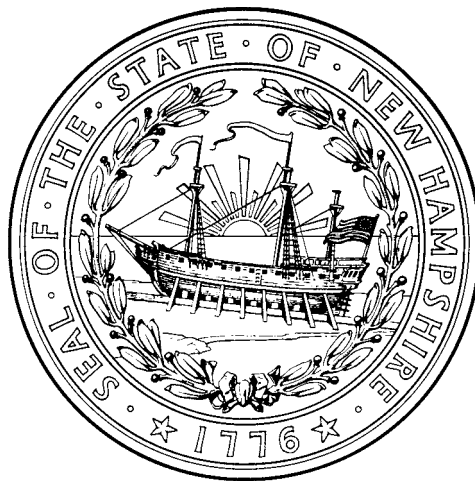


April 17, 2014  
Nos. 8-9

# **STATE OF NEW HAMPSHIRE**

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**Second Year of the 163<sup>rd</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MARCH 27, 2014 SESSION  
COMMENCEMENT – APRIL 17, 2014 SESSION**

# SENATE JOURNAL 8 *(continued)*

*March 27, 2014*

## HOUSE MESSAGE

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

SB 201, relative to marriage registration forms.

SB 226, relative to reporting of health care associated infections.

SB 254, relative to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

SB 263, allowing state court judges to solemnize marriages.

SB 282, relative to disciplinary proceedings by the board of architects.

SB 285, relative to the board of dental examiners.

SB 357, naming a scenic overlook and the visitor center on the northbound side of I-93 in Hooksett in honor of Raymond S. Burton.

SB 358, adding the community college system to the definition of public employer for purposes of the public employee labor relations board.

SB 376, requiring pooled risk management governing board members to comply with financial disclosure requirements.

SB 418, relative to the proclamation of firefighters memorial day.

## HOUSE MESSAGE

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

SB 209, expanding the good samaritan law to engineers and architects.

## 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 legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees. Adopted

## First and Second Reading and Referral

HB 286, relative to broadband infrastructure. (Energy and Natural Resources)

HB 292-FN-A, relative to registration fees for commercial, private, and pleasure vessels. (Transportation)

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions. (Judiciary)

HB 319-FN, relative to benefits for state employees serving in the armed forces. (Finance)

HB 366-FN, relative to showing a ballot. (Public and Municipal Affairs)

HB 456-FN, relative to liquor manufacturers and relative to samples of alcoholic beverages. (Commerce)

HB 495-FN, relative to titles for motor vehicles. (Transportation)

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays. (Judiciary)

HB 532, relative to energy efficiency and clean energy districts. (Energy and Natural Resources)

HB 565, relative to the authority of the bank commissioner to investigate certain unfair or deceptive acts or practices. (Commerce)

HB 572, establishing a commission to study public-private partnerships to fund medical care for abused and neglected children. (Health, Education and Human Services)

HB 584, relative to covered prescription drugs. (Commerce)

HB 608, relative to the sale of certain uninspected poultry and rabbits to licensed restaurants. (Health, Education and Human Services)

HB 650-FN-A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire. (Transportation)

HB 658-FN, relative to registration for medical technicians. (Executive Departments and Administration)

HB 1115, excluding condominium assessments from homestead rights. (Judiciary)

HB 1122-FN, relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property. (Judiciary)

HB 1129, requiring the development of an energy efficiency implementation plan. (Energy and Natural Resources)

HB 1135-FN, relative to penalties for driving without a license. (Transportation)

HB 1136, establishing a committee to study the laws relating to the New Hampshire veterans' home. (Executive Departments and Administration)

HB 1139, repealing authority for granting of property tax abatements for watering troughs and shade trees. (Public and Municipal Affairs)

HB 1142-FN-A, relative to the road toll for alternative fuels. (Ways and Means)

HB 1145, relative to the proposed Sewalls Falls Bridge in the city of Concord and the Riverdale Road Bridge in the town of New Boston. (Transportation)

HB 1149-FN, relative to motor vehicle registrations. (Transportation)

HB 1151, establishing a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills. (Energy and Natural Resources)

HB 1156-FN, making certain changes to the right-to-know law and establishing the right-to-know oversight commission. (Public and Municipal Affairs)

HB 1157, relative to establishment of fees by certain regulatory boards. (Executive Departments and Administration)

HB 1160-FN, relative to the sale of Lucky 7 tickets. (Ways and Means)

HB 1167, relative to exemptions from boiler inspection requirements. (Executive Departments and Administration)

HB 1168, relative to employer documentation of worker eligibility to work in the United States. (Commerce)

HB 1183, relative to display of antique motor vehicle plates. (Transportation)

HB 1200, relative to student social media policies by educational institutions. (Health, Education and Human Services)

HB 1220, relative to limitations on ethanol in gasoline. (Transportation)

HB 1224-FN, relative to pipeline operation safety. (Energy and Natural Resources)

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund. (Energy and Natural Resources)

HB 1232-FN, relative to insurance filing fees. (Commerce)

HB 1236, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers. (Executive Departments and Administration)

HB 1258, relative to fill and dredge permitting applications. (Energy and Natural Resources)

- HB 1272, excluding certain leases by fraternal or social organizations from the definition of tenancy. (Judiciary)
- HB 1279, relative to compliance with 2012 National Defense Authorization Act. (Rules, Enrolled Bills & Internal Affairs)
- HB 1280, permitting physician assistants to authorize walking disability plates and placards. (Health, Education and Human Services)
- HB 1281-FN, relative to copayments for certain specialists. (Commerce)
- HB 1300, creating an exemption from licensure for low volume seed sellers. (Energy and Natural Resources)
- HB 1314, establishing a committee to study implementation of a public interest standard for a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission. (Energy and Natural Resources)
- HB 1317, relative to driver education. (Transportation)
- HB 1329, prohibiting the use of facial recognition technology in connection with driver's license photographs. (Transportation)
- HB 1330-FN, relative to the protection from disclosure of privileged individual medical records. (Judiciary)
- HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council (Executive Departments and Administration)
- HB 1336, relative to the landlord's agent requirement. (Public and Municipal Affairs)
- HB 1359-FN, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans. (Transportation)
- HB 1372-FN-A, making an appropriation for the pediatric sexual assault nurse examiner training program. (Finance)
- HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes. (Commerce)
- HB 1383, relative to municipal monitoring of large groundwater withdrawals. (Energy and Natural Resources)
- HB 1385, relative to changes and additions to energy facilities. (Energy and Natural Resources)
- HB 1403-FN, establishing a state minimum hourly wage. (Finance)
- HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking. (Judiciary)
- HB 1415-FN, establishing a robotics education fund in the department of education. (Finance)
- HB 1444, recognizing the month of April as Genocide Awareness Month. (Rules, Enrolled Bills & Internal Affairs)
- HB 1451, establishing a canine veterans day. (Rules, Enrolled Bills & Internal Affairs)
- HB 1487-FN, relative to the uniform fine schedule for the division of forests and lands. (Finance)
- HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees. (Executive Departments and Administration)
- HB 1499-FN, increasing the maximum weekly benefit amount of unemployment benefits; amending the definitions of "full-time" and "part-time" work; and establishing a commission study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a and the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h). (Finance)
- HB 1531, relative to establishing a joint committee on tax expenditure review and requiring tax expenditure and potential liability reports by the department of revenue administration. (Ways and Means)
- HB 1540, relative to least cost integrated resource plans filed by an electric utility. (Energy and Natural Resources)
- HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation. (Judiciary)
- HB 1570-FN, establishing a paint stewardship program. (Energy and Natural Resources)

HB 1581-FN-A, relative to the bonding of project costs for certain department of transportation bridge capital projects. (Finance)

HB 1600, relative to reporting of energy production for net metering. (Energy and Natural Resources)

HB 1602, relative to the divestiture of PSNH assets. (Energy and Natural Resources)

HB 1606, relative to assignment of legal costs in suits between condominium associations and condominium members. (Commerce)

HB 1615, relative to emergency prescriptions. (Commerce)

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information. (Judiciary)

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. (Health, Education and Human Services)

HB 2014, relative to the state 10-year transportation improvement program. (Transportation)

April 1, 2014  
2014-1214-EBA  
06/01

Enrolled Bill Amendment to SB 196-FN

The Committee on Enrolled Bills to which was referred SB 196-FN

AN ACT relative to the definition of push-polling.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 196-FN

This enrolled bill amendment corrects the effective date of the bill.

Enrolled Bill Amendment to SB 196-FN

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2015.

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

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 223, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems.

SB 249, relative to judicial performance evaluations.

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

Out of Recess. Call the 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 9

*April 17, 2014*

The Senate reconvened at 10:00 a.m., a quorum being present.

Reverend Kate Atkinson, chaplain to the Senate, offered the following meditative thoughts and prayer:

Good morning. This week, two of the major religions entered into a particularly significant time - Passover, in the Jewish faith, and Holy Week for Christians. And in both traditions, these are seasons of remembering. Remembering foundational events of our faith histories and remembering the people whose actions, struggles and discoveries continue to inspire us today.

But of course it isn't only faith leaders who make their mark on our world - far from it. We don't have to look much further than this room to see how government leaders make such an enormous contribution. People who apply their wisdom, and their experience, and their education, and their foresight to decisions that shape our society, and leave their mark on the history that future generations are going to look back on.

Whenever I spend this brief time with you, I am awed by your commitment; the depth of your commitment. It's a huge responsibility that you bear, and I imagine that there are times when you are overwhelmed by the magnitude of your task.

As I offer this prayer for you today, be aware of the gratitude of hundreds of thousands of people in New Hampshire for your dedication to the work that you're called to do, and the thought and the care that you put into it.

