HOUSE RECORD

First Year of the 162nd General Court
Calendar and Journal of the 2011 Session

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Contains: Amendments for March 15, 16 and 17

HOUSE CALENDAR

AMENDMENTS

ALL LEGISLATORS ARE ASKED TO BRING THIS CALENDAR FOR USE ON MARCH 15, 16 and 17, 2011

AMENDMENTS
TUESDAY, MARCH 15

2011-0699h

Amendment to CACR 6

Proposed by the Majority of the Committee on Ways and Means - R

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

RELATING TO: taxation.

PROVIDING THAT: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state provided, however, that if, prior to the beginning of each fiscal year of the state, insufficient revenues are provided to pay principal and interest on a debt to which the state has pledged its faith and credit, which is due and payable in such year, the legislature may, by majority vote, increase the rate of taxes and license fees to make up for such insufficient revenues.

Amend the resolution by replacing paragraph IV with the following:

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

"Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state provided, however, that if, prior to the beginning of each fiscal year of the state, insufficient revenues are provided to pay principal and interest on a debt to which the state has pledged its faith and credit, which is due and payable in such year, the legislature may, by majority vote, increase the rate of taxes and license fees to make up for such insufficient revenues."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that a 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase any tax or license fee that has been levied provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

2011-0602h

Amendment to CACR 9

Proposed by the Minority of the Committee on Children and Family Law - R

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

RELATING TO: parental rights.

PROVIDING THAT: parents have the natural right to control the health, education, and welfare of their children.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 2-a the following new article:

[Art.] 2-b. Parents have the natural right to control the health, education, and welfare of their children.

Amend paragraph IV of the resolution by replacing it with the following:

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

"Are you in favor of amending the first part of the constitution by inserting after article 2-a a new article to read as follows:

[Art.] 2-b. Parents have the natural right to control the health, education, and welfare of their children."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that parents have the natural right to control the health, education, and welfare of their children.

2011-0613h

Amendment to CACR 12

Proposed by the Special Committee on Education Funding Reform - R

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

RELATING TO: public education.

PROVIDING THAT: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority and full discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2012.

III. That the selectmen of all towns, cities, wards, and places in the state are directed to insert in their warrants for the said 2012 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2011 session of the general court shall be approved.

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

"Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority and full discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question.

The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2011 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the general court have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

2011-0567h

Amendment to HB 26-FN

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or [~~theft of~~] ***a theft or multiple thefts in*** an amount greater than $500, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

2011-0532h

Amendment to HB 27

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

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

1 New Hampshire Rivers Management and Protection Program; Nominations; Criteria. Amend RSA RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, hydropower generation, buildings, and other manmade structures; riparian interests and public water supply, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank and tributary drainage area information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The department shall encourage the nominating party to include tributary drainage area information in the nomination. The nominating party shall advertise the meeting in cooperation with the rivers coordinator and shall give written notice to ***riparian landowners and*** the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

2 New Paragraph; River Classification Program; Management. Amend RSA 483:7-a by inserting after paragraph II the following new paragraph:

III. A designated river and its tributary drainage area rivers that are subsequently designated shall be listed in the same paragraph in RSA 483:15. Each tributary river shall be named in a subparagraph under the main stem, and designated segments of each tributary shall be listed as further subparagraphs under each tributary.

3 Natural Rivers Protection. RSA 483:9, III(b) is repealed and reenacted to read as follows:

(b) Permanent alterations in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated which have only de minimis impact to or restore the channel's geomorphic characteristics.

4 Establishment of Protected Instream Flows. Amend RSA 483:9-c, I to read as follows:

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river or segment. Each protected instream flow shall be established and enforced to maintain water for instream public uses and to protect ***outstanding characteristics, including recreational, fisheries, wildlife, environmental, hydropower, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, public water supply, and*** the resources for which the river or segment is designated, and shall respect riparian interests on each designated river or segment consistent with the purposes of this chapter. Instream public uses shall include the state's interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

5 Temporary Use Authorization; Time Extended. Amend 1998, 56:6 as amended by 2003, 43:14, 2003, 302:3, 2005, 141:2, and 2007, 287:1 to read as follows:

Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until January 1, [~~2012~~] ***2017*** to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

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

AMENDED ANALYSIS

This bill:

I. Permits the commissioner of the department of environmental services to approve certain permanent alterations which have de minimis impact to or restore a channel's geomorphic characteristics.

II. Requires tributaries and segments of rivers designated for protection to be listed in the same paragraph.

III. Extends the time before septage and sludge land application restrictions apply.

2011-0554h

Amendment to HB 31

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 6-p the following new section:

415:6-q Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

2 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 18-u the following new section:

415:18-v Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

Amend the bill by replacing section 5 with the following:

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

AMENDED ANALYSIS

This bill requires that the providers of ambulance services be reimbursed directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract.

