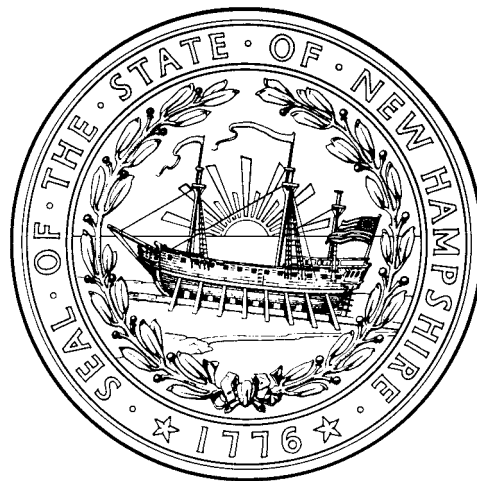


**March 7, 2012
Nos. 5-6**

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 15, 2012 SESSION
COMMENCEMENT – MARCH 7, 2012 SESSION**

SENATE JOURNAL 5 *(continued)*

February 15, 2012

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

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

Adopted.

First and Second Reading and Referral

12-3070

SB 407-FN, establishing an office of professional licensure and transferring administrative and clerical operations of certain professional licensing and certification boards to the office. (Bradley, Dist 3: Finance)

12-2998

SB 408, relative to a school district's policy informing parents of bullying incidents. (Forsythe, Dist 4; Parison, Hills 3; Hill, Merr 6; Fleck, Carr 5; Flanagan, Hills 5: Education)

12-2994

SB 409-FN, relative to the use of marijuana for medicinal purposes. (Forsythe, Dist 4; White, Dist 9; Gallus, Dist 1; Merrick, Coos 2; Jennifer Coffey, Merr 6; MacKay, Merr 11: Health and Human Services)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

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

HB 1136, relative to special state elections.

HB 1171, updating certain references in motor vehicle statutes.

HB 1184, relative to the use of video evidence to support an arrest for willful concealment of merchandise.

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.

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

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

HB 1294, relative to applications for abatement of property taxes.

HB 1298, relative to the definition of "public use" under the eminent domain procedure act.

HB 1310, increasing the number of days a motorcycle learner's permit is valid.

HB 1328, relative to vehicle operation with a stuck throttle or runaway engine.

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

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

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

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

HB 1387, requiring flags purchased with state funds or displayed in state facilities to be manufactured in the United States.

HB 1394, relative to appeals of eminent domain decisions.

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event.

HB 1484, relative to fees for state parks.

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

HB 1534, repealing the self-funding of the department of labor.

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

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

HB 1611-FN, repealing certain provisions relative to the sale of pistols and revolvers.

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

HB 1670, apportioning executive council districts.

HB 1686-FN, relative to state contracts and making an appropriation therefor.

HB 1717, apportioning county commissioner districts.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

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

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

HB 1259-FN, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials.

HB 1273, relative to the termination of parental rights in cases where the child is born of rape.

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

HB 1296, relative to net energy metering.

HB 1301, relative to challenges to voters.

HB 1307, relative to agricultural plates.

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 1333, establishing a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

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

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

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

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

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

HB 1392, relative to oyster aquaculture licenses.

HB 1422, relative to the applicability of foreign law in cases before New Hampshire tribunals.

HB 1442, relative to motorcycle noise emission regulation.

HB 1455-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving.

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

HB 1585-FN, relative to inspections of trucks and buses.

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

HB 1662-FN, relative to preparation of fiscal notes.

HB 1719, relative to the filing period for elections.

HJR 22, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

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

Adopted.

First and Second Reading and Referral

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. (Internal Affairs)

HB 108, relative to trees and roadside growth. (Public and Municipal Affairs)

HB 121, relative to eligibility for the property tax exemption for the disabled. (Public and Municipal Affairs)

HB 193, relative to the Mount Washington commission. (Executive Departments and Administration)

HB 222-FN, relative to the specificity of certain statutory provisions granting rulemaking authority. (Executive Departments and Administration)

HB 228-FN, prohibiting the use of public funds for abortion services. (Health and Human Services)

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. (Energy and Natural Resources)

HB 263-FN, relative to the time limits for assistance from the Temporary Assistance for Needy Families Program (TANF). (Finance)

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

HB 325-FN, relative to the transfer of animals from licensed animal vendors. (Energy and Natural Resources)

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

HB 449-FN, relative to reports on information available on the state website. (Executive Departments and Administration)

HB 458-FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Executive Departments and Administration)

HB 517-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board. (Executive Departments and Administration)

HB 582, relative to communication between employers and employees during bargaining negotiations. (Public and Municipal Affairs)

HB 618-FN, requiring state agencies to develop performance measures and to develop budgets for each biennium. (Finance)

HB 624, relative to the rulemaking authority of state agencies to establish fees and costs and establishing a committee to study the rulemaking authority of state agencies to establish fees. (Executive Departments and Administration)

HB 1134, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds. (Public and Municipal Affairs)

HB 1136, relative to special state elections. (Public and Municipal Affairs)

HB 1171, updating certain references in motor vehicle statutes. (Transportation)

HB 1184, relative to the use of video evidence to support an arrest for willful concealment of merchandise. (Judiciary)

HB 1196, repealing the task force on state procurement policies and procedures. (Finance)

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers. (Energy and Natural Resources)

HB 1229, declaring March 30 as Welcome Home Veterans Day to honor veterans of Vietnam. (Public and Municipal Affairs)

HB 1266, requiring the assessing standards board to recommend standards rather than guidelines. (Public and Municipal Affairs)

HB 1298, relative to the definition of “public use” under the eminent domain procedure act. (Judiciary)

HB 1310, increasing the number of days a motorcycle learner’s permit is valid. (Transportation)

HB 1311, changing a statutory reference to reflect the current homestead exemption amounts. (Judiciary)

HB 1328, relative to vehicle operation with a stuck throttle or runaway engine. (Transportation)

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

HB 1349-L, relative to the service of town health officers. (Health and Human Services)

HB 1354, relative to a person’s residence for voting and all other legal purposes. (Public and Municipal Affairs)

HB 1378, relative to transfer by pharmacy technicians of prescription drugs between pharmacies. (Health and Human Services)

HB 1380, relative to the development of wetland mitigation banks. (Energy and Natural Resources)

HB 1394, relative to appeals of eminent domain decisions. (Judiciary)

HB 1420, relative to the disposition of the remains of service members. (Public and Municipal Affairs)

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event. (Education)

HB 1484, relative to fees for state parks. (Energy and Natural Resources)

HB 1504, reinstating the Maine-New Hampshire Interstate Bridge Authority. (Transportation)

HB 1505-FN, relative to public employee suggestions for cost-saving measures. (Finance)

HB 1534-FN, repealing the self-funding of the department of labor. (Finance)

HB 1567, establishing a committee to study the federal Youth Corrections Act. (Health and Human Services)

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

HB 1611-FN, repealing certain provisions relative to the sale of pistols and revolvers. (Judiciary)

HB 1633, relative to a tally requirement on school district warrant articles. (Public and Municipal Affairs)

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

HB 1670, apportioning executive council districts. (Internal Affairs)

HB 1686-FN, relative to state contracts and making an appropriation therefor. (Finance)

HB 1710, establishing a commission to identify issues for legislation related to strengthening the role of fathers in families with divorced or unmarried parents. (Public and Municipal Affairs)

HB 1717, apportioning county commissioner districts. (Internal Affairs)

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 6

March 7, 2012

The Senate reconvened at 1 p.m., a quorum being present.

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

Hello! Well, I think probably most of you know, throughout the year, many faiths and denominations devote specific days to commemorate people who have made a particular mark on the world. And, yesterday, in the Episcopal Church, we remembered William W. Mayo and Charles Menninger and their sons, all of whom were physicians, and they brought about really revolutionary developments in medicine including, in the Mayo family's case, the establishment of the Mayo Clinic.

Well, William Mayo received his medical degree at Indiana Medical Center in La Porte in 1850, and he learned to use a microscope, which in those days was a very rare instrument. Well, for Mayo, it just opened up vast possibilities for the study and the classification and the treatment of illnesses, and the benefit to humanity has been immense.

Now, the ability to view the microscopic world was, for Mayo, a life-changing event. And, we can have an equally transforming experience when we learn to look at things in a different way. When we open our eyes and when we remove the blinkers of long-held beliefs or ingrained attitudes, we really can start to see with renewed clarity and to understand with renewed clarity, and we, too, can change the world. Let us pray.

Grant us vision, Lord, to see what we can achieve, to reach out beyond ourselves, to share our lives with others, to stretch our capabilities, to increase our sense of purpose, to be aware of where we can help, to be sensitive to Your presence, to give heed to Your constant call. Amen.

Sen. Groen led the Pledge of Allegiance.

Sen. Houde is excused for the day.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Gallus introduced Brigitte Canelas and Luke Anneser, students Profile School, serving as Senate Pages today.

President Bragdon introduced William Magill, First Assistant Clerk of the Vermont House of Representatives.