*O God of strength and wisdom, I pray for inspiration for our senators and their staff, that they would have energy, purpose, and clarity of thought, that they would be confident in their skills and their knowledge, that they would have ears to hear one another, and vision to imagine new possibilities. Bless them in the work that they do today and every day, and give them peace.* Amen.

Sen. Kelly led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS

Senator Rausch made introductions in honor of Lance Corporal Michael E. Geary:

This morning I am very, very pleased to introduce a family of a fallen Marine that later this morning we will be honoring. I have with me today Nancy Geary, the mother. I have Krista Cole, an aunt, and I have Joyce Douglas, an aunt, and also Tony Soares, who was Michael's best friend. Thank you.

Senator Fuller Clark introduced Gail and Ron Brown, and Adam and Sherry Griffith and their sons, Quinn and Gibson:

I am very honored today to introduce Gail Brown, who's known to so many of us, and her husband Ron, as well as Adam Griffith and his wife, Sherry, and their two sons, Quinn and Gibson. We're delighted to have you in the balcony today.

And I'm here to recognize Quinn, and would like to share some remarks with you, if that's possible, Mister President.

Thank you. Before us today, is Quinn. Quinn could you stand up? Right there. There you are, great! Okay. Quinn is a remarkable young man named as one of the top two youth volunteers in New Hampshire in the 19th Annual Prudential Spirit of Community awards. The Prudential Spirit of Community awards was created in 1995 by Prudential Financial to emphasize the importance of self-less service to others. Quinn is a home-schooled 7th grader, who educated people about the Oregon Trail history and the westward expansion of this great nation through music and history. His knowledge of the Oregon trail came about through his own initiative in which Quinn researched the songs in history of the Oregon Trail period by reading books, watching documentaries, and talking to local music and history teachers about the subject. Quinn's creative approach to teaching implements the use of musical instruments such as his fiddle, traditional dances of the period, and demonstrations of social life back during the time of the Oregon Trail. Combining his talents and knowledge, Quinn has presented his lessons, along with his music, to others at the elementary school, nursing homes, community events, and at a program for developmentally disabled adults. Quinn Griffith represents the absolute best that America's youth has to offer, and his service to others makes him a role model for all of us. He has bettered his community and enriched the lives of others through his service. And I am honored to have Quinn Griffith recognized for his outstanding accomplishments. Just before the session I had the honor of presenting him with a Senate Resolution regarding his outstanding accomplishments that has resulted in Quinn having been named one of New Hampshire's top youth volunteers. Congratulations, Quinn.

Senator Larsen introduced Fiona MacWhinnie and Claire Peterson, both from Concord High School, serving as Senate Pages for the day.

#### HOUSE BILLS IN VIOLATION OF SENATE RULE 3-21

The Senate has received a message from the House asking for concurrence on the following entitled House Bills: HB 544, HB 1457-FN, HB 1577-FN, and HB 1625-FN, which are in violation of Senate Rule 3-21. Therefore, without objection, the Clerk is instructed to return the bills to the House.

#### FN REPORT FOR APRIL 17, 2014

Senator Forrester recommends the waiver, under Senate Rule 4-5, of Finance Committee referral for the following bills which have fiscal notes or otherwise appropriate money:

#### COMMERCE

HB 255-FN, establishing a commission to study medical costs and payments under workers' compensation law.

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

#### ENERGY & NATURAL RESOURCES

HB 1224-FN, relative to pipeline operation safety.

HB 1290-FN, allowing nonresident full-time students to purchase licenses for hunting and fishing.

HB 1579-FN, relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 226, relative to promotion of New Hampshire liquor and wines. (added FN)

HB 1130-FN, relative to the Northeastern Interstate Forest Fire Protection Compact.

HB 1152-FN, terminating the benefit program for call, substitute, or volunteer firemen administered by the New Hampshire retirement system.

HB 1368-FN, relative to consideration of criminal records for occupational and professional licensing.

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances. (in committee)

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

#### HEALTH EDUCATION & HUMAN SERVICES

HB 461-FN, Relative to long-term care services.

HB 597-FN, relative to a drug-free workplace for licensed health care facilities and providers.

HB 1260-FN-L, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school.

HB 1484-FN, relative to newborn DNA sequencing.

HB 1568-FN, relative to service animals.

HB 1571-FN-L, relative to breastfeeding.

HB 1572-FN, establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

HN 1587-FN-L, relative to the collection and disclosure of student data.

**JUDICIARY**

HB 649-FN, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming.

HB 1108-FN, requiring voir dire examination of prospective jurors in all criminal cases.

HB 1125-FN, repealing the crime of adultery.

HB 1170-FN, repealing the death penalty in New Hampshire.

**PUBLIC & MUNICIPAL AFFAIRS**

HB 466-FN, relative to determining qualifications of voters.

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog.

**TRANSPORTATION**

HB 1104-FN, relative to railroad motorcars.

HB 1406-FN, relative to red list bridges.

**WAYS & MEANS**

HB 1160-FN, relative to the sale of Lucky 7 tickets.

Without objection, the FN Report is adopted.

**CONSENT CALENDAR REPORTS**

The following bills were removed from the Consent Calendar:

HB 466-FN, relative to determining qualifications of voters. Removed by Sen. Lasky.

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting and ratifying a warrant article adopted at the 2014 annual meeting of the town of Rye. Removed by Sen. Stiles.

HB 1405, prohibiting an employer from using credit history in employment decisions. Removed by Sen. Soucy.

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

**COMMERCE**

HB 227, relative to property and casualty insurance. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

This bill is a request from the Department of Insurance and will update property and casualty insurance laws. The Department has worked with stakeholders for two years, and has their support, to make these updates to our statutes to reflect current industry practice and clarify any confusion in current law.

Sen. Bragdon asserts Rule 6-25 on HB 227.

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

HB 343-FN as amended by the Committee will re-establish a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers and examine the advisability of creating a statewide database to assist in the deterrence or investigation of metal theft in New Hampshire.

This is a commission that never got off the ground last year but the stakeholders are motivated to try again.

Commerce  
April 2, 2014  
2014-1226s  
05/03

**Amendment to HB 343**

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



AN ACT establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire.

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

1 New Section; Commission to Study Commodities Reporting. Amend RSA 322 by inserting after section 13 the following new section:

322:14 Commission to Study Commodities Reporting.

I. There is established a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire and to examine the advisability of creating a statewide database to assist in the deterrence or investigation of metal theft in New Hampshire. The members of the commission shall be as follows:

- (a) One member 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.
- (c) One member, from law enforcement in a community where a scrap metal business resides, appointed by the president of the senate.
- (d) One member from the New Hampshire Association of Chiefs of Police, appointed by the speaker of the house of representatives.
- (e) One representative of the scrap metal dealer industry, appointed by the president of the senate.
- (f) One representative of the scrap metal dealer industry, appointed by the speaker of the house of representatives.
- (g) One member of the construction industry in New Hampshire, appointed by the president of the senate.
- (h) One member of the Auto and Truck Recyclers Association of New Hampshire, appointed by the speaker of the house of representatives.

II. The commission shall:

- (a) Study the current system of community-based regulation and reporting by junk or scrap metal dealers in New Hampshire.
- (b) Study the occurrence of metal theft and arrest records in New Hampshire under the current system.
- (c) Examine what tools exist in New Hampshire currently to curb the incidence of metal theft.
- (d) Study effective models in others states and their funding mechanisms.
- (e) Review and recommend on the advisability of creating a statewide database for New Hampshire, funded by fees on those regulated, and its potential to assist in the deterrence or aid in investigations of metal theft in New Hampshire.

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

IV. Members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor and the state library on or before November 1, 2014.

2 Repeal. RSA 322:14, relative to the commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2014.

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

2014-1226s

## AMENDED ANALYSIS

This bill establishes a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire.

HB 350, prohibiting discrimination against the unemployed. Inexpedient to Legislate, Vote 5-0. Senator Sanborn for the committee.

This bill would prohibit hiring discrimination by employers based upon an individual's unemployment status. The supporters of this bill offered no evidence of this ever happening and the committee believes this is a solution in search of a problem.

HB 430, requiring insurance companies sending out solicitations for insurance to include a disclosure on such solicitations. Inexpedient to Legislate, Vote 5-0. Senator Cataldo for the committee.

This bill would have required insurance companies who mail solicitations for insurance to include a disclosure on such solicitations. The Committee didn't receive any information to show this is actually a problem and isn't convinced that this language would achieve the bills goals.

HB 1111, clarifying the term "valid claim" for property insurance. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

This bill is a request of the Department of Insurance and will clarify the term "valid claim" for purposes of nonrenewal of property insurance. This bill will make it clear that inquiries about coverage on a policy do not constitute a valid claim.

HB 1169, relative to enforcement of labor laws by the department of labor. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

This bill is a request of the Department of Labor and is a simple technical correction bill that permits the Commissioner of the Department of Labor to administer certain labor laws.

Sen. Bragdon asserts Rule 6-25 on HB 1169.

HB 1242-FN, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies. Interim Study, Vote 5-0. Senator Bradley for the committee.

HB 1242-FN would require insurers issuing accident and health insurance policies to credit insured members who maintain continuous coverage, for member cost sharing made during the prior policy period when the new policy is for fewer than 12 months. Stakeholders and the Committee have agreed that more time is needed to work on this issue.

HB 1309, making a technical change in the workers' compensation law. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

This bill clarifies the appointing authority for a member of the workers' compensation appeals advisory board by updating statute to reflect the name change of the New Hampshire Trial Lawyers Association to the New Hampshire Association for Justice.