2011-0563h

Amendment to HB 33

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT relative to the care of memorials in Franconia Notch state park.

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

1 New Section; Expansion of State Park System; Franconia Notch Forest Reservation and Memorial Park. Amend RSA 216-A by inserting after section 6-a the following new section:

216-A:6-b Franconia Notch Forest Reservation and Memorial Park.

I. The war memorials on the eastern shore of Profile Lake shall be undisturbed and maintained in a proper manner for viewing and visiting by veterans as defined in RSA 21:50 and the general public. Appropriate signage and recognition of the war memorial and the entire Franconia forest reserve, as dedicated to the men and women who have served our country in times of conflict shall be placed at the entrances to Franconia Notch state park as well as directional signs to the memorial site. Veterans groups may aid the division of parks and recreation in enhancing and maintaining the park, through programs such as the Adopt-a-Park program and by other means. Veterans, active duty members of the armed forces, and members of their immediate family accompanying them shall pay no fee to hike or bicycle the trails of the park.

II. In addition, no activity or lease in the state park system shall result in any disturbance of a burial site, memorial, or designated historic site, nor shall any lease provisions cause such sites to be restricted to the general public. Fees may be charged for the use of amenities, improvements, amusements, and special events. Nothing in this section shall prevent the division of parks and recreation or the department of resources and economic development, or any other state agency from exercising full supervisory and managerial responsibilities relative to the area known as the Franconia Notch state park and its surroundings.

III. The director of the division of parks and recreation may solicit, accept, and expend any gifts, grants, and donations for the purpose of maintaining the war memorials in accordance with this section.

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

AMENDED ANALYSIS

This bill establishes the standards of care for memorials and memorial sites in the Franconia Notch state park.

2011-0573h

Amendment to HB 46

Proposed by the Committee on Environment and Agriculture - C

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

1 Current Use; Advisory Board; Certified Assessing Officials. Amend RSA 79-A:3, II(a) to read as follows:

(a) Three members who are assessing officials shall be appointed by the governor with the advice and consent of the council, one of whom shall be an assessing official in a town with a population of less than 5,000; one of whom shall be an assessing official in a town with a population of more than 5,000; and one of whom shall be an assessing official in a city. Each member shall hold office for a term of his ***or her*** position as assessing official or for 2 years, whichever is shorter, and until [~~his~~] ***a*** successor shall have been appointed and qualified, and any vacancy shall be filled for the unexpired term, by the governor with the advice and consent of the council. No other members of the board shall be [~~former or currently practicing assessing officials~~] ***or have been certified under RSA 21-J:14-f, except for the commissioner of the department of revenue administration or the commissioner's designee***.

2 Advisory Board Membership. Amend RSA 79-A:3, II(h) to read as follows:

(h) The executive [~~secretary~~] ***director*** of the New Hampshire association of conservation commissions***, or designee***.

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

AMENDED ANALYSIS

This bill clarifies membership qualifications for persons appointed to the current use advisory board.

2011-0480h

Amendment to HB 52

Proposed by the Committee on Children and Family Law - R

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

1 New Subparagraph; Grounds for Modification of Parenting Rights and Responsibilities. Amend RSA 461-A:11, I by inserting after subparagraph (e) the following new subparagraph:

(f) The modification makes either a minimal change or no change in the allocation of parenting time between the parents, and the court determines that such change would be in the best interests of the child.

2 Modification of Parenting Plan. Amend RSA 461-A:11, II to read as follows:

II. ***Except as provided in RSA 461-A:11, I (b) - (f) for parenting schedules and RSA 461-A:12 for a request to relocate the residence of a child, the court may issue an order modifying any section of a permanent parenting plan based on the best interest of the child. RSA 461-A:5, III shall apply to any request to modify decision-making responsibility.***

III. For the purposes of this section, the burden of proof shall be on the moving party.

3 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill permits the court to modify a permanent parenting order based on the best interests of the child if the modification makes no more than a minimal change in the allocation of parenting time.

The bill also permits modification of a parenting plan based on the best interests of the child, other than the sections of the plan concerning relocation or the parenting schedule.

2011-0266h

Amendment to HB 102

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee's study shall include, but not be limited to:

(a) Ways to improve communications among the insurance department, banking department, and bureau of securities regulation.

(b) Addressing the confidentiality issues of the various departments and making recommendations regarding specific changes in the appropriate statutes.

II. The committee may solicit information from any source deemed relevant to its study.

AMENDED ANALYSIS

This bill establishes a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

2011-0267h

Amendment to HB 109

Proposed by the Committee on Municipal and County Government - R

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Local Land Use; Subdivision Regulations. Amend RSA 674:36 by inserting after paragraph III the following new paragraph:

IV. The planning board shall not require, or adopt or enforce any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system.

AMENDED ANALYSIS

This bill prohibits local planning boards from requiring the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit.

2011-0455h

Amendment to HB 114

Proposed by the Committee on Legislative Administration - C

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

AN ACT reinstating and expanding the duties of the joint legislative historical committee.