FINANCE REPORT

Sen. Morse announces that the following bills will not come to Finance: SB 219-FN, SB 271-FN, SB 276-FN, SB 279-FN, SB 230-FN, SB 244-FN, SB 246-FN, SB 321-FN, SB 347-FN, SB 289-FN, SB 381-FN.

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

CONSENT CALENDAR REPORTS

The following bill was removed from the Consent Calendar:

SB 276-FN, establishing a criminal offense for vandalizing or defacing state, municipal, or commercial property. Removed by Sen. Stiles.

SPECIAL ORDER

Without objection President Bragdon moved SB 276-FN be Special-Ordered to March 21, 2012.

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

EDUCATION

HB 1488, relative to the alternative budget procedure in a school administrative unit. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill requires paper balloting when town members adopt the alternative budget procedure to vote on the school administrative unit's budget. This will ensure accurate and fair elections and a means for a recount if necessary in multiple town district SAU's.

JUDICIARY

SB 277, establishing a sexual offender management board. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill establishes a sexual offender management board so that members can look at the broad issues involved with the registry, restrictions on where offenders can live and other related issues. The amendment adds one member representing the NH Public Defenders.

Senate Judiciary
February 10, 2012
2012-0731s
04/01

Amendment to SB 277

Amend RSA 651-B:8-a, I(a) as inserted by section 1 of the bill by inserting after subparagraph (17) the following new subparagraph:

(18) The executive director of the New Hampshire Public Defender Program, or designee.

SB 280, relative to the procedure for approval of medical parole. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill enables the Parole Board to release on medical disability only by a unanimous vote if only three (3) members are present at the meeting.

Senate Judiciary
February 13, 2012
2012-0749s
09/04

Amendment to SB 280

Amend RSA 651-A:10-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Medical parole shall only be granted by a majority vote ~~[of the full 7-member parole board]~~ ***which includes at least 3 votes of the members who are present and voting.***

2012-0749s

AMENDED ANALYSIS

This bill changes the voting requirements for the parole board for granting medical parole.

SB 354, relative to the escrow fund for court facility improvements. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

This is a technical correction to the Court Facility Improvements escrow fund. The amendment clarifies that any judicial branch facility, such as the newly established Circuit Court Call Center, would qualify.

Senate Judiciary
February 13, 2012
2012-0750s
09/04

Amendment to SB 354

Amend RSA 490:26-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Seven percent of each entry fee collected in the ~~[judicial branch family division and in the]~~ supreme, ~~[district,]~~ superior, and ~~[probate]~~ ***circuit*** courts shall be deposited in escrow for ~~[court]~~ ***judicial branch***

facility improvements. Moneys in the escrow fund shall be used for improvements to ~~[existing]~~ **judicial branch** facilities by the department of administrative services as recommended and approved by the supreme court.

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

2 Payments to Treasurer; Reference to Fund. Amend RSA 6:11, III to read as follows:

III. All state departments and institutions, except the university system of New Hampshire, the building projects revolving fund of the state board of education, and the supreme court for the purposes of the escrow account for ~~[court]~~ **judicial branch** facility improvements under RSA 490:26-c, receiving money for the state shall deposit the full amount of all such moneys into a state treasurer's bank account or into a state department's bank account from which the treasurer shall collect funds by automated means, unless the treasurer determines that such means cannot be implemented or concurs with department procedures for deposits and collection.

2012-0750s

AMENDED ANALYSIS

This bill makes technical corrections regarding the escrow fund for court facility improvements, including changing the name of the fund to the escrow fund for judicial branch facility improvements.

This bill was requested by the supreme court.

SB 379, relative to insurance fraud. Ought to Pass with Amendment, Vote 5-0. Senator Houde for the committee.

This bill clarifies where venue exists for actions for insurance fraud. With the expansion of the use of cell phones and other electronic devices, this clarity was needed to ensure prosecutors could bring appropriate actions. The amendment merely adds "or judicial district" to the wording of the bill.

Senate Judiciary
February 10, 2012
2012-0730s
01/04

Amendment to SB 379

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

1 New Section; Insurance Fraud; Venue. Amend RSA 638 by inserting after section 20 the following new section:

638:20-a Venue.

I. In any prosecution for a violation of RSA 638:20, the offense shall be deemed to have been committed in any of the following locations:

- (a) The county or judicial district in which any element of the offense was committed;
- (b) The county or judicial district of the purported loss;
- (c) The county or judicial district in which the insurance policy provides coverage;
- (d) The county or judicial district in which the insurer or the insurer's agent received the false statement or application;
- (e) The county or judicial district in which money was received for the fraudulent act; or
- (f) In any county or judicial district where any act in furtherance of the criminal scheme was committed.

II. If any violation of RSA 638:20 has been deemed to have occurred in any of the locations listed in paragraph I, the prosecution for all the related violations may be brought together in any of the counties or judicial districts.

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 231, establishing a committee to study charges by municipal water and sewer departments. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

This bill as amended provides an exception to RSA 38:22 relative to municipal liens. No municipally owned electric, gas or water works shall conduct work beyond the utility's final shutoff point located on customer property unless a written contract has been executed and signed by the owner of the property and the official responsible for administering the municipal utility. No lien may be placed on the property in the absence of such a contract.

Public and Municipal Affairs

February 22, 2012

2012-0978s

06/01

Amendment to SB 231

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

AN ACT relative to municipal liens.

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

1 Liens and Collection of Charges. Amend RSA 38:22 to read as follows:

38:22 Liens and Collection of Charges.

I. ***Except as provided in paragraph III***, all charges for services furnished to patrons by a municipally owned electric, gas, or water works shall create a lien upon the real estate where such services are furnished.

II. ***Except as provided in paragraph III***, a municipality may use any of the following collection procedures for charges and the use of one collection procedure for one service shall not preclude the use of a different collection procedure for another service:

(a) A municipality may commit bills for charges to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(b) The official or board responsible for administering the municipal utility may collect charges for services by direct billing on any periodic basis it may choose. All charges which are delinquent may be committed to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(c) If the official or board responsible for administering the municipal utility has not committed the charges to the collector of taxes, the municipality shall have a lien upon the real estate where the services were furnished and the lien shall continue for 18 months from the date of the last unpaid bill, unless the municipality records in the registry of deeds for the county in which the land is situated a notice of lien, in which case the lien shall continue for 6 years from the date of the last unpaid bill. The lien may be enforced in a suit by the municipality against the owner of the real estate. In such a suit, the municipality shall have the right to a judgment for per year charges, interest at the rate of 12 percent from the date of the last unpaid bill to the date of judgment, and costs. The records in the municipal department which furnished the services shall be sufficient notice to maintain suit upon the lien against subsequent purchasers or attaching creditors of the real estate.

(d) When the services were furnished to some person or legal entity other than the owner of the real estate, the liens provided for in this paragraph shall be effective against the owner of the real estate only for charges of which the owner of the real estate was notified by the municipality within 120 days of the date the charges became delinquent; provided, however, that a municipality may meet these notice requirements by mailing to the owner of the real estate copies of the bills for services at the same time bills are furnished to the person or legal entity which received the services.

III. No municipally owned electric, gas, or water works shall conduct work beyond the utility's final shutoff point located on customer property unless a written contract has been executed and signed by the owner of the property and the official responsible for administering the municipal

utility. The contract shall include the terms of the work to be completed, the name of the property owner, the address where the work is to be performed, the estimated price and time of completion, and any other agreed upon stipulations relating to the project. No lien may be placed on the property in the absence of such a contract.

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

2012-0978s

AMENDED ANALYSIS

This bill requires a written contract between a property owner and a municipally owned electric, gas, or water works for the performance of work beyond the utility's final shutoff point located on customer property, in order for a lien to be placed on the property by the municipality.

SB 262, requiring disclosure of minutes of meetings after the approval of the minutes. Inexpedient to Legislate, Vote 5-0. Senator Boutin for the committee.

This bill would have required minutes of meetings in nonpublic session to be publicly disclosed within 24 hours of the approval of such minutes. Current law requires disclosure within 72 hours of the meeting held in nonpublic session. Committee members felt the current statute timeframe was appropriate.

SB 322-L, relative to the holding of gold and silver by municipalities. Inexpedient to Legislate, Vote 5-0. Senator Barnes for the committee.

This bill would have allowed municipalities to hold gold and silver in accounts as part of their investment portfolio. The committee believes SB 243, regarding investment advisors, another bill being considered by the Senate today, would eliminate the need for this legislation.

SB 342, including standards for log homes in the New Hampshire building code. Ought to Pass with Amendment, Vote 5-0. Senator Barnes for the committee.

This bill provides for the state Building Code Review Board to adopt amendments to the state Building Code regulating the design and construction of log structures. Such amendments shall include ICC 400 Standard on the Design and Construction of Log Structures.

Public and Municipal Affairs

February 22, 2012

2012-0995s

08/09

Amendment to SB 342

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

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

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

1 New Section; Code Requirements; Log Structures. Amend RSA 155-A by inserting after section 3-a the following new section:

155-A:3-b Code Requirements; Log Structures.

I. Notwithstanding any provisions of the state building code or state fire code, the board shall adopt amendments to the state building code regulating the design and construction of log structures. The adopted amendments shall include ICC 400 Standard on the Design and Construction of Log Structures.