Sen. Bragdon asserts Rule 6-25 on HB 1309.

HB 1334, relative to contributions to charities by employees. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill will permit charitable organizations to withhold wages from their employees when those employees give written authorization that they would like to voluntarily contribute to the charitable organization they work for.

HB 1404, relative to payroll cards. Interim Study, Vote 5-0. Senator Cataldo for the committee.

This bill would add requirements for the use of payroll cards. More time is needed to allow stakeholders to come together and agree on a proper balance that helps businesses use payroll cards and protects employees' rights.

## ENERGY AND NATURAL RESOURCES

HB 1178, relative to the sale and transfer of animals from animal shelters. Inexpedient to Legislate, Vote 5-0. Senator Odell for the committee.

This bill removes the exemption for animal shelters regarding requirements prior to the transfer of dogs, cats, and ferrets. During the public hearing, the committee heard considerable testimony from various animal shelters and affiliated organizations that were opposed to this bill because of the likely costs it would impose upon them. Based upon the costs associated with this bill, and the lack of a discernable existing problem, the committee found this bill “inexpedient to legislate.”

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill permits the Jenness Pond Shore Owners Association Inc. to construct a dam at the natural outlet of Jenness Pond in the town of Northwood and to control the water level of the pond. This bill is a measure to fix the unintended consequences of previous legislation. The land owners of Jenness Pond as well as the New Hampshire Department of Environmental Services support this bill.

HB 1224-FN, relative to pipeline operation safety. Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

This bill requires the public utilities commission to apply annually to the Federal Pipeline and Hazardous Material Safety Administration for authorization to conduct pipeline inspections on its behalf. This bill also modifies the penalties for violation of standards for service equipment to conform to current Federal penalties.

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund. Ought to Pass, Vote 5-0. Senator Odell for the committee.

This bill was a request from the oil fund disbursement board. This bill extends the repeal dates of diesel and gasoline cleanup funds. This bill also allows owners of facilities or land subject to fuel spill damages to seek additional damage reimbursement monies if they are spent on clean-up costs of the spill.

HB 1290-FN, allowing nonresident full-time students to purchase licenses for hunting and fishing. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

This bill provides that nonresident full-time students at a public or private high school, postgraduate program, or postsecondary educational institution in this state may purchase a hunting and fishing license at the fee charged to residents for the license. New Hampshire Fish and Game supports this change and believe it will lead to more young people utilizing the natural resources of the state.

HB 1295, relative to the definition of livestock. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill makes additions to the definition of livestock. There are currently multiple definitions in statute for livestock and this bill simplifies and unifies those definitions. The committee amendment to this legislation further specifies that livestock does not include domesticated pets.

Energy and Natural Resources

March 26, 2014

20014-1181s

08/04

#### Amendment to HB 1295

Amend RSA 427:38, III as inserted by section 1 of the bill by replacing it with the following:

III. “Livestock” shall ~~mean all~~ **include beef and dairy** cattle, **steer, oxen**, goats, sheep, swine, horses, **mules**, or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, **poultry, rabbits**, yaks, elk (*Cervus* ~~[elephas]~~ *canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephas*), **and** reindeer (*Rangifer* ~~[taradus]~~ ***tarandus***).

HB 1300, creating an exemption from licensure for low volume seed sellers. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

This bill creates an exemption from licensure for low volume seed sellers. Under current statute, all agricultural seed sellers must obtain a license before they can sell their seeds. This bill will exempt sellers of less than 25 pounds of fruit, flower, or vegetable seeds per year from those license fees.

HB 1367, relative to the sale of birds. Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

This bill exempts birds from certain provisions regarding the sale and transfer of animals. This bill corrects the unintended consequences of previous legislation that increased costs on the sale of birds and made certain species no longer economically feasible as pets. The committee heard from several avian enthusiasts, as well as the state Veterinarian, and they all testified that it was a mistake to include birds in the previous legislation, and are in support of this change.

HB 1384, relative to rehearings by the public utilities commission. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill requires the public utilities commission to reach a decision in a rehearing within 30 days. Currently, statute mandates that the PUC must respond within 10 days to rehearing motions. During the public hearing, the PUC testified that a number of their decisions often go before courts and allowing 30 days to reach a decision would give them greater flexibility to address rehearing motions.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 226-FN, relative to promotion of New Hampshire liquor and wines. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This legislation requires the Liquor Commission to promote New Hampshire liquor and wines and establish an annual reporting requirement. The Committee found through testimony that by promoting would mean the Liquor Commission would be promoting some products and not others. In addition, defining domestic, feasible, and place of origin all need to be established.

HB 654-FN, relative to licensure and renewal fees. Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill is the product of nearly two years of study and work. The bill establishes licensure and renewal fees by statute rather than by administrative rule for seventeen regulatory boards. The statutory fee structure reduces fees for many licensees and will simplify the budgeting process in the coming years when all 17 boards come under one consolidated budget.

HB 1102, relative to membership of the police standards and training council. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This legislation adds two public members to the police standards and training council, neither of whom shall be a certified police officer, lawyer, or judge, and neither shall have a spouse, sibling, or parent, by birth, adoption, or marriage, who is a certified police officer, lawyer, or judge.

HB 1182, relative to membership of the state transparency website oversight committee. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill changes the membership of the existing statutory committee from three members of the House and three members of the Senate to four members of the House and two members of the Senate. The amendment changes the membership to six members of the House and one member of the Senate.

Senate Executive Departments and Administration

March 19, 2014

2014-1087s

05/03

#### Amendment to HB 1182

Amend RSA 9-F:2, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The members of the committee shall be as follows:

(1) [~~Three~~] **Six** members of the house of representatives, appointed by the speaker of the house of representatives.

(2) [~~Three members~~] **One member** of the senate, appointed by the president of the senate.

HB 1222, prohibiting commercial use of the law enforcement and fallen firefighters memorials. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This legislation prohibits the commercial use of the law enforcement and fallen firefighters memorials. These memorials were placed in remembrance of those who gave their lives in the line of duty, and is a tribute in honor of the lives given.

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This legislation allows the retirement system to make payments of \$15,000 or less to the next of kin of a deceased member of a beneficiary when no probate proceedings are pending. This legislation was requested by the NH Retirement System.

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 461-FN, relative to long-term care services. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill clarifies long-term care eligibility for the purpose of receiving Medicaid-funded nursing home services by altering the financial-eligibility rules for those who are applying. The Committee believes that moving the financial-eligibility rules to an annual basis will be most beneficial on an administrative level and for the better planning of long-term care funding.

HB 1243, relative to the confidentiality of criminal background checks of school employees and volunteers. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

This bill removes a cross-reference to youth skill camp criminal background checks in the law governing confidentiality of school employee criminal background checks. The law would still permit a prospective camp employee to consent to the release of a prior criminal background check. The Committee feels that this bill is important to ensure the best process of conducting background checks to establish safe environments at camps for New Hampshire's youth.

HB 1260-FN-L, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

This bill requires the department of health and human services to inform parents or guardians of the cost of services that may be provided under the CHINS program and for which they may be financially responsible. Additionally, the bill directs parents to contact their insurance provider to determine whether coverage is available for services provided under the program. The Committee believes this bill will help to provide better information to families on the cost of the CHINS program and to help them make the most informed decisions on a child's care in New Hampshire.

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill removes the restriction on the number of pupils that may transfer from a school district to a chartered public school. This provision has never been used and therefore, the Committee believes that it can be removed in order to benefit the students of New Hampshire.

HB 1484-FN, relative to newborn DNA sequencing. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

This bill prohibits whole-genome DNA sequencing of newborns, unless the general court authorizes such sequencing. With the stakeholders and the Department of Health and Human Services in favor of this bill, the Committee believes that continuing the prohibition of whole-genome DNA sequencing of newborns in New Hampshire is medically sound.

HB 1572-FN, establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

This bill establishes a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other dementia and requires the department to develop an education program on Alzheimer's disease. Additionally, it requires the police standards and training council to provide training to the law enforcement community on Alzheimer's disease. The Committee believes this permanent subcommittee will be vital in developing a state plan for Alzheimer's disease in our future.

HB 1587-FN-L, relative to the collection and disclosure of student data. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

This bill regulates the collection and distribution of student data by placing limitations on the New Hampshire Department of Education in collecting and retaining private and individual student data

information. This bill, however, will not limit school districts from collecting and aggregating student data that is not individually identifiable. The Committee feels that this bill will help to protect the privacy of students throughout the state.

#### JUDICIARY

HB 1108-FN, requiring voir dire examination of prospective jurors in all criminal cases. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill allows the same voir dire process in criminal cases as is already done in civil cases. In the interest of justice, individuals who are enlisted to serve on criminal trials should be given the same scrutiny to do our best to have a fair and impartial jury.

HB 1144, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation creates a study committee to look at arrest record information and how that information is disseminated as well as how subsequent actions are reported. The Committee amendment removes the one Senate member and increases House members to five.

Senate Judiciary  
March 25, 2014  
2014-1161s  
04/06

#### **Amendment to HB 1144**

Amend the bill by replacing section 2 with the following:

##### **2 Membership and Compensation.**

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

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

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 114, relative to abutter access over subdivided land. Inexpedient to Legislate, Vote 5-0. Senator Pierce for the committee.

This bill sought to have the planning board require a subdivider to deed a right-of-way to an abutting owner of property with no legal access to a public way. Part First, Article 12-a of the New Hampshire Constitution prohibits the taking of private property for private development or other private use. The committee believes the proposal violates that provision of our constitution, and also believes the issue is a private arrangement between a landowner and an abutter.