1 Reinstatement of Joint Legislative Historical Committee. Pursuant to 2009; 144:87, I(a), the joint legislative historical committee, established in RSA 17-I:1, is hereby reinstated.

2 Joint Legislative Historical Committee; Duties. RSA 17-I:2 is repealed and reenacted to read as follows:

17-I:2 Committee Responsibilities. The committee shall have the following responsibilities:

I. To purchase and restore historical items, including paintings and memorial plaques, for the state house, the legislative office building, and other buildings or facilities under the jurisdiction of the general court.

II. To oversee the historical fund established under RSA 177:8.

III. To research and record the history, background, and achievements of the general court.

IV. To accept and expend funds appropriated by the general court or received from any other source for the purposes authorized by this chapter.

V. To administer and enforce the collections policy established by the committee created in 1990, 41:1, for objects of historical, cultural, or artistic value, and recommend legislation as needed to implement this policy.

VI. To maintain a descriptive inventory and photographic collection of objects of historical, cultural, or artistic value owned by the state, using current best practices.

VII. To provide guidelines to all branches of state government relative to the acquisition, disposal, care, and interpretation of historical, cultural, and artistic objects.

VIII. To cooperate with other New Hampshire institutions and collecting agencies relative to the acquisition, disposal, care, and interpretation of historical, cultural, and artistic objects.

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

AMENDED ANALYSIS

This bill reinstates the joint legislative historical committee. The bill also expands the duties of the joint legislative historical committee to include the duties of the state heritage collections committee, which is scheduled to be repealed on June 30, 2011 pursuant to 2009, 144:87.

2011-0137h

Amendment to HB 134

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 Walking Disability Plates; Proof of Disability. Amend RSA 261:88, III to read as follows:

III. An applicant for such special plates shall furnish the director with satisfactory proof, as the director may require, that the applicant meets the requirements of paragraph II. Such proof must be submitted every 5 years except in the case of a veteran who has been evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from service-connected disability. [~~Such~~] Proof ***submitted by a veteran with a service-connected disability*** shall only have to be made upon initial application. Satisfactory proof of a walking disability, at a minimum, shall consist of the certification of a licensed physician, podiatrist, or advanced practice registered nurse that the applicant has a walking disability, as defined in paragraph I. Upon request and for the fee set forth in RSA 261:75, I, the director shall exchange special plates for regular plates currently issued to an applicant who qualifies for special plates. ***Upon satisfactory proof, as the director may require, that the walking disability of an applicant for special plates is likely to be permanent, the director may excuse an applicant from the requirement that proof be submitted every 5 years, or may reduce the frequency with which proof must be submitted.***

AMENDED ANALYSIS

This bill authorizes the director of the division of motor vehicles to exempt persons with permanent disabilities from having to resubmit proof of eligibility for walking disability plates every 5 years.

2011-0125h

Amendment to HB 141

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to protected utility services.

Amend the bill by replacing section 1 with the following:

1 Prohibited Practices and Security Deposits; Certain Specific Acts Prohibited. RSA 540-A:3, I is repealed and reenacted to read as follows:

I. Except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies, no landlord shall willfully cause the interruption or termination of any of the following utility services being supplied to the tenant by the landlord: water, sewage, electricity, gas, heat, air conditioning, telephone, elevator, or refrigeration.

AMENDED ANALYSIS

This bill clarifies which utility services are protected from interruption or termination by landlords.

2011-0528h

Amendment to HB 144

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to energy efficiency and clean energy districts.

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

1 Municipal Revenue Bonds; Definitions. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in RSA 38:38, I(e), purchased or constructed in areas not served by an existing broadband carrier or provider, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas [~~and~~]***,*** any other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality, or regional water district***, and qualifying energy conservation and clean energy improvements for which a municipality provides financing pursuant to RSA 53-F***.

2 Energy Efficiency and Clean Energy Districts; Authority. Amend RSA 53-F:3, I-II to read as follows:

I. Incur debt for the purpose of providing financing to property owners within the district, including through issuance of municipal ***revenue*** bonds, Qualified Energy Conservation Bonds or Clean Renewable Energy Bonds. Any such debt [~~shall constitute a pledge of the municipality's full faith and credit~~] ***may be secured by a pledge of revenues, moneys, rights, and proceeds under this chapter***, and except as may be otherwise provided in this chapter, shall be subject to the provisions of RSA 33 ***and RSA 33-B***.

II. Establish a revolving fund pursuant to RSA 31:95-h using [~~general municipal revenues, bond funds,~~] federal Energy Efficiency and Conservation Block Grant funds, or grant funds from any federal, state, private, or other source[~~, provided that the use of general municipal revenues shall be pursuant to an appropriation by special warrant article in accordance with RSA 32 and the municipality's appropriation procedures~~].