II. The amendments adopted under paragraph I shall be ratified by appropriate legislation within 2 years of their adoption. If such amendments are not ratified, then the amendments shall expire at the end of the 2-year period.

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

2012-0995s

AMENDED ANALYSIS

This bill requires the board to adopt amendments to the state building code regulating the design and construction of log structures.

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

REGULAR CALENDAR REPORTS

COMMERCE

SB 219-FN, relative to guaranteed issue for health insurance. Ought to Pass with Amendment, Vote 4-1. Senator White for the committee.

Commerce

February 21, 2012

2012-0954s

01/10

Amendment to SB 219-FN

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

4 Insurance; Coverage for Emergency Services. Amend RSA 417-F:1, I to read as follows:

I. "Emergency services" means health care services that are provided to an enrollee, insured, or subscriber in a licensed hospital emergency facility by a provider after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity [that], ***including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect*** the absence of immediate medical attention [could be expected] to result in any of the following:

(a) Serious jeopardy to the patient's health ***or, with respect to a pregnant woman, the health of the woman or her unborn child.***

(b) Serious impairment to bodily functions.

(c) Serious dysfunction of any bodily organ or part.

5 Insurance; Coverage for Emergency Services. RSA 417-F:3 is repealed and reenacted to read as follows:

417-F:3 Coverage Out-of-Network and Without Prior Authorization. If a health insurance carrier offering group or individual health insurance provides or covers any benefit with respect to services in an emergency department of a hospital, the plan shall cover emergency services:

I. Without the need for any prior authorization determination;

II. Whether or not the health care provider furnishing such services is a participating provider with respect to such services;

III. Without imposing any cost-sharing requirement or limitation on coverage, unless that requirement would apply equally to a service provider with a contractual relationship with the plan; and

IV. Without regard to any other term or condition of such coverage other than as provided in 42 U.S.C. 300gg-19a(b).

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

2012-0954s

AMENDED ANALYSIS

This bill declares that health carriers shall issue and renew health insurance coverage to individuals under 19 years of age and shall not impose a preexisting condition exclusion period for such individuals.

This bill also clarifies the law regarding coverage for emergency services.

This bill is a request of the insurance department.

President Bragdon ruled Amendment 0954s non-germane.

Sen. White moved to suspend Rule 3-7 to allow for the introduction of non-germane Amendment 0954s to SB 219-FN. Failed lacking necessary 2/3 vote.

Sen. White asserts Rule 2-15 on SB 219-FN.

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

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

Sen. Houde is excused.

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

The following Senators voted No: Forrester, Forsythe, Groen, Sanborn, Luther, Lambert, Rausch, Morse.

Yeas: 15 - Nays: 8

Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 219-FN.

SB 221, relative to life, accident, and health insurance. Ought to Pass, Vote 3-2. Senator White for the committee.

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

A division vote was requested.

Yeas: 11 - Nays: 11

Failed.

Sen. White asserts Rule 2-15 on SB 221.

Recess. Out of recess.

MOTION OF RECONSIDERATION

Sen. Carson, having voted on the prevailing side, moved to reconsider SB 221, the bill having previously failed. Adopted.

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

A division vote was requested.

Yeas: 12 - Nays: 11

Adopted, bill ordered to Third Reading.

Sen. White asserts Rule 2-15 on SB 221.

Sen. Forsythe is in opposition to the motion of Ought to Pass.

Sen. White moved to remove SB 335 from the table. Adopted.

COMMERCE

SB 335, establishing a procedure for certain condominiums to waive portions of the state fire code. Inexpedient to Legislate, Vote 2-2. Senator Houde for the committee.

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

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

Sen. Houde is excused.

The following Senators voted Yes: Gallus, Forsythe, Groen, Sanborn, White, Lambert, Boutin, Morse, Stiles, Bragdon.

The following Senators voted No: Forrester, Bradley, Odell, Kelly, Luther, Carson, Larsen, Barnes, De Blois, Rausch, D'Allesandro, Merrill, Prescott.

Yeas: 10 - Nays: 13

Failed.

Sen. Prescott moved Inexpedient to Legislate.

Sen. Bradley moved to Lay on the Table SB 335. Adopted.

SB 345, relative to the sale of mortgages. Inexpedient to Legislate, Vote 4-0. Senator Prescott for the committee.

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

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

Sen. Houde is excused.

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

The following Senators voted No: Gallus, Forrester, Forsythe, Groen, Sanborn.

Yeas: 18 - Nays: 5

Adopted.

SB 352, relative to low-profit limited liability companies. Interim Study, Vote 4-0. Senator De Blois for the committee.

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

SB 371, allowing a lien for labor and materials for professional design work. Ought to Pass with Amendment, Vote 4-0. Senator De Blois for the committee.

Commerce
February 15, 2012
2012-0811s
05/01

Amendment to SB 371

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

AN ACT allowing a lien for labor and materials for professional design services.

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

1 Liens for Professional Design Services; Vessels and Buildings. Amend RSA 447:1 and 447:2 to read as follows:

447:1 Vessels. If a person shall, ~~[by himself or]~~ **as an individual or with** others, perform labor, **provide professional design services as defined in RSA 447:2**, or furnish materials toward building, repairing, fitting or furnishing a vessel within this state, payment for which is due, he **or she** shall have a lien therefor on the vessel for the space of 4 days after it is completed.

447:2 Buildings, etc.

I. If any person shall, ~~[by himself or]~~ **as an individual or with** others, perform labor, **provide professional design services**, or furnish materials to the amount of \$15 or more for erecting or repairing a house or other building or appurtenances, or for building any dam, canal, sluiceway, well or bridge, or for consumption or use in the prosecution of such work, other than for a municipality, by virtue of a contract with the owner thereof, he **or she** shall have a lien on any material so furnished and on said structure, and on any right of the owner to the lot of land on which it stands.

II. In this section, "**professional design services**" means any services provided by a licensed architect, licensed landscape architect, licensed engineer, permitted septic designer, certified wetland scientist, certified soil scientist, or licensed land surveyor that is directly related to the improvement of real property.

2 Subcontractor Liens; Notice of Liens; Railroads; Account; Reference to Professional Design Services Added. Amend RSA 447:5 - 447:8 to read as follows:

447:5 Subcontractors. If a person shall ~~[by himself or]~~ **as an individual or with** others perform labor, **provide professional design services as defined in RSA 447:2**, or furnish materials to the amount of \$15 or more for any of the purposes specified in RSA 447:2, 447:3 and 447:4 and in RSA 453, by virtue of a contract with an agent, contractor or subcontractor of the owner, ~~[he]~~ **the person** shall have the same lien as provided in said sections, provided, that he **or she** gives notice in writing to the owner or to the person having charge of the property that he **or she** shall claim such lien before performing the labor or furnishing the material for which it is claimed.

447:6 Notice. Such notice may be given after the labor is performed, ***the professional design services are provided***, or the material is furnished, and said lien shall be valid to the extent of the amount then due or that may thereafter become due to the contractor, agent or subcontractor of the owner. The account required under RSA 447:8 may also be given at the time said notice is given.

447:7 Railroads. If a person shall, ~~[by himself or]~~ ***as an individual or with*** others, perform labor, ***provide professional design services***, or furnish materials to the amount of \$15 or more, in the grading, masonry, bridging or track-laying of a railroad, under a contract with an agent, contractor or subcontractor of the proprietors thereof, ~~[he]~~ ***the person*** shall have a lien upon the railroad and the land upon which it is constructed; provided, that he ***or she*** gave notice in writing to such proprietors, or to the person having charge of the railroad, that he ***or she*** should claim such lien before performing the labor, ***providing the services***, or furnishing the materials for which it is claimed.

447:8 Account. Any person giving notice as provided in RSA 447:5-7 shall, as often as once in 30 days, furnish to the owner, or person having charge of the property on which the lien is claimed, an account in writing of the labor performed, ***professional design services provided***, or materials furnished during the 30 days; and the owner or person in charge shall retain a sufficient sum of money to pay such claim, and shall not be liable to the agent, contractor or subcontractor therefor, unless the agent, contractor or subcontractor shall first pay it.

3 Precedence Over Lien Claims. Amend RSA 447:11 to read as follows:

447:11 Precedence. Such attachment shall have precedence over all lien claims for labor, ***professional design services***, materials, or other things done or furnished after the attachment was made, except the same were done or furnished in the performance of a contract existing when the attachment was made, or were necessary for the preservation of the property attached.

4 State Work. Amend RSA 447:15 to read as follows:

447:15 State Work. The liens given by RSA 447:5-14, inclusive, shall attach to any money due or to become due from the state or from any political subdivision thereof by virtue of any contract for any public work or construction, alteration, or repair, in the performance of which contract the lienor participated by performing labor, ***providing professional design services***, or furnishing materials or supplies. Such liens shall not attach, however, unless filed within 90 days after the completion and acceptance of the project by the contracting party, whether such contracting party is the state or any political subdivision of the state.