HB 1109, relative to providing notice to abutters of a petitioned warrant article to discontinue a class VI road. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

This bill requires petitioners to bear the cost of notice when a petitioned warrant article calls for the discontinuance of a Class VI highway.

HB 1121, repealing the duty of assessors to compile a list of dogs in the town. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

Because town clerks maintain a list of dogs in the town, this bill repeals the requirement for assessors to compile such a list.

HB 1370, providing for minority party membership on the executive committee of the county convention. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill requires that majority and minority party membership on each county's legislative delegation executive committee shall be in the same proportion as county convention majority and minority party membership. The bill also requires that if there is at least one member of a minority party in the county delegation, the minority party shall have at least one seat on the executive committee.

Public and Municipal Affairs  
 April 3, 2014  
 2014-1245s  
 10/05

### Amendment to HB 1370

Amend the bill by replacing section 1 with the following:

1 County Convention; Officers. Amend RSA 24:2 to read as follows:

24:2 Officers and Executive Committee. At its first regular meeting, or at any subsequent meeting when necessary, the county convention shall elect a chairperson, vice-chairperson, clerk, and an executive committee. ***Membership on the executive committee shall be divided between majority and minority party representation in the same proportion that county convention membership of the majority party bears to county convention membership of the minority party, provided minority party membership shall be at least one member unless the convention does not include any member of the minority party.*** The chairperson, vice-chairperson, and clerk shall be members of the executive committee, ex officio. The county convention may designate the executive committee to act as a subcommittee to consider the budget, or other matters, and make recommendations to the county convention.

2014-1245s

### AMENDED ANALYSIS

This bill requires that majority and minority party membership on the county executive committee shall be in the same proportion as county convention majority and minority party membership.

HB 1371, relative to grading and improving subdivision streets. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

This bill allows a municipality that has authorized the planning board to approve subdivisions to authorize the governing body to approve the grading and improving of subdivision streets.

Public and Municipal Affairs  
 March 13, 2014  
 2014-1006s  
 03/05

### Amendment to HB 1371

Amend the bill by replacing section 3 with the following:

3 Status of Existing Platting Statutes. Amend RSA 674:42 to read as follows:

674:42 Status of Existing Platting Statutes. After a planning board is granted platting jurisdiction by a municipality under RSA 674:35, the planning board's jurisdiction shall be exclusive, ***except to the extent that the municipality has transferred authority to approve or disapprove plans showing the extent to which and the manner in which streets within subdivisions shall be graded and improved from the planning board to the governing body pursuant to RSA 674:35, I.*** All statutory control over plats or subdivisions of land granted by other statutes shall be given effect to the extent that they are in harmony with the provisions of this title. The planning board shall have all statutory control over plats or subdivisions of land. Prior laws which are inconsistent with the powers granted to the planning board and the municipality under this title, and which have expressly by ordinance been adopted by a municipality and made available to a planning board according to the provisions of this title, are hereby declared to have no application, force or effect so long as the powers conferred by this title shall continue to be exercised by a municipality.

### WAYS AND MEANS

HB 1195, establishing a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy. Inexpedient to Legislate, Vote 5-0. Senator Rausch for the committee.

The structure of the proposed committee coupled with the time constraints established in the bill as amended by the House are not conducive to effectively addressing the broad scope of the study, and would likely fail to yield a meaningful result.

HB 1333, establishing a committee to study the feasibility of prorating the elderly property tax exemption in certain cases. Inexpedient to Legislate, Vote 5-0. Senator Odell for the committee.

The local property tax exemption granted by municipalities to elderly residents is essential in order for many of our state's older citizens to remain in their homes and independent of public assistance. The committee does not see a need to adjust this successful program and therefore does not believe a study is warranted.

HB 1466, relative to modification of a tax increment financing plan. Inexpedient to Legislate, Vote 5-0. Senator Hosmer for the committee.

The committee had serious concerns that the language in this bill allowing a tax increment financing plan to be increased or decreased by a legislative body could jeopardize the integrity of bonds committed and future bonds to be issued. The legislation was brought forward in response to a unique instance and there is no evidence of a systemic problem.

The question is on the adoption of the Consent Calendar. Adopted.

### SPECIAL ORDER

Without objection, the following bills were special ordered to the front of the calendar. Adopted by the necessary 2/3 vote.

#### Transportation

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge.

#### Judiciary

HB 1170-FN, repealing the death penalty in New Hampshire.

#### Transportation

HB 1360, relative to use of certain electronic devices while driving.

#### Commerce

HB 562, relative to title loans

HB 1174, establishing a committee to study the payment of subminimum wages to persons with disabilities

HB 1498-FN, relative to wages lost when an employee submits to a medical examination required under workers' compensation law.

#### Finance

HB 186, relative to the authority of the department of state.

HB 1411-FN-A, relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account.

#### Public and Municipal Affairs

HB 1322, relative to the definition of "party" for election purposes.

### REGULAR CALENDAR REPORTS

#### TRANSPORTATION

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge. 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. Rausch, seconded by Sen. Larsen.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.



## JUDICIARY

HB 1170-FN, repealing the death penalty in New Hampshire. Ought to Pass, Vote 3-2. Senator Lasky for the committee.

Sen. Lasky offered a floor amendment.

Sen. Lasky, Dist. 13

Sen. Soucy, Dist. 18

April 16, 2014

2014-1436s

04/10

**Floor Amendment to HB 1170-FN**

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

AN ACT relative to the applicability of the capital murder statute and procedures.

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

1 Homicide; Capital Murder. Amend RSA 630:1, III to read as follows:

III. A person convicted of a capital murder *that was committed before July 1, 2014* may be punished by death. ***A person convicted of a capital murder that was committed on or after July 1, 2014 shall be sentenced to life imprisonment and shall not be eligible for parole.***

2 New Paragraph; Homicide; Procedure in Capital Murder. Amend RSA 630:5 by inserting after paragraph XVII the following new paragraph:

XVIII. The provisions of this section shall only apply to offenses committed before July 1, 2014 and shall not apply to any offense committed on or after July 1, 2014. No person shall be sentenced to death in this state for an offense committed on or after July 1, 2014.

3 Homicide; Place; Witnesses. Amend RSA 630:6 to read as follows:

630:6 Place; Witnesses.

***I.*** The punishment of death shall be inflicted within the walls or yard of the state prison. The sheriff of the county in which the person was convicted, and 2 of his deputies, shall be present, unless prevented by unavoidable casualty. He shall request the presence of the attorney general or county attorney, clerk of the court and a surgeon, and may admit other reputable citizens not exceeding 12, the relations of the convict, his counsel and such priest or clergyman as he may desire, and no others.

***II. The provisions of this section shall only apply to offenses committed before July 1, 2014 and shall not apply to any offense committed on or after July 1, 2014. No person shall be sentenced to death in this state for an offense committed on or after July 1, 2014.***

4 Effective Date. This act shall take effect July 1, 2014.

2014-1436s

**AMENDED ANALYSIS**

This bill provides that the capital murder statute, the sentence of death, and the statutes governing procedures in capital murder cases shall only apply to offenses committed before July 1, 2014.

Recess. Out of recess.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, D'Allesandro, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Floor amendment failed.

Recess. Out of recess.

Recess. Out of recess.

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

A roll call was requested by Sen. Cataldo, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Watters, Pierce, Cataldo, Hosmer, Odell, Kelly, Gilmour, Lasky, Larsen, Soucy, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, D'Allesandro, Prescott, Stiles, Morse.

Yeas: 12 - Nays: 12

Failed.

Sen. Larsen moved to Lay on the Table HB 1170-FN.

The question is on the motion to Lay on the Table HB 1170-FN.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Cataldo, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Prescott, Stiles, Morse.

Yeas: 12 - Nays: 12

Failed.

Sen. Bradley moved Inexpedient to Legislate.

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

The following Senators voted Yes: Forrester, Bradley, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, D'Allesandro, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Cataldo, Hosmer, Odell, Kelly, Gilmour, Lasky, Larsen, Soucy, Fuller Clark.

Yeas: 12 - Nays: 12

Failed.

Sen. Bradley moved to Lay on the Table HB 1170-FN.

The question is on the motion to Lay on the Table HB 1170-FN.

A roll call was requested by Sen. Lasky, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted.

## TRANSPORTATION

HB 1360, relative to use of certain electronic devices while driving. Ought to Pass with Amendment, Vote 5-0. Senator Rausch for the committee.

Senate Transportation

April 10, 2014

2014-1334s

03/01

### **Amendment to HB 1360**

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

2 Public Education Program. The commissioner of safety, with the assistance of the highway safety agency, the department of transportation, and other available public and private sector participation, and subject to funding including any federal funds, shall, prior to the effective date of section 1 of this act, develop and initiate a targeted public education program including, but not limited to, media releases, participation in available talk shows and public service announcements, driver education classes, signage, use of electronic message boards, notices or handouts at division of motor vehicles facilities, roadside rest area buildings, and other state-owned facilities, and other available means to alert the driving public to the passage of this act.

### 3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2015.

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

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

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

Sen. Bradley is in opposition to the motion of Ought to Pass with Amendment on HB 1360.

Sen. Forrester is in opposition to the motion of Ought to Pass with Amendment on HB 1360.

### COMMERCE

HB 562, relative to title loans. Interim Study, Vote 3-2. Senator Sanborn for the committee.

Recess. Out of recess.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Cataldo, Sanborn, Bragdon, Carson, Boutin, Reagan, Soucy, Rausch, Prescott, Stiles, Morse.

The following Senators voted No: Pierce, Hosmer, Odell, Kelly, Gilmour, Lasky, Larsen, D'Allesandro, Fuller Clark.

Yeas: 15 - Nays: 9

Adopted.