3 Energy Efficiency and Clean Energy Districts; Financing Terms. Amend RSA 53-F:7, II to read as follows:

II. A municipality that provides financing to participating property owners shall establish a loss reserve account and maintain funds in such account at a level that meets generally accepted standards for property-assessed clean energy finance programs. ***Funds in a loss reserve account shall not be provided from general municipal revenues***

4 Definition; Special Assessment. Amend RSA 53-F:1, VI to read as follows:

VI. "Special assessment" means a special assessment within the meaning and subject to the provisions of RSA 80:19***, except as provide in RSA 53-F:8***.

5 Risk of Enforcement of Special Assessment Liens. Amend RSA 53-F:4, II to read as follows:

II. The municipality shall disclose to participating property owners the risks associated with participating in the program, including risks related to their failure to make payments and the risk of enforcement of property tax or special assessment liens under RSA [~~80:19~~] ***53-F:8***.

6 Priority, Collection, and Enforcement. Amend RSA 53-F:8 to read as follows:

53-F:8 ***Priority;*** Collection and Enforcement. Collection of assessments under this chapter shall be made by the tax collector or other official responsible for property tax or municipal service charge collection. A municipality shall commit bills for amounts due on the assessments, including interest and any charges, to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. ***Each year*** bills for amounts due on the assessments shall coincide with bills for property taxes or municipal service charges [~~and~~]***. Each assessment on the property of a participating property owner*** shall create a lien on the property pursuant to RSA 80:19***, except that the lien shall be junior to existing liens of record at the time the bill for the assessment is mailed to the participating property owner***. Enforcement powers for nonpayment shall be those provided under RSA 80 relative to property tax collection, including RSA 80:19***; provided, however, a tax sale of the property shall not extinguish prior liens of record***. At the time of enforcement, only the past due balances of the assessment under this chapter, including all interest, charges, and penalties, shall be due for payment. Notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure[~~, collection by the municipality shall be limited to any past due balances and future payments shall neither be accelerated nor extinguished by foreclosure~~] ***or a sheriff's sale by a senior lienor, the lien of the municipality shall be extinguished***. Payment of a past due balance from the loss reserve established under this chapter shall not relieve a participating property owner from the obligation to pay that amount.

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

AMENDED ANALYSIS

This bill establishes that financing for participating property owners in energy efficiency and clean energy districts may be provided through issuance of municipal revenue bonds but not from general municipal revenues.

This bill also removes the priority lien provision for loans made by energy efficiency and clean energy districts under RSA 53-F.

2011-0766h

Amendment to HB 145

Proposed by the Committee on Criminal Justice and Public Safety - R

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

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

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

(m) Any person to make an audio or video recording of a law enforcement officer in the course of his or her official duties; provided that:

(1) The person making the recording shall first give notification of the recording to the officer;

(2) The person making the recording is personally interacting with the officer or is recording the officer in a public area; and

(3) The act of recording does not interfere with the officer's ability to perform his or her official duties.

AMENDED ANALYSIS

This bill permits the audio and video recording of a law enforcement officer while in the course of his or her official duties.

2011-0591h

Amendment to HB 146

Proposed by the Committee on Judiciary - C

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

AN ACT relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

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

1 Findings and Intent of the General Court. Under the decisions of both the New Hampshire supreme court and the United States Supreme Court, the jury has the right to judge the facts and the application of the law in relationship to the facts in controversy. The jury system functions at its best when it is fully informed of the jury's prerogatives. The general court wishes to perpetuate and reiterate the rights of the jury, as ordained under common law and recognized in the American jurisprudence, while preserving the rights of a criminal defendant, as enumerated in part 1, articles 15 and 20, New Hampshire Bill of Rights, and the Seventh Amendment of the Constitution for the United States of America.

2 New Section; Right of Accused; Jury Instruction. Amend RSA 519 by inserting after section 23 the following new section:

519:23-a Right of Accused. In all court proceedings the court shall instruct the jury of its right to judge the facts and the application of the law in relationship to the facts in controversy. The court shall permit the defendant or counsel for the defendant to explain this right to the jury.

3 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill states that in all criminal proceedings the court shall instruct the jury of its right to judge the facts and the application of the law in relationship to the facts in controversy. The court is also required to permit the defendant or counsel for the defendant to explain this right to the jury.

2011-0126h

Amendment to HB 149

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

Amend RSA 483:15, I as inserted by section 1 of the bill by replacing it with the following:

I. Lamprey River and its watershed tributaries including: North Branch, Pawtuckaway, North, Little, and Picassic Rivers.

(a)(1) Lamprey River:

(A) As a rural river from immediately downstream of Meadow Lake Dam in Northwood to the confluence with the North Branch River in Raymond.

(B) As a rural-community river from the confluence with the North Branch River in Raymond to 0.9 miles downstream of the Langford Road crossing in Raymond.

