflect the contents of the bill.

Enrolled Bill Amendment to HB 1487

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

AN ACT relative to low carbon fuel standards programs.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 12, 2012
2012-2509-EBA
03/05

Enrolled Bill Amendment to HB 1490-FN

The Committee on Enrolled Bills to which was referred HB 1490-FN

AN ACT relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1490-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1490-FN

Amend RSA 125-O:8 as inserted by section 13 of the bill by replacing line 20 with the following:

~~energy efficiency fund and auction proceeds received pursuant to RSA 125-O:23.]~~

Amend paragraph I of section 18 of the bill by replacing it with the following:

I. Sections 1-10 and 16-17 of this act shall take effect January 1, 2013.

Sen. Bradley moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012
2012-2480-EBA
06/01

Enrolled Bill Amendment to HB 1508

The Committee on Enrolled Bills to which was referred HB 1508

AN ACT relative to procedures of the board of mental health practice.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1508

This bill makes a grammatical correction.

Enrolled Bill Amendment to HB 1508

Amend RSA 330-A:28, V(h)(2) as inserted by section 8 of the bill by replacing line 1 with the following:

(2) If a client/patient as defined in subparagraphs (b) or (c) testifies at a hearing, his or

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 6, 2012
2012-2491-EBA
03/10

Enrolled Bill Amendment to HB 1553

The Committee on Enrolled Bills to which was referred HB 1553

AN ACT repealing obsolete and outdated provisions of the Revised Statutes Annotated.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1553

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 1553

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

VI. RSA 193:37, relative to a report and recommendations on the parents as teachers

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 4, 2012
2012-2476-EBA
05/09

Enrolled Bill Amendment to HB 1607-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 1607-FN-LOCAL

AN ACT establishing an education tax credit.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1607-FN-LOCAL

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1607-FN-LOCAL

Amend RSA 77-G:1, VIII as inserted by section 4 of the bill by replacing line 2 with the following:

no more than 20 years of age, who has not graduated from high school, and

Amend RSA 77-G:1, VIII(a)(3) as inserted by section 4 of the bill by replacing it with the following:

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

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012
2012-2507-EBA
04/05

Enrolled Bill Amendment to HB 1617-FN

The Committee on Enrolled Bills to which was referred HB 1617-FN

AN ACT repealing the certificate of need law and extending the moratorium on nursing home beds and rehabilitation beds.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1617-FN

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill 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.

Sen. Bradley moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012

2012-2508-EBA

06/03

Enrolled Bill Amendment to HB 1658-FN

The Committee on Enrolled Bills to which was referred HB 1658-FN

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.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1658-FN

This enrolled bill amendment changes the title of the bill to conform to its contents and makes technical and grammatical corrections.

Enrolled Bill 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 extending the moratorium on nursing home beds and rehabilitation beds.

Amend RSA 167:4-c, IV as inserted by section 1 of the bill by replacing line 2 with the following:

department may contract with a vendor, to the extent such databases are available, to match the

Amend RSA 167:4-c, IV((n) as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

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

Amend RSA 167:4-c, VI(f) as inserted by section 1 of the bill by replacing line 1 with the following:

(f) The applicant or recipient shall have an opportunity for a fair hearing in the event of any

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2012

2012-2506-EBA

08/05

Enrolled Bill Amendment to HB 1666-FN

The Committee on Enrolled Bills to which was referred HB 1666-FN

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.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1666-FN

This enrolled bill amendment changes the title of the bill to conform to its contents.

Enrolled Bill Amendment to HB 1666-FN

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

AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

**June 11, 2012
2012-2502-EBA
03/09**

Enrolled Bill Amendment to CACR 13

The Committee on Enrolled Bills to which was referred 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.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to CACR 13

This enrolled bill amendment changes 2 references to the session year from 2011 to 2012.

Enrolled Bill Amendment to CACR 13

Amend paragraph III of the resolution by replacing line 3 with the following:

whether the amendments of the constitution proposed by the 2012 session of the general court shall

Amend paragraph V of the resolution by replacing line 6 with the following:

Amendments proposed by the 2012 General Court” shall be printed in bold type at the top of the

Sen. Prescott moved adoption of the Enrolled Bill Amendment. 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 102, relative to interagency information sharing by financial service regulators.

HB 137, relative to the state fire code and the state building code.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 158, relative to the misuse of social security numbers.

HB 193, relative to the Mount Washington commission.

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

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

HB 351, relative to insurance reimbursement for doctors of naturopathic medicine.

HB 388, requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 1168, relative to retention and disclosure of annulled criminal records.