HB 1174, establishing a committee to study the payment of subminimum wages to persons with disabilities. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

Sen. Hosmer offered a floor amendment.

Sen. Hosmer, Dist. 7

Sen. Pierce, Dist. 5

April 14, 2014

2014-1364s

06/09

### Amendment to HB 1174

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

AN ACT relative to the payment of sub-minimum wages to persons with disabilities.

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

1 Minimum Wage; Special Authorization in Certain Cases. Amend RSA 279:22 to read as follows:

279:22 Special Authorization in Certain Cases. Upon application by an employer, in the form and manner established by the commissioner, a person whose earning capacity the commissioner finds is impaired by age [~~or by physical or mental deficiency~~] may be employed at a sub-minimum wage rate established by regulations issued by the commissioner.

2 High School and Post Secondary Students; Workers with Disabilities. Amend RSA 279:22-aa to read as follows:

279:22-aa High School and Post Secondary Students~~[-Workers with Disabilities-~~

—[J. Upon application by a participating employer or proper school authority, the labor commissioner may establish a sub-minimum wage rate, or no rate, for high school or post secondary students working for practical experience, if circumstances warrant. Guidelines shall be established by the labor commissioner to determine whether an employer-employee relationship exists between participating parties for such work in respect to existing labor laws. No such student shall be allowed to replace an existing worker or a laid-off worker.

~~[H. Upon application by a proper post-secondary organization or rehabilitation facility as defined by and in a manner established by the labor commissioner, the commissioner may establish a practical experience/training program at a sub-minimum wage rate or no wage rate for individuals with disabilities. If such program is established, the commissioner shall establish guidelines to determine whether an employer-employee relationship exists between the parties for work performed through the program that is consistent with state and federal law. No such individual with disabilities, while in the program, shall be allowed to replace an existing worker or a laid-off worker.]~~

3 Repeal. RSA 279:22-a, relative to special authorization for sheltered workshops, is repealed.

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

2014-1364s

#### AMENDED ANALYSIS

This bill deletes the provision permitting persons whose earning capacity is impaired by physical or mental deficiency to be employed at a sub-minimum wage rate.

The question is on the adoption of Floor Amendment 1364s.

A roll call was requested by Sen. Soucy, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Prescott, Stiles, Morse.

Yeas: 11 - Nays: 13

Floor amendment failed.

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

Sen. Forrester is in favor of the motion of Ought to Pass on HB 1174.

HB 1498-FN, relative to wages lost when an employee submits to a medical examination required under workers' compensation law. Interim Study, Vote 3-2. Senator Sanborn for the committee.

Recess. Out of recess.

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

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark, Prescott.

Yeas: 11 - Nays: 12

Failed.

Sen. Bragdon asserts Rule 6-25 on HB 1498-FN.

Sen. Sanborn moved to Lay on the Table HB 1498-FN.

The question is on the motion to Lay on the Table HB 1498-FN.

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark, Prescott.

Yeas: 11 - Nays: 12

Failed.

Sen. Bragdon asserts Rule 6-25 on HB 1498-FN.

Sen. Pierce moved Ought to Pass on HB 1498-FN.

Sen. Prescott moved to Lay on the Table HB 1498-FN.

The question is on the motion to Lay on the Table HB 1498-FN.

A division vote was requested.

Yeas: 12 - Nays: 11

Adopted.

Sen. Bragdon asserts Rule 6-25 on HB 1498-FN.

Recess. Out of recess.

#### SUSPENSION OF THE RULES

Without objection, Senate Rule 4-2 was suspended to allow HB 186 to be acted on after the deadline. Adopted by the necessary 2/3 vote.

#### FINANCE

HB 186, relative to the authority of the department of state. Interim Study, Vote 4-2. Senator Forrester for the committee.

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

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

HB 1411-FN-A, relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account. Inexpedient to Legislate, Vote 4-2. Senator Odell for the committee.

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

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

The following Senators voted Yes: Forrester, Bradley, Watters, Cataldo, Hosmer, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Pierce, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 15 - Nays: 9

Adopted.

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 1322, relative to the definition of "party" for election purposes. Inexpedient to Legislate, Vote 4-0. Senator Stiles for the committee.

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

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

#### COMMERCE

HB 255-FN, establishing a commission to study medical costs and payments under workers' compensation law. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce

April 9, 2014

2014-1301s

01/08

#### **Amendment to HB 255-FN**

Amend RSA 281-A:71, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a commission to study medical costs and payments under workers' compensation laws. The members of the commission shall be as follows:

(a) Five members of the house of representatives, all of whom shall be members of the labor, industrial and rehabilitative services committee, 3 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the minority leader of the house of representatives.

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

(c) The commissioner of the department of labor, or designee.

(d) The commissioner of the department of insurance, or designee.

(e) A licensed physician who treats injured workers, appointed by the New Hampshire Medical Society.

(f) One member from the New Hampshire Hospital Association, appointed by that association.

(g) One member from the advisory council on workers' compensation, appointed by the governor.

(h) Two attorneys, one representing injured workers, appointed by the speaker of the house of representatives and one representing insurance companies or employers, appointed by the president of the senate.

(i) Two persons representing labor, one appointed by the speaker of the house of representatives and one appointed by the president of the senate.

(j) One member from the New Hampshire Automobile Dealers Association, appointed by that association.

(k) One member from the New Hampshire Lodging and Restaurant Association, appointed by that association.

(l) A representative of an insurance company that writes workers' compensation in New Hampshire, appointed by the speaker of the house of representatives.

(m) A representative of a self-insured entity, appointed by the president of the senate.

Amend RSA 281-A:71, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall study:

(a) The feasibility of creating fee schedules under New Hampshire's workers' compensation laws, including the arguments for and against such changes.

(b) The feasibility of a drug testing program or other measures to address opioid use.

(c) Recommendations for other issues concerning the New Hampshire workers' compensation system that warrant further investigation by the general court.

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

Sen. Bragdon asserts Rule 6-25 on HB 255.

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

Sen. Bragdon asserts Rule 6-25 on HB 255.

HB 439-FN, relative to weekly workers' compensation payments. Inexpedient to Legislate, Vote 4-1. Senator Sanborn for the committee.

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

Sen. Bragdon asserts Rule 6-25 on HB 439-FN.

#### ENERGY AND NATURAL RESOURCES

HB 1579-FN, relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Energy and Natural Resources

April 9, 2014

2014-1311s

10/04

#### Amendment to HB 1579-FN

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

AN ACT relative to penalties for violations of trapping laws and relative to education requirements for issuance of a trapping license.

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

1 Trapping; Injury or Death of Domestic Animal; Penalty. Amend RSA 210:18 to read as follows:

210:18 Damage to Domestic Animals.

**I.** Any person causing injury or damage to domestic animals, except for dogs at large pursuant to RSA 466:33, by the aid or use of traps shall be liable to the owner therefor. An injury to a licensed dog at large shall be reported to the town or city listed on the dog's tag, and to the owner of the dog if identifiable.

**II.** *Any person engaged in the act of trapping in violation of the laws or rules governing trapping under this title resulting in the death of a domestic animal shall be guilty of a violation. Upon conviction, and in addition to any other penalty, the person's trapping license shall be revoked for a period up to 3 years. Prior to the restoration of such person's ability to apply for a license or permit to trap, the person shall show successful completion of a trapping education program pursuant to RSA 210:25.*

2 Trapping Licenses; Education Requirements. Amend RSA 214:11-b, I(c) to read as follows:

(c) Satisfactory proof that he **or she** has [~~previously~~] held a trapping license issued to him **or her** in this state[~~, any other state, province or country~~] **during any of the previous 3 years.**

3 Effective Date. This act shall take effect January 1, 2015.

2014-1311s

#### AMENDED ANALYSIS

This bill adds penalties for violations of trapping laws and rules which result in the death of a domestic animal. The bill requires trapping education for license applicants who have not held a trapping license in this state during any of the previous 3 years.

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

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

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 469, relative to time limits for certain regulatory boards and commissions to hold hearings on disciplinary proceedings, and establishing a statute of limitations for the initiation of disciplinary actions against an occupational licensee. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

HB 1130-FN, relative to the Northeastern Interstate Forest Fire Protection Compact. Ought to Pass, Vote 4-1. Senator Carson for the committee.

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

HB 1152-FN, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system. Ought to Pass, Vote 3-0. Senator Reagan for the committee.

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

HB 1244, relative to the disclosure of the names of lottery winners. Ought to Pass, Vote 4-0. Senator Reagan for the committee.

Sen. Bradley moved to Lay on the Table HB 1244.

The question is on the motion to Lay on the Table HB 1244. Adopted.

HB 1327, relative to the duties of the information technology council. Ought to Pass, Vote 4-0. Senator Soucy for the committee.

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

HB 1453, relative to procedures of the board of podiatry. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration

April 9, 2014

2014-1303s

10/04

#### **Amendment to HB 1453**

Amend RSA 315:1-b, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Elected board officers shall not serve more than 5 years in such elected positions.

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

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

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A. Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

#### FINANCE

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. Ought to Pass with Amendment, Vote 4-2. Senator Odell for the committee.



Senate Finance  
April 3, 2014  
2014-1255s  
05/04

**Amendment to HB 1146**

Amend subparagraph I(b) as inserted by section 2 of the bill by replacing it with the following:

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

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

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

HB 1335-FN, establishing a committee to study the university system of New Hampshire's purchasing process and practices and their effect on the New Hampshire economy. Inexpedient to Legislate, Vote 5-1. Senator Larsen for the committee.

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

HB 1439-FN, relative to the attorney general's authority in investigating combinations and monopolies. Ought to Pass, Vote 6-0. Senator Bragdon for the committee.