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

2012-0811s

AMENDED ANALYSIS

This bill adds design professionals to the tradesmen who are currently able to file and perfect a mechanic's lien for nonpayment of work related to a construction project.

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

Sens. White and Prescott assert Rule 2-15 on SB 371.

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

Sens. White and Prescott assert Rule 2-15 on SB 371.

EDUCATION

SB 316, relative to compliance with school accountability requirements. Interim Study, Vote 4-0. Senator Forsythe for the committee.

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

Sen. Luther is in opposition to the motion of Refer to Interim Study.

SB 373-L, authorizing the retention of funds by a school district. Ought to Pass with Amendment, Vote 4-0. Senator Forsythe for the committee.

Senate Education
February 15, 2012
2012-0819s
04/05

Amendment to SB 373-LOCAL

Amend the bill by replacing section 1 with the following:

1 School Money; Contingency Fund. Amend RSA 198:4-b to read as follows:

198:4-b Contingency Fund.

I. [Every] A school district annually by an article in the warrant, [~~and~~] **or** the governing body of a city upon recommendation of the school board, when the operation of the schools is by a department of the city, may establish a contingency fund to meet the cost of unanticipated expenses that may arise during the year. A detailed report of all expenditures from the contingency fund shall be made annually by the school board and published with their report.

II. Notwithstanding any other provision of law, a school district at an annual meeting may adopt an article authorizing, indefinitely until specific rescission, the school district to retain year-end unassigned general funds in an amount not to exceed, in any fiscal year, 2.5 percent of the current fiscal year's net assessment pursuant to RSA 198:5, for the purpose of having funds on hand to use as a revenue source for emergency expenditures and overexpenditures under RSA 32:11, or to be used as a revenue source to reduce the tax rate.

2012-0819s

AMENDED ANALYSIS

This bill authorizes a school district to retain funds for emergency expenditures or to reduce the tax rate.

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

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

A division vote was requested.

Yeas: 17 - Nays: 6

Adopted, bill ordered to Third Reading.

Sen. Luther is in opposition to the motion of Ought to Pass as Amended.

SB 404-FN, relative to funding for pupils enrolled in vocational education programs. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 250, relative to operation of ATVs and trail bikes on state lands. Ought to Pass with Amendment, Vote 4-0. Senator Gallus for the committee.

Energy and Natural Resources

January 25, 2012

2012-0370s

10/01

Amendment to SB 250

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

2 OHRVs and Snowmobiles; Trail Connectors in Coos County. Amend RSA 236:56, II(d) to read as follows:

(d) Trail Connectors. All OHRVs and snowmobiles may be operated within specified trail connectors and pursuant to the provisions of RSA 215-A:9 or RSA 215-C:9. The commissioner of the department of transportation may limit the operation of specified types of OHRVs and snowmobiles when the commissioner feels this is necessary in matters of safety and maintenance of trail corridors or at the suggestion of the chief supervisor of the bureau of trails. ***Trail connectors, as defined in RSA 215-A:1, in Coos county shall be exempt from the provisions of RSA 215-A:42 and RSA 215-A:43.***

3 New Paragraph; OHRVs; Limitations on Operation. Amend RSA 215-A:10 by inserting after paragraph III the following new paragraph:

IV.(a) Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II, class III, or class III-a highway that has been designated open for use, in Coos county, by the bureau of trails, with the approval of the department of transportation and the department of safety and a public meeting in each community which would be directly affected by such designation. The bureau, or its designee, shall sign any approved sections of highway for OHRV use.

(b) OHRV use shall not be permitted on any section of Interstate, toll, or divided highway.

(c) The following sections of state highway shall be designated for OHRV use: Back Lake Road in Pittsburg, from the town dump to Route 3; Route 3 in Pittsburg from the intersection of Back Lake Road to Route 145; Route 145 in Pittsburg and Clarksville from the intersection of Route 3 to Cedar Stream Road; Diamond Pond Road in Stewartstown from the town-owned section south to Charles Heath Road; Jericho Lake Road in Berlin from Route 110 to Jericho Mountain State Park; the reduced speed section of Route 3 in North Stratford village as needed to reach services.

4 Repeal. RSA 215-A:43, VIII, relative to trail crossing or connector permits at Jericho Mountain state park, is repealed.

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

2012-0370s

AMENDED ANALYSIS

This bill adds specific exceptions to the evaluation criteria for the establishment of ATV and trail bike trails on state lands, and allows for OHRV operation on certain highways and trail crossings and connectors in Coos county.

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

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

SB 400, including owls within the definition of raptor for the purposes of falconry. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

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

SJR 1, requesting the governor to enter into an anti-ethanol compact with other northeastern states. Inexpedient to Legislate, Vote 4-0. Senator Merrill for the committee.

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

Sen. Bradley is in opposition to the motion of Inexpedient to Legislate.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 228-FN-L, repealing the assessments for excess benefits paid by employers in the retirement system. Ought to Pass, Vote 3-2. Senator Carson for the committee.

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

SB 230-FN, relative to the calculation of average final compensation for certain retirement system members. Ought to Pass, Vote 4-0. Senator Groen for the committee.

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

Sen. Kelly is in opposition to the motion of Ought to Pass.

SB 244-FN, relative to the administration of the New Hampshire retirement system. Ought to Pass, Vote 4-1. Senator Luther for the committee.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3
 Sen. Groen, Dist. 6
 March 7, 2012
 2012-1143s
 10/05

Floor Amendment to SB 244-FN

Amend the bill by replacing section 4 with the following:

4 Definition of Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time," for purposes of employment of a retired member of the New Hampshire retirement system, but excepting per diem court security officers and court bailiffs, means employment by ~~[an employer]~~ **one or more employers** depending on the group classification of the employment as follows:

(a) For group I, part-time employment of the retired member **during a calendar year** shall not exceed 32 hours in [a] **each** normal calendar week[~~;-except for~~]. Group I employment [which] in some instances may exceed 32 hours in any normal calendar week[~~;-~~] **provided that** in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year[~~;-so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period~~].

(b) For group II, part-time employment of the retired member **during a calendar year** shall not exceed 32 hours in [a] **each** normal calendar week[~~;-except for~~]. Group II employment [which] in some instances may exceed 32 hours in any normal calendar week[~~;-~~] **provided that** in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year[~~;-so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period~~].

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

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

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

SB 246-FN, relative to the calculation of employer assessments for excess retirement system benefits. Inexpedient to Legislate, Vote 3-2. Senator White for the committee.

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

HEALTH AND HUMAN SERVICES

SB 281, authorizing law enforcement officers to share relevant communicable disease information with public health authorities. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

Health and Human Services

February 23, 2012

2012-1030s

08/04

Amendment to SB 281

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

AN ACT relative to exposure to infectious disease by emergency response and public safety workers and notification of public health authorities.

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

1 Notification of Emergency Response/Public Safety Workers After Exposure to Infectious Disease; Infection Control Officer. Amend RSA 141-G:3, II to read as follows:

II. When the source individual is transported to a health care facility, the infection control officer shall:

(a) Receive copies of emergency response/public safety worker incident report forms and coordinate the acquisition of any source individual information required for evaluating an emergency care worker's possible exposure **and for evaluating the possible exposure of an individual protected under RSA 508:12, if any.**

(b) Review the incident report form and source individual medical information.

(c) Notify the medical referral consultant, in accordance with RSA 141-G:5, of any source individual infection which, in the event that an unprotected exposure occurred, may place an emergency response/public safety worker at significant risk for disease.

(d) Notify public health in accordance with RSA 141-C:7, of any source individual infection which, in the event that an unprotected exposure occurred, may place an individual protected under RSA 508:12 at tangible risk for disease.

2 Notification of Emergency Response/Public Safety Workers After Exposure to Infectious Disease. Amend RSA 141-G:4, I to read as follows:

I. Any emergency response/public safety worker who, while in the line of duty, sustains an unprotected exposure ***to themselves or another individual protected under RSA 508:12***, or who suspects such an exposure, shall, as soon as possible, provide a copy of the emergency response/public safety worker incident report form to the worker's medical referral consultant. If the source individual is transported to a health care facility licensed under RSA 151, the exposed worker shall also provide a copy of the incident report form to the infection control officer of the facility as soon as possible after arrival of the source individual at the facility.

3 Notification of Emergency Response/Public Safety Workers After Exposure to Infectious Disease; Immunity from Civil Liability. Amend RSA 141-G:7 to read as follows:

141-G:7 Immunity From Civil Liability. No facility licensed under RSA 151 or agent, employee, administrator, physician, official, [or] other representative of such facility, ***or emergency response/public safety worker*** shall be held jointly or severally liable, either as a facility or personally, for reporting as required under this chapter, if such report was made in good faith and was in accordance with the confidentiality procedures of the facility and RSA 141-F. All such parties who have acted in good faith shall have total immunity from civil or criminal liability for any act performed in the fulfillment of the duties imposed by this chapter.

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

2012-1030s

AMENDED ANALYSIS

This bill requires emergency response and public safety workers to notify public health officials of exposure to infectious disease.

This bill is a request of the department of safety.