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment.

HB 1217, relative to reciprocity of advance directives.

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

HB 1246, authorizing the county sheriff to issue pistol or revolver licenses under certain circumstances.

HB 1260, 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 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents.

HB 1346, relative to the construction of power line extensions.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

HB 1510, relative to taxpayer standing for declaratory judgments.

HB 1535, relative to arrest records under the right-to-know law.

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated.

HB 1593, relative to the department of information technology.

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

HB 1699, relative to driving under the influence of drugs.

HB 1701, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

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

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification, and changing the administrative fine authority of the board of accountancy.

SB 318, relative to voter registration.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

SB 370, relative to the powers of the state veterinarian.

Sen. Bradley 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 138, relative to the cold case homicide unit.

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

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

HB 545, relative to the administrative rulemaking process governing home educated pupils.

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

HB 1184, relative to arrest without a warrant for the offense of willful concealment.

HB 1223, relative to remedies under the right-to-know law.

HB 1290, relative to notice of lien requirements.

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

HB 1332, relative to the law enforcement authority of fish and game conservation officers.

HB 1360, relative to the state board of education rules concerning special education.

HB 1362, exempting service animals from dog registration and licensing and establishing an option for permanent registration and licensing of service animals.

HB 1366, relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits.

HB 1389, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council and establishing advisory committees for regional vocational education.

HB 1419, relative to the rights of military parents.

HB 1480, requiring all local enforcement agencies and other officials responsible for enforcement of fire codes to provide information on the local and state appeals process when issuing a building permit or notice of violation.

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 1582, relative to medical and surgical benefits for state employees.

HB 1631, allowing persons licensed to provide emergency medical services to work at social or sporting events.

HB 1633, relative to a tally requirement on school district and village district warrant articles.

HB 1665, enabling a superior court or circuit court to implement one or more drug courts.

HB 1679, relative to partial-birth abortion.

SB 234, relative to salary grades for certain executive branch positions and relative to the retirement classification of certain state officials.

SB 361, establishing a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way and repealing a commission.

SB 373, authorizing the retention of funds by a school district and relative to regional vocational education centers in the Manchester school district.

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 217, including "fetus" in the definition of "another" for the purpose of certain criminal offenses.

HB 283, relative to impaired drivers.

HB 574, relative to the taking of private property during a state of emergency.

HB 655, repealing a prospective repeal regarding certain authority of the secretary of state relative to pooled risk management programs.

HB 1297, relative to federal health care reform and health care exchanges.

HB 1483, repealing the retirement system special account and repealing the assessments for excess benefits paid by employers in the retirement system.

HB 1508, relative to procedures of the board of mental health practice.

HB 1607, establishing an education tax credit.

SB 203, relative to limited liability companies and relative to meetings of a certain legislative study commission by open blogging.

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

SB 311, relative to weights and measures.

SB 343, establishing an independent board of psychologists.

SB 372, establishing an education tax credit.

SB 402, relative to the adoption of policies for the management of concussion and head injury in student sports.

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 533, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

HB 1484, relative to fees for state parks and relative to limitations for nonconforming structures located within protected shoreland.

HB 1490, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 1617, repealing the certificate of need law.

SB 218, relative to electric renewable portfolio standards.

SB 247, relative to certifying municipal culvert installers.

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

SB 351, relative to proclaiming Blue Star Mother's Day and changing eligibility for free admission to the state park system for members of the armed forces.

SB 356, limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies.

SB 358, relative to eligibility for free admission to the state park system for members of the armed forces.

SB 409, relative to the use of marijuana for medicinal purposes.

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 1139, making changes to the unique pupil identification system.

HB 1670, apportioning executive council districts.

SB 83, enabling municipalities and school districts to create other post-employment benefits (OPEB) trusts.

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

Sen. Boutin 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 1230, requiring a report of real property owned or leased by the state and relative to New Hampshire hospital real estate.

HB 1418, 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 1487, relative to low carbon fuel standards programs.

HB 1658, establishing an income and identity verification system for public assistance recipients; relative to implementation of the Sean William Corey pilot program; and extending the moratorium on nursing home beds and rehabilitation beds.

HB 1666, relative to legislative approval of collective bargaining agreements entered into by the state.

SB 326, relative to state reimbursement of towns and relative to taxation of trusts under the interest and dividends tax.

SB 406, relative to establishing an early offer alternative in medical injury claims, relative to confidentiality of police personnel files, and establishing a committee to study the referral of patients for use of implantable medical devices.

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

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