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

HB 1489-FN-A-L, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Finance  
April 3, 2014  
2014-1256s  
01/06

**Amendment to HB 1489-FN-A-LOCAL**

Amend subparagraph I(b) as inserted by section 2 of the bill by replacing it with the following:

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

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The first-named house member shall be the chairperson of the committee and shall call the first meeting of the committee. The first meeting of the committee shall be held within 30 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

Sen. Bragdon asserts Rule 6-25 on HB 1489-FN-A-L.

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

Sen. Bragdon asserts Rule 6-25 on HB 1489-FN-A-L.

**HEALTH, EDUCATION AND HUMAN SERVICES**

HB 597-FN, relative to a drug-free workplace for licensed health care facilities and providers. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

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

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury. Ought to Pass, Vote 4-1. Senator Reagan for the committee.

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

HB 1488-FN, establishing the New Hampshire program on educational support for military children. Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Health, Education and Human Services

April 9, 2014

2014-1298s

05/04

### **Amendment to HB 1488-FN**

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

AN ACT adopting the interstate compact on educational support for military children.

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

1 New Chapter; Interstate Compact on Educational Opportunity for Military Children. Amend RSA by inserting after chapter 110-C the following new chapter:

#### **CHAPTER 110-D**

#### **INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

110-D:1 Compact. The interstate compact on educational opportunity for military children, hereinafter called “the compact”, is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows in this chapter.

#### **ARTICLE I**

110-D:2 Purpose. It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

I. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or districts or variations in entrance/age requirements.

II. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

III. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

IV. Facilitating the on-time graduation of children of military families.

V. Providing for the adoption and enforcement of administrative rules implementing the provisions of this compact.

VI. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

VII. Promoting coordination between this compact and other compacts affecting military children.

VIII. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

#### **ARTICLE II**

110-D:3 Definitions. As used in this compact, unless the context clearly requires a different construction:

I. “Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211.

II. “Children of military families” means a school-aged child or school-aged children, enrolled in kindergarten through grade 12, in the household of an active duty member.

III. “Compact commissioner” means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

IV. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through 6 months after return to their home station.

V. "Education records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

VI. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

VII. "Interstate Commission on Educational Opportunity for Military Children" means the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

VIII. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.

IX. "Member state" means a state that has enacted this compact.

X. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

XI. "Non-member state" means a state that has not enacted this compact.

XII. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

XIII. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

XIV. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

XV. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

XVI. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

XVII. "Transition" means:

- (a) The formal and physical process of transferring from school to school; or
- (b) The period of time in which a student moves from one school in the sending state to another school in the receiving state.

XVIII. "Uniformed service" or "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

XIX. "Veteran" means a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

### ARTICLE III

#### 110-D:4 Applicability.

- I. Except as otherwise provided in paragraph II, this compact shall apply to the children of:

(a) Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. section 1209 and 1211;

(b) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

(c) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

II. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

III. The provisions of this compact shall not apply to the children of:

(a) Inactive members of the national guard and military reserves;

(b) Members of the uniformed services now retired, except as provided in paragraph I;

(c) Veterans of the uniformed services, except as provided in paragraph I; and

(d) Other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

#### ARTICLE IV

##### 110-D:5 Educational Records and Enrollment.

I. Unofficial or "hand-carried" education records. In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

II. Official education records/transcripts. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

III. Immunizations. Compacting states shall give 30 days from the date of enrollment, or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization or immunizations required by the receiving state. For a series of immunizations, initial vaccinations shall be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

IV. Kindergarten and first grade entrance age. Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

#### ARTICLE V

##### 110-D:6 Placement and Attendance.

I. Course placement. When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course or courses.

II. Educational program placement. The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to, gifted and talented programs and English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

III. Special education services. (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C.A. section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

IV. Placement flexibility. Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

V. Absence as related to deployment activities. A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

#### ARTICLE VI

##### 110-D:7 Eligibility.

###### I. Eligibility for enrollment.

(a) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(b) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(c) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

II. Eligibility for extracurricular participation. State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

#### ARTICLE VII

110-D:8 Graduation. In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

I. Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

II. Exit exams. States shall accept: (1) exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. If none of these alternatives can be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of paragraph III shall apply.

III. Transfers during senior year. Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with paragraphs I and II.

#### ARTICLE VIII

##### 110-D:9 State Coordination.

I. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own state council, its membership shall include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, one representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

II. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

III. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state.

IV. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

#### ARTICLE IX

110-D:10 Interstate Commission on Educational Opportunity For Military Children. The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

I. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

II. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

(a) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(b) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(c) A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

(d) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

III. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military members.

IV. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

V. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The United States Department of Defense, shall serve as an ex-officio, nonvoting member of the executive committee.

VI. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

VII. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by 2/3 vote that an open meeting would be likely to:

- (a) Relate solely to the Interstate Commission's internal personnel practices and procedures;
- (b) Disclose matters specifically exempted from disclosure by federal and state statute;
- (c) Disclose trade secrets or commercial or financial information which is privileged or confidential;
- (d) Involve accusing a person of a crime, or formally censuring a person;
- (e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (f) Disclose investigative records compiled for law enforcement purposes; or
- (g) Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

VIII. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

IX. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

X. Create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

## ARTICLE X

110-D:11 Powers and Duties of the Interstate Commission. The Interstate Commission shall have the following powers:

- I. To provide for dispute resolution among member states.
- II. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

III. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

IV. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

V. To establish and maintain offices which shall be located within one or more of the member states.

VI. To purchase and maintain insurance and bonds.

VII. To borrow, accept, hire, or contract for services of personnel.

VIII. To establish and appoint committees including, but not limited to, an executive committee as required by RSA 110-D:10, V, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

IX. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

X. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

XIII. To establish a budget and make expenditures.

XIV. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

XV. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

XVI. To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.

XVII. To establish uniform standards for the reporting, collecting, and exchanging of data.

XVIII. To maintain corporate books and records in accordance with the bylaws.

XIX. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

XX. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

#### ARTICLE XI

##### 110-D:12 Organization and Operation of the Interstate Commission.

I. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

(a) Establishing the fiscal year of the Interstate Commission.

(b) Establishing an executive committee, and such other committees as may be necessary.

(c) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission.

(d) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting.



(e) Establishing the titles and responsibilities of the officers and staff of the Interstate Commission.

(f) Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.

(g) Providing “start up” rules for initial administration of the compact.

II. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

III.(a) The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

(1) Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

(2) Overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

(3) Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.

(b) The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

IV. The Interstate Commission’s executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(a) The liability of the Interstate Commission’s executive director and employees or Interstate Commission representatives, acting within the scope of such person’s employment or duties for acts, errors, or omissions occurring within such person’s state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this section shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(b) The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(c) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney’s fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment,

duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

## ARTICLE XII

### 110-D:13 Rulemaking Functions of The Interstate Commission.

I. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

II. Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

III. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

IV. If a majority of the legislatures of the compacting states reject a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

## ARTICLE XIII

### 110-D:14 Oversight, Enforcement, and Dispute Resolution.

#### I. Oversight.

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission.

(c) The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.

II. Default, technical assistance, suspension, and termination. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(a) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

(b) Provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

(f) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(g) The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

### III. Dispute resolution.

(a) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

(b) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

### IV. Enforcement.

(a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(b) The Interstate Commission, may by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c) The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

## ARTICLE XIV

### 110-D:15 Financing of the Interstate Commission.

I. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

II. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

III. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

IV. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

## ARTICLE XV

### 110-D:16 Member States, Effective Date and Amendment.

I. Any state is eligible to become a member state.

II. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 10 of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall

become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

III. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

#### ARTICLE XVI

##### 110-D:17 Withdrawal and Dissolution.

###### I. Withdrawal.

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

###### II. Dissolution of compact.

(a) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

(b) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

#### ARTICLE XVII

##### 110-D:18 Severability and Construction.

I. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

II. The provisions of this compact shall be liberally construed to effectuate its purposes.

III. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

#### ARTICLE XVIII

##### 110-D:19 Binding Effect of Compact and Other Laws.

###### I. Other laws.

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

(b) All member states' laws conflicting with this compact are superseded to the extent of the conflict.

###### II. Binding effect of the compact.

(a) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

(b) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(c) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

2 Funding Source. For the fiscal year ending June 30, 2015, the department of education shall use existing appropriations to the department for costs necessary to implement section 1 of this act.

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

2014-1298s

#### AMENDED ANALYSIS

This bill adopts the interstate compact on educational support for military children.

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 the Committee on Finance (Rule 4-5).

HB 1568-FN, relative to service animals. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

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

HB 1571-FN-L, relative to breastfeeding. Interim Study, Vote 5-0. Senator Kelly for the committee.

Sen. Kelly moved to Lay on the Table HB 1571-FN-L.

The question is on the motion to Lay on the Table HB 1571-FN-L. Adopted.

#### JUDICIARY

HB 649-FN, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Senate Judiciary

April 1, 2014

2014-1213s

04/01

#### Amendment to HB 649-FN

Amend RSA 651-A:22-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The earned time reductions authorized in paragraph I of this section shall only be earned and available to prisoners while in the least restrictive security classifications of general population and minimum security. The earned time may be forfeited for involvement or membership in a security threat group, attempted escape, escape, or commission of any category A offense listed in the department of corrections policy and procedure directives.

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

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

HB 1125-FN, repealing the crime of adultery. Ought to Pass, Vote 3-1. Senator Lasky for the committee.

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

HB 1143, relative to the New Hampshire Law Against Discrimination. Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

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

HB 1274, relative to the payment of rent and security deposits. Ought to Pass, Vote 4-0. Senator Soucy for the committee.