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

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

SB 283, relative to disposition of nursing home patient accounts. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Health and Human Services

February 17, 2012

2012-0897s

06/01

Amendment to SB 283

Amend RSA 151-A:15, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding the provisions of RSA 561, if all known debts of the deceased have been paid and a balance remains in the deceased's estate after the filing required under paragraph I, the probate court [shall] ***may*** order the administrator to pay the balance [into the treasury of the county where the deceased was domiciled, where it shall be subject to the claims of persons entitled to it, through application to the county commissioners] ***to the state treasurer to be held as abandoned property pursuant to RSA 471-C.***

Recess. Out of recess.

Sen. Lambert moved to Lay on the Table SB 283. Adopted.

SB 287, relative to confidential prescription data. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

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

SB 288, relative to the exchange of public health information through a health information exchange. Ought to Pass, Vote 4-1. Senator Bradley for the committee.

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

SB 321-FN, relative to Medicaid payments to long-term care facilities. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health and Human Services

February 17, 2012

2012-0876s

01/09

Amendment to SB 321-FN

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

AN ACT establishing a committee to study the continuation of payments to long-term care facilities.

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

1 Committee Established. There is established a committee to study the continuation of payments to long-term care facilities.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the continuation of payments to long-term care facilities. Specifically, the committee shall include in its study:

I. Whether the maximum extent permissible under federal law, providing for Medicaid payments at the applicable daily rate should begin no later than 45 days after a resident applies for Medicaid.

II. What provisions need to be put in place to allow facilities to appeal Medicaid eligibility determinations.

III. The proper administration of RSA 151-E.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library no later than 90 days after the effective date of this act.

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

2012-0876s

AMENDED ANALYSIS

This bill establishes a committee to study the continuation of payments to long-term care facilities.

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

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

SB 343-FN, establishing an independent board of psychologists. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Health and Human Services
February 17, 2012
2012-0881s
10/03

Amendment to SB 343-FN

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 14:

13 Reports on Effectiveness.

I. The board of mental health practice established in RSA 330-A and the board of psychologists established in RSA 329-B, as inserted by this act, shall each collect the necessary information and compile a report on the following:

(a) The effectiveness of the creation of an independent board for the regulation of psychologists and the efficacy of separating the board of psychologists from the board of mental health practice.

(b) How the separation of the 2 boards by this act affects the scope of practice of psychologists and of the mental health disciplines regulated by the board of mental health practice.

(c) How the separation of the board of psychologists from the board of mental health practice has affected the cost of acquiring and renewing a license issued by the respective boards.

(d) The recommendation on whether the separate board for the regulation of psychologists should continue to be kept separate as provided by this act or whether legislation should be proposed to merge the board of psychologists with the board of mental health practice or otherwise amend RSA 329-B and RSA 330-A.

II. The board of psychologists and the board of mental health practice shall file their respective reports required by paragraph I with the president of the senate, the speaker of the house of representatives, the governor, and the state library on or before June 30, 2017.

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

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

SB 347-FN, relative to the department of health and human services administrative appeals. Ought to Pass with Amendment, Vote 5-0. Senator De Blois for the committee.

Health and Human Services
February 17, 2012
2012-0877s
01/09

Amendment to SB 347-FN

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

1 Department of Health and Human Services; Administrative Appeals. Amend RSA 126-A:5, VIII to read as follows:

VIII. The commissioner shall establish an appeals process for any individual applying for or receiving services from the department or its contract service providers, any providers, programs, services, or facilities which are licensed or certified by the department, or with regard to actions related to employees of the department or any other matter within the jurisdiction of the department. Notwithstanding any other provision of law, the appeals process shall include:

(a) ~~[That the appellant may elect either an administrative hearing or an independent review to determine the facts of the matter on appeal.]~~ ***A jurisdictional review by the commissioner, or a hearings examiner designated by the commissioner, to determine whether a denial or change in services, benefits, or a license is automatic due entirely to a change in state or federal law. In the event the department's action is due entirely to such a change in state or federal law, the department shall provide adequate notice and provide the applicant, recipient, or licensee the opportunity to state the reasons he or she believes issues of fact or interpretation of law should be heard, prior to the commissioner or hearings examiner designated by the commissioner conducting a jurisdictional review.***

(1) If the commissioner, or hearings examiner designated by the commissioner determines that sole issue on appeal is the result of the state or federal law that caused a denial or change

in services, benefits, or a license, and the appeal does not require resolution of a factual disagreement or legal issue, then an order dismissing the appeal shall be issued by the commissioner, or a hearings examiner designated by the commissioner, after such jurisdictional review and without an administrative hearing.

(2) In all other cases, if the automatic result of the new state or federal law is not the only issue on appeal, then an administrative hearing shall be conducted by the commissioner, or a hearings examiner designated by the commissioner, to address the other issues in accordance with rules established by the commissioner.

~~(b) [If the appellant elects an independent review the hearing officer shall conduct a review in accordance with rules established by the commissioner and shall submit a proposed decision to the commissioner. The commissioner shall then review the proposed decision and issue a final order on the appeal, subject to RSA 126-A:5, VIII(e)].~~ *For appeals of all other matters, the commissioner, or a hearings examiner designated by the commissioner, shall conduct an administrative hearing in accordance with the rules established by the commissioner.*

~~(c) [If the appellant elects an administrative hearing, the hearing officer shall conduct a hearing in accordance with the rules established by the commissioner.]~~

~~(d)~~ Unless the commissioner has delegated to the ~~[hearing officer]~~ *hearings examiner* authority to issue a decision on behalf of the department, following the hearing, the ~~[hearing officer]~~ *hearings examiner* shall submit to the commissioner a proposed decision which shall include:

- (1) A statement of the issues presented in the appeal;
- (2) A summary of the evidence received;
- (3) Proposed findings of fact and rulings of law; and
- (4) A proposed order.

~~[(e)]~~ *(d)* If following a hearing ~~[or review]~~ the proposed decision is adverse to the individual applying for or receiving services, facility or employee who made the appeal, or if the commissioner proposes to make an adverse finding, ruling, or order which the ~~[hearing officer]~~ *hearings examiner* has not recommended, the commissioner shall provide the appealing party with a copy of the commissioner's proposed decision and offer an opportunity to submit a brief and make an oral argument regarding the contested findings of fact, rulings of law, or proposed order.

~~[(f)]~~ *(e)* Following a review of a proposed decision after a hearing ~~[or review]~~ and of a brief and argument in a contested case, if any, the commissioner shall issue a final decision on the appeal.

2 Repeal. Part He-C 208, relative to independent reviews, is repealed.

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

2012-0877s

AMENDED ANALYSIS

This bill clarifies the administrative appeals process for individuals applying for or receiving services from the department of health and human services. This bill also repeals certain administrative rules relative to independent reviews.

This bill is a request of the department of health and human services.

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

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

SB 349, relative to the administration of juvenile justice services. Ought to Pass with Amendment, Vote 5-0. Senator Lambert for the committee.

Health and Human Services

February 23, 2012

2012-1027s

05/10

Amendment to SB 349

Amend section 1 of the bill by deleting paragraph III.

2012-1027s**AMENDED ANALYSIS**

This bill:

I. Repeals the requirement that the department of health and human services maintain a division or unit within the department for the administration of juvenile justice services.

II. Repeals a prohibition on including delinquent acts in a CHINS petition.

The bill is a request of the department of health and human services.

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

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

SB 357, establishing a commission to study how the Patient Protection and Affordable Care Act of 2009, as amended, will affect emergency and ambulance providers. Interim Study, Vote 5-0. Senator Sanborn for the committee.

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

Sen. Forrester moved Ought to Pass.

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

Sen. Kelly is in opposition to the motion of Ought to Pass.

INTERNAL AFFAIRS

HB 592, apportioning state representative districts and relative to the boundaries of wards. Ought to Pass, Vote 3-1. Senator Bradley for the committee.

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

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

Sen. Houde is excused.

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

The following Senators voted No: Forrester, White, Kelly, Larsen, Boutin, De Blois, D'Allesandro, Merrill.

Yeas: 15 - Nays: 8

Adopted, bill ordered to Third Reading.

JUDICIARY

SB 216, modifying the deadline for emergency involuntary admission hearings and relative to notification of revocation of conditional discharge by the department of health and human services. Ought to Pass with Amendment, Vote 4-0. Senator Forsythe for the committee.

**Senate Judiciary
February 29, 2012
2012-1056s
01/10**

Amendment to SB 216

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

AN ACT relative to notification of revocation of conditional discharge by the department of health and human services.