(C) As a community river from 0.9 miles downstream of the Langford Road crossing in Raymond to 0.3 miles downstream of the Epping Street crossing in Raymond.

(D) As a rural-community river from 0.3 miles downstream of the Epping Street crossing in Raymond to the confluence with the Pawtuckaway River in Epping.

(E) As a community river from the confluence with the Pawtuckaway River in Epping to the downstream side of the New Hampshire Route 125 bridge in Epping.

(F) As a rural river from the downstream side of the New Hampshire Route 125 bridge in Epping to the Epping-Lee town line.

(G) As a rural river from the Epping-Lee town line to the Durham-Newmarket town line. Notwithstanding any other provisions of this chapter, the department of environmental services shall not approve the use of flashboards under RSA 482:29 to increase the height of any existing dam within this segment of the Lamprey River.

(H) As a community river from the Durham-Newmarket town line to 1.8 miles downstream of the MacCallen Dam in Newmarket.

(2) North Branch River - as a natural river from immediately downstream of the Beaver Pond Dam in Deerfield to the confluence with the Lamprey River in Raymond.

(3) Pawtuckaway River - as a rural river from immediately downstream of the Pawtuckaway Lake Dam in Nottingham to the confluence with the Lamprey River in Epping.

(4) North River - as a rural river from immediately downstream of the North River Pond Dam in Nottingham to the confluence with the Lamprey River in Epping.

(5) Little River - as a rural river from immediately downstream of the Mendum's Pond Dam in Nottingham to the confluence with the Lamprey River in Lee.

(6) Piscassic River:

(A) As a natural river from the headwaters 0.5 miles upstream of the Fremont-Brentwood town line to the upstream side of the Piscassic Ice Pond Dam in Newfields.

(B) As a rural-community river from the upstream side of the Piscassic Ice Pond Dam in Newfields to the downstream side of the Grant Road crossing in Newmarket.

(C) As a community river from the downstream side of the Grant Road crossing in Newmarket to the confluence with the Lamprey River in Newmarket.

(b) All 1st, 2nd, and 3rd order portions of the Lamprey River and its tributary rivers shall be exempt from the provisions of the comprehensive shoreland protection act, RSA 483-B.

AMENDED ANALYSIS

This bill designates segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers.

This bill also exempts certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

2011-0643h

Amendment to HB 158

Proposed by the Majority of the Committee on Judiciary - R

Amend RSA 275-A:4-b, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) The person who misused the number with fraudulent intent.

(b) Any individual who knowingly supplied or aided in obtaining false social security documentation.

2011-0742h

Amendment to HB 175

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 402:82, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A written or electronic signature of the applicant. ***In the case of group life, accident, or health insurance, the certificate holder insured under the group health policy is not the applicant.***

Amend RSA 420-G:5, VIII as inserted by section 7 of the bill by replacing it with the following:

VIII. Health carriers shall provide coverage for medically necessary dental services resulting from an accidental injury to sound natural teeth and gums when the course of treatment for the accidental injury is received or authorized within 3 months of the date of the injury. Treatment made necessary due to injury to the jaw and oral structures other than teeth shall be covered without time limit. Coverage hereunder shall be subject to such other terms and conditions of the policy that may apply.

2011-0551h

Amendment to HB 186-FN

Proposed by the Majority of the Committee on Election Law - R

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

AN ACT relative to the definition of political communication.

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

AMENDED ANALYSIS

This bill eliminates implicit advocacy from the definition of political advertising.

2011-0460h

Amendment to HB 190

Proposed by the Committee on Legislative Administration - C

Amend RSA 14:49, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The chairman of a study committee established by the general court shall, in addition to any other reporting requirements, electronically file the final report with the clerk of the house of representatives or clerk of the senate,

AMENDED ANALYSIS

This bill limits membership on any study committee established by the general court to members of the general court only and requires chairmen to electronically file the committee's final report with the clerk of the house of representatives or senate, in addition to any other reporting requirements.

2011-0505h

Amendment to HB 191

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend RSA 135-C:13 as inserted by section 4 of the bill by replacing it with the following:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. ***In the event that the person does not have the ability to pay, the agency responsible for providing services shall conduct a clinical assessment and based on that assessment shall provide clinically necessary services. If the assessment reveals that the person presenting symptoms is non-emergent, then the agency may prioritize when the person accesses treatment but services shall not be denied. If the person requires immediate care while waiting to access services, then the agency's emergency services program may be utilized by the person at any time, 24 hours a day, 7 days a week. In the event that a severely mentally disabled person does not have the ability to pay, the agency responsible for providing services shall conduct an assessment and shall provide services necessary to alleviate those impairments which formed the basis for the determination, under the rules authorized by RSA 135-C:61, that the person was severely mentally disabled.***

Additional services may be prioritized based on clinical needs. Services to persons subject to orders of involuntary admission or other involuntary treatment under RSA 135-C:27-54 shall be provided without the limitations permitted under this section and in the same manner as a person who is able to pay for services. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, [~~such service shall be documented through individual service plans. When services have been documented to be necessary but unavailable,~~] each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

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

5 Discrimination Prohibited; Eligibility for Services. RSA 135-C:13 is repealed and reenacted to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 2014.