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

HB 1289, relative to interference with custody. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

HB 1435, requiring law enforcement officials to disclose specific information relating to a police checkpoint. Inexpedient to Legislate, Vote 4-0. Senator Cataldo for the committee.

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

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 297, relative to the management of trust funds and capital reserve funds and pertaining to library trustees. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

HB 1139, repealing authority for granting of property tax abatements for watering troughs and shade trees. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

HB 1190, relative to approval of budget transfers in Hillsborough county. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

HB 1245, relative to municipal lease agreements for certain equipment. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

HB 1246, relative to the composition of public agency boards concerning housing standards. Ought to Pass, Vote 4-0. 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.

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Public and Municipal Affairs

April 10, 2014

2014-1323s

08/09

#### **Amendment to HB 1261-FN-LOCAL**

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

AN ACT limiting the fee charged for delivery of notice of civil forfeiture of an unlicensed dog to the cost of mailing such notice.

Amend RSA 466:14 as inserted by section 1 of the bill by replacing it with the following:

466:14 Warrants; Proceedings. The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed [\$5] ***the cost of mailing such service*** and may be recovered by the city or town in addition to the amount of the civil

forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

2014-1323s

#### AMENDED ANALYSIS

This bill limits the fee charged for delivery of notice of civil forfeiture of an unlicensed dog to the cost of mailing such notice.

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

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

Recess. Out of recess.

HB 1320, relative to incompatibility of town offices. Ought to Pass with Amendment, Vote 4-0. Senator Lasky for the committee.

Public and Municipal Affairs

March 19, 2014

2014-1100s

06/03

#### Amendment to HB 1320

Amend RSA 669:7, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. No person shall at the same time file a declaration of candidacy for any 2 or more elected offices that are incompatible under paragraph I.

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

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

HB 1347, establishing a house committee to study apportionment of state representative districts. Inexpedient to Legislate, Vote 4-0. Senator Stiles for the committee.

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

HB 1386, relative to the minutes of county proceedings. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

HB 1460, relative to the date of appointment of inspectors of election. Ought to Pass, Vote 4-0. 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.

HB 1542, relative to nomination of a political organization. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

HB 1544, relative to special election ballots. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

HB 1545, relative to voting booths. Ought to Pass with Amendment, Vote 4-0. Senator Lasky for the committee.

Public and Municipal Affairs  
April 9, 2014  
2014-1317s  
03/05

#### **Amendment to HB 1545**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Polling Place Arrangement; Voting Booths. Amend RSA 658:9 by inserting after paragraph V the following new paragraph:

VI. In addition to or in lieu of voting booths described in paragraphs II, III, and IV, portable booths set up in pods of up to 4 voting stations may be used. Each pod shall meet the requirements of paragraph II except as described in this paragraph. Each voting station in the pod shall have 2 sides enclosed that are at least 32 inches long and meet at a right angle. A table top shall fit into the corner of the enclosed sides with the edges of the table top that contact the sides being at least 14 inches deep, and the edge of the table facing the voter no less than 25 inches in width. The third, open side of the voting station shall be enclosed by a curtain large enough, and designed in a way, to give the voter privacy.

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

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

#### **TRANSPORTATION**

HB 534, establishing a commission to study the feasibility of sponsorship agreements including naming rights for certain structures. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Senate Transportation  
March 19, 2014  
2014-1088s  
08/10

#### **Amendment to HB 534**

Amend RSA 228:32-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a commission to study the feasibility of sponsorships agreements including naming rights of certain structures. The members of the commission shall be as follows:

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

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

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

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

HB 587, relative to medical examination requirements for commercial drivers' licenses. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

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

HB 684, relative to bridge replacement and rehabilitation and bridge aid funds. Ought to Pass, Vote 4-0. Senator Gilmour for the committee.

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

HB 1135-FN, relative to penalties for driving without a license. Ought to Pass, Vote 4-1. Senator Stiles for the committee.

The question is on the adoption of the committee recommendation of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).



HB 1104-FN, relative to railroad motorcars. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

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

HB 1406-FN, relative to red list bridges. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

#### WAYS AND MEANS

HB 459, relative to poker in private residences. Inexpedient to Legislate, Vote 5-0. Senator Hosmer for the committee.

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

HB 1160-FN, relative to the sale of Lucky 7 tickets. Inexpedient to Legislate, Vote 4-0. Senator Odell for the committee.

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

HB 1196, relative to abatement of property taxes. Ought to Pass with Amendment, Vote 4-0. Senator Hosmer for the committee.

Senate Ways and Means

April 8, 2014

2014-1287s

10/06

#### Amendment to HB 1196

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

AN ACT relative to applications for abatements and authority to abate prior years' property taxes.

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

1 Property Taxation; Abatement Applications; Prior Years' Taxes. Amend RSA 76:16, I and II to read as follows:

I.(a) Selectmen or assessors, for good cause shown, may abate any tax, *including prior years' taxes*, assessed by them or by their predecessors, including any portion of interest accrued on such tax[-]; *or*

(b) Any person aggrieved by the assessment of a tax *by the selectmen or assessors* and who has complied with the requirements of RSA 74, may, by March 1, following the date of notice of tax under RSA 76:1-a, and not afterwards, apply in writing on the form set out in paragraph III to the selectmen or assessors for an abatement of the tax. The municipality may charge the taxpayer a fee to cover the costs of the form required by paragraph III.

II. Upon receipt of an application under paragraph [I] *I(b)*, the selectmen or assessors shall review the application and shall grant, *for good cause shown*, or deny the application in writing by July 1 after notice of tax date under RSA 76:1-a. The failure to respond shall constitute denial. All such written decisions shall be sent by first class mail to the taxpayer and shall include a notice of the appeal procedure under RSA 76:16-a and RSA 76:17 and of the deadline for such an appeal. The board of tax and land appeals shall prepare a form for this purpose. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.

2 Abatements; By Board of Tax and Land Appeals. Amend RSA 76:16-a, I to read as follows:

I. If the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, *I(b)*, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$65 filing fee, may apply in writing to the board of tax and land appeals. The appeal shall be filed on or before September 1 after the date of notice of tax under RSA 76:1-a, and not afterwards. The board, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. If the appeal is filed before July 1 the person aggrieved shall state in the appeal to the board the date of the municipality's decision on the RSA 76:16, *I(b)* application.

3 Abatements; By Court. Amend RSA 76:17 to read as follows:

76:17 By Court. If the selectmen neglect or refuse so to abate *in accordance with RSA 76:16, I(b)*, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 76:16-a, apply by petition to the superior court in the county, which shall make such order thereon as justice requires. The appeal shall be filed on or before September 1 following the date of notice of tax under RSA 76:1-a, and not afterwards. If the appeal is filed before July 1 following the date of notice of tax, the person aggrieved shall state in the appeal to the court the date of the municipality's decision on the RSA 76:16, *I(b)* application.

4 Abatement Application; Brownfields; Reference Corrected. Amend RSA 76:19-a, II to read as follows:

II. Notwithstanding RSA 76:16, [H] *I(b)*, an application pursuant to paragraph I may be made at any time during the year.

5 Abatement Application; Unorganized Places. Amend RSA 81:5 to read as follows:

81:5 Abatement of Taxes.

*I.* The commissioners of the county in which the real estate is situated, for good cause shown, may abate any tax, *including prior years' taxes*, assessed by them or by their predecessors, including any portion of interest accrued on such tax in the unincorporated towns or unorganized places[-]; *or*

*II.* Any person aggrieved by the assessment of a tax, who has complied with the requirements of RSA 74, may, by March 1 following the date of notice of the tax under RSA 76:1-a, and not afterwards, apply in writing to the commissioners in accordance with RSA 76:16, *I(b)*. Upon receipt of an application for abatement, the commissioners shall review the application and respond in accordance with RSA 76:16, II. If the commissioners neglect or refuse to abate, any person aggrieved, having complied with the requirements of RSA 74, may, on or before September 1 after the date of notice of tax under RSA 76:1-a, and not afterwards, file an appeal with the superior court in the county where the property is located, or with the board of tax and land appeals, upon payment of a \$65 filing fee. After appropriate inquiry or hearing, the board or court, as the case may be, shall make such order thereon as justice requires.

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

2014-1287s

#### AMENDED ANALYSIS

This bill clarifies the authority of selectmen or assessors to abate property taxes or grant an abatement by application of the taxpayer. This bill also allows for the abatement by the selectmen or assessors of property taxes assessed in years prior to the current year.

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

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

HB 1531, relative to establishing a joint committee on tax expenditure review and requiring tax expenditure and potential liability reports by the department of revenue administration. Ought to Pass, Vote 3-0. Senator D'Allesandro for the committee.

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

#### COMMERCE

HB 1405, prohibiting an employer from using credit history in employment decisions. Interim Study, Vote 5-0. Senator Hosmer for the committee.

Sen. Soucy moved to Lay on the Table HB 1405.

The question is on the motion to Lay on the Table HB 1405. Adopted.

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 466-FN, relative to determining qualifications of voters. Interim Study, Vote 5-0. Senator Lasky for the committee.

Recess. Out of recess.

Recess. Out of recess.

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

Sen. Lasky moved Ought to Pass.

Sen Lasky offered a floor amendment.