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

Amend RSA 135-C:51, I-IV as inserted by section 1 of the bill by replacing them with the following:

I. If a psychiatrist or APRN, as defined in RSA 135-C:2, II-a, at a community mental health program providing continuing treatment on an outpatient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

(a) The person has violated a condition of the discharge; or

(b) A condition or circumstance exists which may create a potentially serious likelihood of danger to the person or to others, the psychiatrist or APRN may conduct or cause to be conducted by a treatment team member or an emergency service staff member, an examination of the person to determine if the conditional discharge should be revoked. Before an examination may be conducted, a written notice ~~[shall be prepared]~~ identifying the belief, and the reasons therefor, that a violation of the conditional discharge has occurred or other circumstances or condition exists which may create a potentially serious likelihood of danger to the person or to others ***shall be provided and explained to the person if it can be done safely without risk of bodily harm. If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.*** ~~[The written notice shall be offered to and read to the person prior to conducting an examination.]~~

II. A reasonable effort shall be made to find the person, in order to ~~[offer]~~ ***provide*** and ~~[read]~~ ***explain*** the notice required under paragraph I ***if it can be done safely without risk of bodily harm. If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.*** If the person cannot be located or consent to an examination cannot be obtained, the psychiatrist or other representative of the community mental health program may sign a complaint. Upon issuance of such a complaint, any law enforcement officer shall take custody of the person and immediately deliver him or her to the place specified in the complaint.

III. If the psychiatrist or APRN, following the examination the psychiatrist or APRN conducted or caused to be conducted of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or herself or to others, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the psychiatrist, or APRN, or designee, shall prepare, ~~[offer to and read]~~ ***provide and explain*** to the person a written notice, ***if it can be done safely without risk of bodily harm,*** giving the reasons for the revocation and ~~[the psychiatrist or APRN shall]~~ ***to*** identify the receiving facility to which the person is to be delivered. ***If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.***

IV. A law enforcement officer shall take custody of the person whose conditional discharge was temporarily revoked under paragraph III and deliver him or her, together with a copy of the notice and the reasons for the temporary revocation, to the receiving facility identified by the psychiatrist ***or APRN***, where he or she shall be personally examined by the administrator of the facility or designee and the reasons for temporary revocation of the discharge shall be reviewed. Following such examination and review, if the administrator of the facility or designee finds that the person conditionally discharged has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or herself or to others, he or she may revoke absolutely the conditional discharge. The administrator of the facility, or designee, shall prepare, ~~[offer to and read]~~ ***provide and explain*** to the person, ***if it can be done safely without risk of bodily harm,*** a written notice of the reasons for the absolute revocation. ***If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.*** The person whose conditional discharge has been absolutely revoked shall be subject to the terms and conditions of the order of involuntary admission made pursuant to RSA 135-C:34-54 from which conditional discharge was granted as if the conditional discharge had not been granted.

2012-1056s

AMENDED ANALYSIS

This bill clarifies the notice of revocation of conditional discharge by the department of health and human services.

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

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

SB 271-FN, establishing a criminal offense for failure to report a missing or deceased child. Interim Study, Vote 5-0. Senator Forsythe for the committee.

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

SB 278, limiting the recovery of health care expenses in personal injury actions and removing “probable duration of life but for the injury” as an element that may be considered in determining damages in a wrongful death action. Interim Study, Vote 4-0. Senator Carson for the committee.

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

SB 279-FN, establishing registers of probate as clerks of the probate division of the circuit court. Inexpedient to Legislate, Vote 4-0. Senator Groen for the committee.

Sen. Groen moved to Lay on the Table SB 279-FN. Adopted.

SB 320-FN, establishing penalties for receiving stolen scrap metal and a database for reports of stolen scrap metal. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary
February 16, 2012
2012-0871s
08/04

Amendment to SB 320-FN

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

AN ACT directing the department of safety to subscribe to a scrap metal theft alert system.

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

1 New Section; Scrap Metal Theft; Database. Amend RSA 322 by inserting after section 13 the following new section:

322:14 Stolen Scrap Metal Database.

I. The department of safety shall subscribe to a scrap metal theft alert system to receive alerts regarding the theft of commodity metals in New Hampshire and the surrounding geographic area. Information from subscription to such system shall be obtained by the department of safety at no cost, made available to the public on the department of safety’s website, and shall contain the date of the reported theft, the location of the reported theft, a description of the materials stolen, and, if available, the final disposition of the case.

II. Upon receiving a report of stolen scrap metal, local law enforcement agencies shall report the theft of such stolen scrap metal to the scrap metal alert system for inclusion in alerts issued to subscribers of the scrap theft alert system. Such report shall be made within 24 hours of the initial report of the crime to a local law enforcement agency.

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

2012-0871s

AMENDED ANALYSIS

This bill directs the department of safety to subscribe to a scrap metal theft alert system.

This bill also directs local law enforcement agencies to report stolen scrap metal to the scrap metal theft alert system.

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

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 243, relative to the management of trust funds and capital reserve funds. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Public and Municipal Affairs
February 14, 2012
2012-0804s
04/09

Amendment to SB 243

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

1 Trust Funds; Records. Amend RSA 31:34 to read as follows:

31:34 Records. The trustees shall keep a record of all trusts in a record book[,] **or maintained in electronic format** which shall be open to the inspection of all persons in their town. **Such records shall be maintained and retained pursuant to RSA 91-A:4.**

2 Powers and Duties of Towns; Reports. Amend RSA 31:38 to read as follows:

31:38 Reports. A copy of the reports required of the town and city trustees and of the auditor thereof shall be filed annually with the attorney general **and with the governing body of the town or city.**

3 Trust Funds; Professional Banking and Brokerage Assistance. Amend RSA 31:38-a, II-c to read as follows:

II-c. "Investment advisor" in this section means a qualified investment advisory firm registered with the appropriate regulatory authorities **and licensed pursuant to RSA 421-B:7.** Such firm may or may not be associated with a brokerage firm as defined in paragraph II-a.

4 Trust Funds; Professional Banking and Brokerage Assistance. Amend RSA 31:38-a, III to read as follows:

III. Any trustee or trustees of trust funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm **or an investment advisor** to assist in the management and investment of trust fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm **or an investment advisor** to facilitate transfers for such securities. Trust fund records maintained by any bank or brokerage firm ~~must~~ **or investment advisor shall** be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such trust funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

5 Capital Reserve Funds of Counties; Trustees of Funds. Amend RSA 35:10 to read as follows:

35:10 Trustees of Funds. The trustees of trust funds of a town or city shall have custody of any capital reserve of a town, district or water departments therein, the trustees of trust funds as provided in RSA 35:2 shall have custody of such capital reserve of a school district, and the county treasurer of a county shall have custody of any capital reserve of his county. Said trustees or treasurer shall give bond in such amount and in such form as the commissioner of revenue administration shall prescribe, and any such trustee or treasurer who shall make any payment of income or principal from any such capital reserve fund before the approval of his bond in writing by the commissioner of revenue administration shall be personally liable to the town, district, department or county for any loss resulting from such payment, to be recovered for the town, district, department or county at the suit of any citizen. The expenses of said trustees or treasurer in said capacity and the expense of their bonds shall be charged as incidental town, district, department or county charges, **except that investment management expenses may be charged as provided in RSA 35:19.**

6 New Sections; Capital Reserve Funds of Counties, Towns, Districts, and Water Departments; Professional Banking or Brokerage Assistance. Amend RSA 35 by inserting after section 18 the following new sections:

35:19 Professional Banking or Brokerage Assistance.

I. In this section:

(a) "Bank" means a savings bank, national bank or trust company in this state, any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or any federal savings and loan association located and doing business in this state.

(b) "Brokerage firm" means a firm registered under the securities law effecting transactions in securities for the accounts of others.

(c) "Portfolio management department" means the department of a brokerage firm responsible for investment management of client accounts.

(d) "Investment advisor" means a qualified investment advisory firm registered with the appropriate regulatory authorities and licensed pursuant to RSA 421-B:7. Such firm may or may not be associated with a brokerage firm.

II. Any trustee or trustees of capital reserve funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm or investment advisor to assist in the management and investment of capital reserve fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm or investment advisor to facilitate transfers for such securities. Capital reserve fund records maintained by any bank or brokerage firm or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

III. Any expenses incurred pursuant to paragraph II of this section by a trustee or trustees of trust funds authorized by this chapter may be charged against the income of the capital reserve funds involved and shall be identified and reported in the annual report of the trustee or trustees as expenditures out of capital reserve funds made pursuant to paragraph II.

35:20 Capital Gains. Notwithstanding any statute or rule to the contrary, trustees of trust funds in towns, school districts, and village districts shall treat realized capital gains and capital gain distributions earned on principal balances and income balances in capital reserve funds as principal.

7 Capital Reserve Funds for Cities; Trustees of Funds. Amend RSA 34:6 to read as follows:

34:6 Trustees of Funds. The trustees of trust funds of the city shall have custody of all capital reserves. Said trustees shall give bond in such amount and in such form as the city council or board of aldermen shall prescribe, and any trustee who shall make payment of income or principal from any such capital reserve fund before the approval of his *or her* bond in writing by the city council or board of aldermen shall be personally liable to the city for any loss resulting from such payment, to be recovered by the city at the suit of any citizen. The expenses of said trustees in said capacity and the expense of their bonds shall be charged as incidental city charges ***except that investment management expenses may be charged as provided in RSA 34:16.***

8 New Sections; Capital Reserve Funds for Cities; Professional Banking or Brokerage Assistance; Capital Gains. Amend RSA 34 by inserting after section 15 the following new sections:

34:16 Professional Banking or Brokerage Assistance.

I. In this section:

(a) "Bank" means a savings bank, national bank or trust company in this state, any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or any federal savings and loan association located and doing business in this state.