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

AMENDED ANALYSIS

This bill implements recommendations of the office of legislative budget assistant's 2010 performance audit report of the New Hampshire community health system. This bill clarifies the eligibility for mental health services when persons are unable to pay for them.

Amendment to HB 205-FN

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 2 with the following:

2 Board's Procedure on Plats; Notice to Upstream Dam Owners. Amend RSA 676:4, I(d) to read as follows:

(d) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, [~~upstream dam owners,~~] the department of environmental services dam bureau, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. For those proposals [~~near rivers and streams~~] ***in which any structure would be within 500 feet of the top bank of any river or stream*** and downstream of a dam, the planning board shall also notify [~~the owners of the upstream dam and~~] the department of environmental services dam bureau by certified mail. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

2011-0389h

Amendment to HB 206-FN

Proposed by the Committee on Fish and Games and Marine Resources - R

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

1 New Section; Fish and Game; Apprentice Hunting License. Amend RSA 214 by inserting after section 6 the following new section:

214:6-a Apprentice Hunting License. Any person who wishes to hunt but who has not completed a hunter education program or provided proof of a previous hunting or archery license, as required in RSA 214:23-a, may purchase an apprentice hunting license. A person holding an apprentice hunting license shall be allowed to hunt only when accompanied by a properly licensed person who is 18 years of age or over. The fees for an apprentice hunting license shall be as provided in RSA 214:9, I for a resident apprentice hunting license, as provided in RSA 214:9, VI for a nonresident apprentice hunting license, or as provided in RSA 214:9, VII-a for a nonresident small game apprentice hunting license. The properly licensed person who is 18 years of age or over accompanying the apprentice shall be fully accountable for any damage incurred or for any violations which may be committed by the apprentice while hunting. Any other permits or licenses for hunting shall be purchased as required by the apprentice hunter. The apprentice hunting license shall not be valid to take moose, shall not apply to the 3-day small game license, and shall not be used as proof of a previous license under RSA 214:23-a, I(c) or II(c). An apprentice hunting license may be purchased only once in the lifetime of the hunter.

2 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill allows the fish and game department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license.

This bill is a request of the fish and game department.

2011-0611h

Amendment to HB 211

Proposed by the Committee on Executive Departments and Administration - C

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

1 Administrative Procedures Act; Proposed Rule; Policy Committee Review. Amend RSA 541-A:10 to read as follows:

541-A:10 Filing of Proposed Rule Text. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. ***The first time a rule is proposed under RSA 541-A:3 to implement newly-enacted state authority, the agency shall send an electronic copy of the notice and proposed rule to the chair of each house and senate standing policy committee, as defined in RSA 541-A:1, XVI, for distribution to the members of such standing policy committees. If the newly-enacted state authority was not referred originally to a standing policy committee, the agency shall send an electronic copy of the notice and proposed rule to the speaker of the house and senate president for appropriate distribution. If the agency does not have the technology necessary to send an electronic copy, the agency shall send a paper copy. The members of the standing policy committees receiving proposed rules may review the proposed rules to determine whether the proposed rule is consistent with the intent of the authorizing legislation. If a standing policy committee concludes that the proposed rule is not consistent with the intent of the authorizing legislation, the standing policy committee shall send written notice to the agency, with a copy to the director of legislative services, identifying the provision or provisions the committee believes to be inconsistent with legislative intent. Such written notice may be sent to the agency via e-mail and shall be delivered so as to be received by the agency no later than the deadline for public comment specified in the rulemaking notice. If the agency does not receive notice from any standing policy committee by the end of the public comment period, the agency may proceed on the basis that the rule is consistent with the intent of the authorizing legislation.*** The text as filed ***by the agency*** shall not be [~~changed or~~] established as the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA 541-A:11.

2 Administrative Rulemaking; Review by Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, I to read as follows:

I. [~~Within 45 days of the filing of a final proposal with the director of legislative services,~~] The committee [~~may~~] ***shall either*** approve the rule or [~~object~~] ***enter a conditional approval or objection*** under paragraph V [~~, except that if an agency has filed~~] ***within 45 days of the filing of a final proposal under RSA 541-A:12, I, unless the deadline is waived for good cause pursuant to RSA 541-A:40. The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within 60 days of the filing of*** a final proposal under RSA 541-A:12, I-a, [~~the time shall be extended to 60 days~~] ***unless the deadline is waived for good cause pursuant to RSA 541-A:40***. Objections to a rule may be made only once.

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

AMENDED ANALYSIS

This bill allows legislative policy committees to review and comment on administrative rules proposals. The bill also requires a waiver for the joint legislative committee on administrative rules to exceed time frames to approve or object to a rule.