Sen. Lasky, Dist. 13

April 15, 2014

2014-1395s

03/10

## Floor Amendment to HB 466-FN

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

1 Voter Registration Form. Amend RSA 654:7, III-IV to read as follows:

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in ~~[paragraph IV]~~ ***subparagraph IV(b), unless the person is registering at the polling place on the date of a state general election. If an applicant is registering at the polling place on the date of a state general election and is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other person, working in conjunction with the supervisors of the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of the peace or notary public; should the applicant not otherwise have proof of identity and therefore be relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes of any person administering the oath, notwithstanding any language to the contrary in any laws relating to the administering of oaths for other purposes.***

IV.(a) A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8 1/2 inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form *to be used for voter registrations other than those at the polling place on the date of a state general election*, which shall be in substantially the following form:

Date \_\_\_\_\_

# VOTER REGISTRATION FORM

(Please print or type)

1. Name \_\_\_\_\_

Last	(suffix) First	Full Middle Name
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2. Domicile Address \_\_\_\_\_

Street Ward Number

Town or City	Zip Code
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3. Mailing Address if different than in 2 \_\_\_\_\_  
 \_\_\_\_\_ Street \_\_\_\_\_ [Ward Number]

Town or City	Zip Code
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4. Place and Date of Birth \_\_\_\_\_  
Town or City Zip Code

Date\_\_\_\_\_

5. Are you a citizen of the United States? Yes No

If a naturalized citizen, give name of court where and date when naturalized \_\_\_\_\_





**Citizenship****yes/no** \_\_\_\_\_**(initials)****Age****yes/no** \_\_\_\_\_**(initials)****Domicile****yes/no** \_\_\_\_\_**(initials)**

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**Applicant**

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**Election Official****Notary Public/Justice of the Peace/Official Authorized by RSA 659:30**

***In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.***

2 Determining Qualifications of Applicant. Amend RSA 654:12, I(a)-(c) to read as follows:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, ***a sworn statement on the general election day voter registration form***, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: \_\_\_\_\_

**QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)**

Name: \_\_\_\_\_

Name at birth if different: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Date and Place of Naturalization: \_\_\_\_\_

Domicile Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, \_\_\_\_\_ (print name of notary public, justice of the peace, election officer), appeared \_\_\_\_\_ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

Identity

Citizenship

Age

\_\_\_\_\_  
Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, **or a sworn statement on the general election day voter registration form.**

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, **a sworn statement on the general election day voter registration form, or** an affidavit in the following form, which shall be retained in accordance with RSA 33-A:3-a:

#### DOMICILE AFFIDAVIT

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Current Domicile Address: \_\_\_\_\_

Street Ward Number

\_\_\_\_\_  
Town or City

Zip Code

Current Mailing Address (if different): \_\_\_\_\_

Street

Ward Number

\_\_\_\_\_  
Town or City

Zip Code

Date when current domicile was established: Month: \_\_\_\_ Year: \_\_\_\_

Place and date of birth: \_\_\_\_\_

Address of last previous domicile: \_\_\_\_\_

Street Ward Number

\_\_\_\_\_  
Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not currently in possession of necessary documents to prove my domicile and that my established domicile is at the current domicile address I have entered above. I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, \_\_\_\_\_ (print name of notary public, justice of the peace, election officer), appeared \_\_\_\_\_ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

\_\_\_\_\_  
Notary Public/Justice of the Peace/Official Authorized by RSA 659:30.

3 Reference Changed. Amend the introductory paragraph of RSA 654:12, II(b) to read as follows:

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a qualified voter, domicile, or election day affidavit **or a sworn statement on the general election day voter registration form**:

4 Reference Changed. Amend RSA 654:12, III to read as follows:

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, **or a sworn statement on the general election day voter registration form**. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

5 Reference Changed. Amend RSA 654:12, V(a) to read as follows:

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first. The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a domicile affidavit **or a sworn statement on the general election day voter registration form**.

6 Reference Changed. Amend RSA 654:12, V(d) to read as follows:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing domicile affidavits **and sworn statements on the general election day voter registration form** since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

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



2014-1395s

**AMENDED ANALYSIS**

This bill permits voters registering at the polling place on the date of a state general election to prove qualifications by swearing to a statement on the voter registration form.

The question is on the adoption of Floor Amendment 1395s. Adopted.

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

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

April 3, 2014

2014-1242s

06/05

**Amendment to HB 1124**

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

AN ACT relative to the adoption of zoning ordinances in towns that use official ballot voting and ratifying a warrant article adopted at the 2014 annual meeting of the town of Rye.

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

5 Town of Rye; Ratification of Warrant Article. Warrant article 7, approving a \$3,000,000 bond for the purpose of financing the acquisition of conservation easements or open space lands by the town of Rye that was adopted at the March 11, 2014 annual meeting of the town of Rye by more than the required 3/5 vote is hereby legalized, ratified, and confirmed regardless of the fact that the public hearing required by RSA 33:8-a and the notice of such hearing were not held and posted in accordance with the requirements of RSA 40:13, II-a(a) and (c).

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2014-1242s

**AMENDED ANALYSIS**

This bill permits towns to opt out of official ballot voting requirements for the consideration and adoption of zoning ordinances.

This bill also ratifies a warrant article adopted by the town of Rye at the 2014 annual meeting.

The Chair ruled Committee Amendment 1242s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1242s to HB 1124. Adopted by the necessary 2/3 vote.

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

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

**MOTION TO ADJOURN FROM EARLY SESSION**

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

Adopted. Adjournment from the Early Session.

**LATE SESSION**

Third Reading and Final Passage

HB 227, relative to property and casualty insurance.

HB 255-FN, establishing a commission to study medical costs and payments under workers' compensation law.

HB 297, relative to the management of trust funds and capital reserve funds and pertaining to library trustees.

HB 343-FN, establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire.

HB 461-FN, relative to long-term care services.

HB 466-FN, relative to determining qualifications of voters

HB 469, relative to time limits for certain regulatory boards and commissions to hold hearings on disciplinary proceedings, and establishing a statute of limitations for the initiation of disciplinary actions against an occupational licensee.

HB 534, establishing a commission to study the feasibility of sponsorship agreements including naming rights for certain structures.

HB 587, relative to medical examination requirements for commercial drivers' licenses.

HB 597-FN, relative to a drug-free workplace for licensed health care facilities and providers.

HB 649-FN, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming.

HB 684, relative to bridge replacement and rehabilitation and bridge aid funds.

HB 1102, relative to membership of the police standards and training council.

HB 1104-FN, relative to railroad motorcars.

HB 1108-FN, requiring voir dire examination of prospective jurors in all criminal cases.

HB 1109, relative to providing notice to abutters of a petitioned warrant article to discontinue a class VI road.

HB 1111, clarifying the term "valid claim" for property insurance.

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury.

HB 1121, repealing the duty of assessors to compile a list of dogs in the town.

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting and ratifying a warrant article adopted at the 2014 annual meeting of the town of Rye.

HB 1125-FN, repealing the crime of adultery.

HB 1130-FN-L, relative to the Northeastern Interstate Forest Fire Protection Compact.

HB 1139, repealing authority for granting of property tax abatements for watering troughs and shade trees.

HB 1144, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases.

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account.

HB 1152-FN, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system.

HB 1169, relative to enforcement of labor laws by the department of labor.

HB 1174, establishing a committee to study the payment of subminimum wages to persons with disabilities.

HB 1182, relative to membership of the state transparency website oversight committee.

HB 1190, relative to approval of budget transfers in Hillsborough county.

HB 1196, relative to applications for abatements and authority to abate prior years' property taxes.

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood.

HB 1222, prohibiting commercial use of the law enforcement and fallen firefighters memorials.

HB 1224-FN, relative to pipeline operation safety.

HB 1243, relative to the confidentiality of criminal background checks of school employees and volunteers.

HB 1245, relative to municipal lease agreements for certain equipment.

HB 1246, relative to the composition of public agency boards concerning housing standards.

HB 1260-FN-L, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

HB 1261-FN-L, limiting the fee charged for delivery of notice of civil forfeiture of an unlicensed dog to the cost of mailing such notice.

HB 1274, relative to the payment of rent and security deposits.

HB 1289, relative to interference with custody.

HB 1290-FN, allowing nonresident full-time students to purchase licenses for hunting and fishing.

HB 1295, relative to the definition of livestock.

HB 1300, creating an exemption from licensure for low volume seed sellers.

HB 1309, making a technical change in the workers' compensation law.

HB 1320, relative to incompatibility of town offices.

HB 1327, relative to the duties of the information technology council.

HB 1334, relative to contributions to charities by employees.

HB 1360, relative to use of certain electronic devices while driving.

HB 1367, relative to the sale of birds.

HB 1370, providing for minority party membership on the executive committee of the county convention.

HB 1371, relative to grading and improving subdivision streets.

HB 1384, relative to rehearings by the public utilities commission.

HB 1386, relative to the minutes of county proceedings.

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge.

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school.

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances.

HB 1406-FN, relative to red list bridges.

HB 1439-FN, relative to the attorney general's authority in investigating combinations and monopolies.

HB 1453, relative to procedures of the board of podiatry.

HB 1460, relative to the date of appointment of inspectors of election.

HB 1484-FN, relative to newborn DNA sequencing.

HB 1489-FN-A-L, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer.

HB 1531, relative to establishing a joint committee on tax expenditure review and requiring tax expenditure and potential liability reports by the department of revenue administration.

HB 1542, relative to nomination of a political organization.

HB 1544, relative to special election ballots.

HB 1545, relative to voting booths.

HB 1568-FN, relative to service animals.

HB 1572-FN, establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

HB 1579-FN, relative to penalties for violations of trapping laws and relative to education requirements for issuance of a trapping license.

HB 1587-FN-L, relative to the collection and disclosure of student data.

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

#### LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: HB 227, HB 255-FN, HB 439-FN, HB 1169, HB 1309, HB 1489-FN-A-L, HB 1498-FN.

#### ANNOUNCEMENTS

(None)

#### 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.