(b) "Brokerage firm" means a firm registered under the securities law effecting transactions in securities for the accounts of others.

(c) "Portfolio management department" means the department of a brokerage firm responsible for investment management of client accounts.

(d) "Investment advisor" means a qualified investment advisory firm registered with the appropriate regulatory authorities and licensed pursuant to RSA 421-B:7. Such firm may or may not be associated with a brokerage firm.

II. Any trustee or trustees of capital reserve funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm or investment advisor to assist in the management and investment of capital reserve fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm or investment advisor to facilitate transfers for such securities. Capital reserve fund records maintained by any bank or brokerage firm or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

III. Any expenses incurred pursuant to paragraph II of this section by a trustee or trustees of trust funds authorized by this chapter may be charged against the income of the capital reserve funds involved and shall be identified and reported in the annual report of the trustee or trustees as expenditures out of capital reserve funds made pursuant to paragraph II.

34:17 Capital Gains. Notwithstanding any statute or rule to the contrary, trustees of trust funds in cities shall treat realized capital gains and capital gain distributions earned on principal balances and income balances in capital reserve funds as principal.

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

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

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

SB 261, relative to requirements for warrant articles. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Public and Municipal Affairs

February 15, 2012

2012-0813s

06/01

Amendment to SB 261

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

1 Municipal Budget Law; Budget Preparation. Amend RSA 32:5, V(a) and (b) to read as follows:

(a) The article shall contain a notation of whether or not that appropriation is recommended by the governing body, and, if there is a budget committee, a notation of whether or not it is recommended by the budget committee; **and may include a projection by the governing body of the effect of such appropriation on the tax rate;**

(b) If the article is amended at the first session of the meeting in an official ballot referendum municipality, the governing body and the budget committee, if one exists, may revise its recommendation on the amended version of the special warrant article **and include a projection by the governing body of the effect of such revised appropriation on the tax rate**, and the revised recommendation shall appear on the ballot for the second session of the meeting provided, however, that the 10 percent limitation on expenditures provided for in RSA 32:18 shall be calculated based upon the initial recommendations of the budget committee;

2 Warrant. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. **When an article in the warrant calls for the appropriation of a specific sum of money, the warrant may include a projection by the governing body of the effect of such appropriation on the tax rate.** For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

3 Official Ballot Referenda; Use of Official Ballot. Amend RSA 40:13, II to read as follows:

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given as otherwise provided in this section. Final budgets and ballot questions shall be printed in the annual report made available to the legislative body at least one week before the date of the second session of the annual meeting. ***Final appropriation may include a projection by the governing body of the effect of such articles on the tax rate of the proposed appropriation.***

4 Use of Official Ballot. Amend the introductory paragraph of RSA 40:13, IV to read as follows:

IV. ***Except as provided in paragraph IV-a***, the first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

5 New Subparagraphs; Use of Official Ballot; Warrant Article Amendments. Amend RSA 40:13, IV by inserting after subparagraph (c) the following new subparagraphs:

(d) No petitioned warrant article shall be amended in such a manner as to reverse the intent of the article warned.

(e) Warrant articles may be amended to change the implementation date only by a variable of 90 days.

6 New Paragraph; Town Ordinance Articles. Amend RSA 40:13 by inserting after paragraph IV the following new paragraph:

IV-a.(a) No town ordinance shall be established or amended at a meeting by a warrant article either proposed by the governing body under RSA 39:2 or by a petitioned warrant article under RSA 39:3 until after the governing body holds at least one public hearing on the proposed ordinance in the same fashion as would be required for bond articles in excess of the \$100,000 under RSA 33:8-a and RSA 40:13, V-a, unless another statute pertaining specifically to the subject matter of the ordinance provides for a hearing by the governing body in a different manner.

(b) The issue as to the adoption of the proposed ordinance shall be presented to the voters of the town by having the town clerk prepare an official ballot separate from the official ballot used to elect town officers which shall include the following question, or by including the following question on the official ballot as prepared by the town clerk:

“Are you in favor of the adoption of the town ordinance as proposed by the governing body or by petition?” In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: “Are you in favor of the adoption of Amendment No. _____ as proposed by the governing body or by petition for the town ordinance as follows: (Here insert topical description of substance of the ordinance)?” An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting. If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated, and the meeting shall open not later than 11 a.m. and shall remain open at least 8 hours. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word “yes” beside it and another with the word “no” beside it.

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

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

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

SB 268, relative to the appointment of the treasurer of the Concord school district. Ought to Pass with Amendment, Vote 4-0. Senator Merrill for the committee.

Public and Municipal Affairs

February 14, 2012

2012-0805s

04/05

Amendment to SB 268

Amend RSA 671:6, II as inserted by section 1 of the bill by replacing it with the following:

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

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

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

Amend RSA 671:6-a, V as inserted by section 2 of the bill by replacing it with the following:

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

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

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

SB 269, relative to the definition of default budget in towns that use official ballot voting. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

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

SB 289-FN, relative to presenting photo identification to vote in person. Ought to Pass with Amendment, Vote 4-1. Senator Barnes for the committee.

Public and Municipal Affairs

February 22, 2012

2012-0972s

03/05

Amendment to SB 289-FN

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 challenged 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 challenged 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.

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, regardless of expiration date.

(b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21.

(c) An 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 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 challenged 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 challenged 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 challenged voter affidavit in accordance with paragraph I. The letter shall be mailed within 90 days after 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 Subdivision; Voter Identification Advisory Committee. Amend RSA 652 by inserting after section 23 the following new subdivision:

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.

(b) The president of the senate.

(c) The speaker of the house of representatives.

(d) The governor.

(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, who shall serve as chairperson.

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 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. 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 for voter identification purposes may obtain a voucher from his or her town or city clerk or the secretary of state exempting the person 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 shall be marked "for voter identification only."***

5 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the photo identification requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. 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 act during 2012.

6 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. However, notwithstanding such provisions, no person shall be denied the right to vote for failure to present a valid photo identification or other documentation acceptable under this act prior to January 1, 2013. The ballot clerks shall tally the number of voters that do not present a valid photo identification at each election prior to January 1, 2013, and the town or city clerk shall report the number with the election return. The secretary of state shall report the tallies in accordance with RSA 659:13, IV(c).

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

2012-0972s

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may execute a challenged voter affidavit. Voters who do not present a valid photo identification shall be mailed and instructed to return an identity verification letter. This bill also 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.

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

Sen. Prescott offered a floor amendment.

Sen. Prescott, Dist. 23

Sen. Merrill, Dist. 21

March 7, 2012

2012-1146s

03/05

Floor Amendment to SB 289-FN

Amend the bill by replacing section 2 with the following:

2 New Subdivisions; Voter Identification Advisory Committee; Notice of Voter Identification 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.
- (b) The president of the senate.
- (c) The speaker of the house of representatives.
- (d) The governor.
- (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, 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.

Amend the bill by replacing section 5 with the following:

5 Voter Education. The department of state shall prominently display on the department's website information for voters relating to the photo identification requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

Amend the bill by inserting after section 5 the following and renumbering the original sections 6-7 to read as 7-8, respectively:

6 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.

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

Sen. Merrill offered a floor amendment.

Sen. Merrill, Dist. 21

March 7, 2012

2012-1142s

03/05

Floor Amendment to SB 289-FN

Amend RSA 652:24, I as inserted by section 2 of the bill by replacing it with the following:

I. There is established a voter identification advisory committee. The committee shall review the implementation of voter identification requirements after every state general election, and in doing so shall

solicit relevant information from organizations concerned with voting laws. 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.

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

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

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

Sen. Houde is excused.

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

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

Yeas: 17 - Nays: 6

Adopted.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider SB 289-FN, the bill having been previously adopted. Adopted.

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

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

Sen. Houde is excused.

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

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

Yeas: 18 - Nays: 5

Adopted.

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 378, allowing municipalities to remove snow from private roads and driveways and class VI highways. Ought to Pass, Vote 4-0. Senator Barnes for the committee.

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

HB 1170, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting. Ought to Pass, Vote 4-1. Senator Forrester for the committee.

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

TRANSPORTATION

SB 291, relative to the use of currently allowed impact fees by municipalities. Ought to Pass with Amendment, Vote 3-0. Senator Boutin for the committee.

Senate Transportation

February 9, 2012

2012-0701s

03/04

Amendment to SB 291

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

1 Impact Fee. Amend the introductory paragraph of RSA 674:21, V to read as follows:

V. As used in this section “impact fee” means a fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, **or, in the case of state highways, located within the municipality**, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality’s proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space. No later than July 1, 1993, all impact fee ordinances shall be subject to the following:

2 New Subparagraphs; Innovative Land Use Control. Amend RSA 674:21, V by inserting after subparagraph (j) the following new subparagraphs:

(k) Revenue from impact fees imposed upon development and collected by a municipality under RSA 674:21, V for construction of or improvement to capital facilities may be expended upon state highways within the municipality only for improvement costs that are related to the capital needs created by the development. Such improvements may include items such as, but not limited to, traffic signals and signage, turning lanes, additional travel lanes, and guard rails. No such improvements shall be constructed or installed without approval of the state department of transportation. In no event shall impact fees be used for any improvements to roads, bridges, or interchanges that are part of the interstate highway system. Nothing in RSA 674:21, V shall be construed as allowing or authorizing additional impact fees merely by virtue of having approved the expenditure of collected fee revenue for construction of or improvement of state highways, nor shall it be construed as allowing the adoption of new impact fees devoted to assessing impacts to state highways.