2011-0355h

Amendment to HB 213-FN-A

Proposed by the Majority of the Committee on Ways and Means - R

Amend the bill by replacing sections 1-2 with the following:

1 Business Profits Tax; Rate Reduced; July 1, 2011. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~8.5~~] ***8.25*** percent upon the taxable business profits of every business organization.

2 Business Profits Tax; Rate Reduced; July 1, 2012. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [~~8.25~~] ***8*** percent upon the taxable business profits of every business organization.

2011-0526h

Floor Amendment to HB 218

Proposed by Reps. Scontsas and Rhodes

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

AN ACT relative to the New Hampshire rail transit authority.

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

1 New Hampshire Rail Transit Authority; Powers. Amend the introductory paragraph of RSA 238-A:8, XII to read as follows:

XII. ***Subject to the approval of the legislature,*** issue bonds for the implementation of any project of the authority, including the acquisition of property, or paying off of any debt or obligation of the authority. The authority may issue such types of bonds as may be determined by the board of directors, ***subject to the approval of the legislature,*** including certificates on which principal and interest are payable:

2 Bonds. Amend RSA 238-A:10 to read as follows:

238-A:10 Bonds.

I. The authority shall have the power and is hereby authorized to issue its bonds and notes***, subject to the approval of the legislature,*** in such principal amount as the authority shall determine to be necessary, not to exceed $125,000,000 in the aggregate, to provide sufficient funds for achieving any of its corporate purposes. Neither the directors of the authority nor any person executing bonds on behalf of the authority shall be personally liable thereon by reason of the issuance thereof.

II. ***Subject to the approval of the legislature,*** bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption, with or without premium, as such resolutions, its trust indenture, or mortgage may provide. In case any of the directors or officers of the authority whose signatures appear on any bond or coupon shall cease to be such directors or officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes. All bonds may be signed on behalf of the authority by, or with the facsimile signatures of, such persons as at the actual date of such execution shall be the proper officers authorized by resolution of the authority to execute said bonds, notwithstanding the fact that on the day said bonds are dated, or on the date of the delivery thereof, any such person shall not have been such officer.

III. Obligations of the authority other than certificates shall be payable from general funds of the authority and shall at no time be a charge against any special fund allocated to the payment of bonds except upon payment of current annual maturities and reserves thereof.

IV. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority under this chapter, when such bonds or other obligations are secured by rentals or other monies to be paid by the United States of America or any department or agency thereof, and such bonds and other obligations shall be authorized security for all public deposits, it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; provided, however, that nothing contained in this section shall be construed as relieving any person, firm, or corporation from any applicable duty of exercising reasonable care in selecting securities.

V. ***Subject to the approval of the legislature,*** the authority may obligate itself for the payment of bonds and other debts incurred in the furtherance of its public purposes by the state of New Hampshire, or by any county, municipality, political subdivision, or public corporation.

VI. ***Subject to the approval of the legislature,*** the authority shall determine the time, form, and manner of the issuance of its bonds and the specific provisions for, and references to such time, form, and manner set forth in this chapter are illustrative of its powers and are not in limitation thereof. The authority may designate a bank or trust company, qualified to do business in this state, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

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

AMENDED ANALYSIS

This bill prohibits the New Hampshire Rail Authority from issuing bonds without the approval of the legislature.

2011-0541h

Amendment to HB 225-FN

Proposed by the Committee on Criminal Justice and Public Safety - R

Amend RSA 595-A:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Upon the acquittal of or dismissal of criminal proceedings against a person charged with a crime or upon the disposal of criminal proceedings against a person by nol prosequi or upon a finding that no abuse has occurred in a proceeding against a person under RSA 173-B, any personal property owned by such person, including weapons, confiscated by a law enforcement agency or entity under this section shall be returned to the person by the law enforcement agency or entity that confiscated the personal property within 21 days of the date of the acquittal or dismissal or nol prosequi or determination of no finding. This section shall not apply to illegal contraband or to personal property that a person is prohibited from possessing under state or federal law. If after diligent efforts the agency or entity is unable to comply with this section, it may file a request with the court for an extension or exemption. Any agency or entity not complying with this paragraph shall pay a civil penalty of $100 per day to the person for each day the agency or entity is in noncompliance, not to exceed a total civil penalty of $10,000.

2011-0515h

Amendment to HB 229-FN-A

Proposed by the Committee on Ways and Means - R

Amend the bill by replacing all after section 2 with the following:

3 Applicability. This act shall apply to all gambling winnings received on or after the effective date of this act.

4 Effective Date. This act shall take effect 14 days after its passage.

2011-0642h

Amendment to HB 231-FN

Proposed by the Majority of the Special Committee on Public Employee Pensions Reform - R

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

AN ACT relative to payment of medical benefits for state retirees, their spouses, and dependents.