(l) No later than 60 days following the end of the fiscal year, any municipality having adopted an impact fee ordinance shall prepare a report listing all expenditures of impact fee revenue for the prior fiscal year, identifying the capital improvement project for which the fees were assessed and stating the dates upon which the fees were assessed and collected. The annual report shall enable the public to track the payment, expenditure, and status of the individually collected fees to determine whether said fees were expended, retained, or refunded.

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

2012-0701s

AMENDED ANALYSIS

This bill allows municipalities to use revenue from existing impact fees for capital improvements to state highways within the municipality. This bill also requires annual reports by a municipality with an impact fee ordinance.

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

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

SB 317, relative to towable devices permitted to be towed by a motorboat. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Senate Transportation

February 23, 2012

2012-1020s

03/05

Amendment to SB 317

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

1 Motorboat Towing. Amend RSA 270-D:3, III to read as follows:

III. No **more than 6 persons may be towed on one or more inflatable tubes and no** more than 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the same time. When [2] **3 or more** persons are being towed, 2 observers, in addition to the operator, shall be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

2 New Paragraph; Definitions; Inflatable Tube. Amend RSA 270-D:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Inflatable tube" means an inflatable device manufactured and designed for the specific purpose of towing persons behind a motorboat. Such device shall be manufactured with a point of attachment for a tow line in addition to any safety handles, ropes, or lines, for each person being towed.

3 Definitions; Water Skiing. Amend RSA 270-D:1, XIII to read as follows:

XIII. "Water skiing" means a person being towed behind a moving motorboat on skis or on aquatic equipment designed for towing an aquaplane or any other device, including bare feet of a person, but excluding a person being towed ***on an inflatable tube or*** in another boat or motorboat.

4 Report by Department of Safety. The department of safety shall prepare a report providing statistics on accidents and injuries relating to towing of persons by motorboats and whether any discernable change in such statistics occurs after the effective date of this act. The report shall cover a multiyear period extending at least through summer 2013. The department shall submit the report to the senate and house transportation committees on or before October 30, 2013.

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

2012-1020s

AMENDED ANALYSIS

This bill allows up to 6 persons to be towed on one or more inflatable tubes by a motorboat.

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

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

SB 333, relative to a surviving spouse's right to retain a Purple Heart plate. Interim Study, Vote 5-0. Senator Forsythe for the committee.

Recess. Out of recess.

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

Sen. Barnes moved Ought to Pass.

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

SB 391, naming a portion of New Hampshire route 107/43 in the town of Deerfield the Honorable Joseph E. Stone Highway. Ought to Pass, Vote 3-0. Senator Rausch for the committee.

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

SB 394-L, relative to the reclassification of Province Road in Strafford from the intersection of Route 202A to Rickey Nelson Road from class II to class V. Ought to Pass with Amendment, Vote 3-0. Senator Forsythe for the committee.

Senate Transportation

February 16, 2012

2012-0863s

01/09

Amendment to SB 394-LOCAL

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

AN ACT relative to the reclassification of Province Road in Strafford from the intersection of Route 202A to Ricky Nelson Road from class II to class V.

Amend the bill by replacing section 1 with the following:

1 Province Road in Strafford From the Intersection of Route 202A to Ricky Nelson Road; Classification Changed to Class V. Province Road in Strafford from the intersection of Route 202A to Ricky Nelson Road shall be reclassified as a class V highway, 60 days after completion of the reconstruction to be performed by the department of transportation.

2012-0863s**AMENDED ANALYSIS**

This bill reclassifies Province Road in Strafford from the intersection of Route 202A to Ricky Nelson Road from class II to class V upon completion of certain reconstruction to be performed by the department of transportation.

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

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

SB 397, relative to vehicle operation when a traffic control signal is inoperative. Inexpedient to Legislate, Vote 4-0. Senator Boutin for the committee.

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

WAYS AND MEANS

SB 293-FN, relative to notice requirements and payment of interest by the department of revenue administration for overpayments and underpayments of tax. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

Senate Ways and Means**February 14, 2012****2012-0796s****10/04****Amendment to SB 293-FN**

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

2 Refund of Taxes; Notice of Denial. Amend RSA 21-J:28-a, II to read as follows:

II. After a claim for refund is filed, the department shall examine it and either issue a notice of refund or credit to the claimant or issue a notice of denial ***within 90 days***. After receipt of the department's decision, the claimant may file a written petition for reconsideration with the department as provided in RSA 21-J:28-b.

3 Department Notice; Redetermination or Reconsideration of Tax. Amend RSA 21-J:28-b, III to read as follows:

III. After a hearing on such petition for redetermination or reconsideration, the department shall, ***within 90 days of the close of the record***, issue a notice of decision affirming, increasing, or decreasing the tax. Any increase ordered by the commissioner shall be assessed against the taxpayer and shall carry interest as prescribed in RSA 21-J:28. Any refund or credit for overpayment ordered by the commissioner shall, with interest pursuant to RSA 21-J:28 from the date the tax was paid, be paid or credited to the taxpayer in the manner provided in RSA 21-J:28-a, IV.

4 Taxpayer Information Statements; Distribution. Amend RSA 21-J:40, II(a) to read as follows:

(a) [~~When~~] ***Within 30 days of the date*** the taxpayer is first contacted by the department for an examination of the taxpayer's records; for an assessment of taxes, penalties or interest; or for a demand for payment of taxes, penalties or interest;

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

2012-0796s**AMENDED ANALYSIS**

This bill requires that the department of revenue administration give notice of an overpayment or underpayment of tax within 30 days, and notice of a final determination after a hearing within 90 days. The bill also increases the overpayment rate for refunds of tax to be the same as the underpayment rate.

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

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

Recess. Out of recess.

SB 295-FN-A, increasing the research and development tax credit against the business profits tax. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

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

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

Sen. Houde is excused.

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

The following Senators voted No: (None).

Yeas: 23 - Nays: 0

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

SB 304, relative to the waiver of state fees associated with historic preservation. Inexpedient to Legislate, Vote 5-0. Senator D'Allesandro for the committee.

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

SB 381-FN, relative to wine manufacturers, relative to auction houses, and relative to wine auctions. Ought to Pass with Amendment, Vote 5-0. Senator Luther for the committee.

Senate Ways and Means

February 14, 2012

2012-0799s

03/05

Amendment to SB 381-FN

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

AN ACT relative to auction houses and relative to wine auctions.

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

Amend RSA 178:17-b, III as inserted by section 1 of the bill by replacing it with the following:

III. No licensee shall purchase or sell wine at an auction house without first obtaining written approval from the commission.

Amend RSA 178:17-b, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In addition, auction houses shall pay a fee of 8 percent of the auction hammer price of the wine shipped to any one New Hampshire consumer.

Amend RSA 179:47-a, III as inserted by section 2 of the bill by replacing it with the following:

III. The purchaser shall pay to the commission a fee of 8 percent of the auction hammer price of the wine. If the wine for which the fee has been paid is sold at a subsequent auction authorized under this section, the subsequent sale shall not subject the buyer to a fee under this section.

2012-0799s

AMENDED ANALYSIS

This bill:

I. Establishes an auction house permit.

II. Authorizes auctions of wine not generally listed for sale in the state of New Hampshire.

Sen. Prescott moved to Lay on the Table SB 381-FN. Failed.

Recess. Out of recess.

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

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

SB 216, relative to notification of revocation of conditional discharge by the department of health and human services.

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

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

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

SB 231, relative to municipal liens.

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

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

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

SB 261, relative to requirements for warrant articles.

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

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

SB 277, establishing a sexual offender management board.

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

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

SB 287, relative to confidential prescription data.

SB 288, relative to the exchange of public health information through a health information exchange.

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

SB 291, relative to the use of currently allowed impact fees by municipalities.

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

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

SB 333, relative to a surviving spouse's right to retain a Purple Heart plate.

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

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

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

SB 354, relative to the escrow fund for court facility improvements.

SB 357, establishing a commission to study how the Patient Protection and Affordable Care Act of 2009, as amended, will affect emergency and ambulance providers.

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

SB 373-L, authorizing the retention of funds by a school district.

SB 378, allowing municipalities to remove snow from private roads and driveways and class VI highways.

SB 379, relative to insurance fraud.

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

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

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

HB 592, apportioning state representative districts and relative to the boundaries of wards.

HB 1170, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting.

HB 1488, relative to the alternative budget procedure in a school administrative unit.

LIST OF RULE 2-15'S FOR THE DAY

Sen. White: SB 219-FN, SB 221, SB 371.

Sen. Prescott: SB 371.

ANNOUNCEMENTS

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

MOTION TO RECESS TO CALL OF THE CHAIR

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

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