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

1 State Retiree Medical Benefit for Retiree, Spouse, and Dependents. Amend RSA 21-I:30, I to read as follows:

I. The state shall pay a premium ***toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption*** for***:***

(a) Each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and

(b) Subject to the funding limitation under paragraph I-a, each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living[~~, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption~~].

I-a. The total cost to the general fund for the benefit provided in subparagraph I(b) shall not exceed $27.5 million, including the administrative costs of the department, in each fiscal year of a biennium. If in any calendar year the total general fund cost of the retiree medical benefit is projected to exceed that amount, the commissioner of the department of administrative services shall, with the prior approval of the fiscal committee of the general court, adjust the plan design of the group hospitalization, hospital medical care, surgical care and other medical benefits plan or the self-funded alternative to reduce the cost of the benefit to that amount.

I-b. Funds appropriated for [~~this~~] ***the*** purpose ***described in this section*** shall not be transferred or used for any other purpose.

2 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill provides that the payment by the state of the premium for the medical benefit for state retirees, their spouses, and dependents shall be subject to a limit on total state general fund cost.

2011-0281h

Amendment to HB 246

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 325:46-a, I-III as inserted by section 1 of the bill by replacing it with the following:

I. Any prearranged funeral contract that involves the payment of money to a trust account or the purchase or assignment of an insurance policy or annuity shall be in writing and shall include all of the following information:

(a)(1) The name, address, and phone number of the seller and the name and address of the purchaser of the contract.

(2) If the contract beneficiary is someone other than the purchaser of the contract, the name and address of the contract beneficiary.

(3) If the contract involves the payment of money but not the purchase or assignment of an insurance policy or annuity, the social security number of the purchaser of the contract or if the contract beneficiary is someone other than the purchaser, the social security number of the contract beneficiary.

(b) A statement of the funeral goods and funeral services purchased, which may be made by attaching a copy of the completed statement of funeral goods and services selected to the prearranged funeral contract.

(c) A disclosure explaining the form in which the purchase price shall be paid and, if the price is to be paid in installments, a disclosure to the purchaser regarding what constitutes a default under the prearranged funeral contract and the consequences of the default.

(d) A disclosure informing the purchaser whether the contract is either a guaranteed prearranged funeral contract or a nonguaranteed prearranged funeral contract, and, if the contract is guaranteed only in part, a disclosure specifying the funeral goods or funeral services included in the guarantee.

(e) If the prearranged funeral contract is a guaranteed contract, a disclosure that the seller, in exchange for all of the proceeds of the trust, insurance policy, or annuity, shall provide the funeral goods and funeral services set forth in the prearranged funeral contract without regard to the actual cost of such funeral goods and funeral services prevailing at the time of performance.

(f) If the prearranged funeral contract is a nonguaranteed contract, a disclosure that:

(1) The proceeds of the trust, insurance policy, or annuity shall be applied to the retail prices in effect at the time of the funeral for the funeral goods and funeral services set forth in the contract;

(2) Any excess funds remaining after all expenses for the funeral have been paid shall be paid to the estate of the decedent or the beneficiary named in the life insurance policy if the prearranged funeral contract is funded by a life insurance policy; and

(3) In the event of an insufficiency in funds, the seller shall not be required to perform until payment arrangements satisfactory to the seller have been made.

(g) A disclosure that:

(1) The purchaser has the right to make the contract irrevocable and that if the prearranged funeral contract is irrevocable, the purchaser does not have a right to revoke the contract.

(2) The purchaser has the right to make the contract revocable, the purchaser has the right to revoke a revocable prearranged funeral contract.

(h) A disclosure informing the purchaser of the initial right to cancel the prearranged funeral contract within 10 days. Any purchaser, on initially entering into a prearranged funeral contract may, within 10 days after entering into that contract, rescind the contract and request and receive from the seller of the contract all payments made under the contract.

(i) A disclosure that the seller may substitute funeral goods or funeral services of equal quality, value, and workmanship if those specified in the prearranged funeral contract are unavailable at the time of need.

(j) A disclosure that any purchaser of funeral goods and funeral services is entitled to receive price information prior to making that purchase in accordance with the Federal Trade Commission's funeral industry practices revised rule, 16 C.F.R. part 453;

II. If the purchaser of a prearranged funeral contract that is revocable elects to cancel the contract, the purchaser shall provide a written notice to the seller of the contract and the trustee of the prearranged funeral contract trust stating that the purchaser intends to cancel the contract. Fifteen days after the purchaser provides that notice to the seller and trustee, the purchaser may cancel the contract.

III. The purchaser of a prearranged funeral contract that is irrevocable may transfer the prearranged funeral contract to a successor seller. A purchaser who elects to make such a transfer shall provide a written notice of the designation of a successor seller to the trustee and the original seller. Within 15 days after receiving the written notice of the new designation from the purchaser, the trustee shall list the successor seller as the seller of the prearranged funeral contract and the original seller shall relinquish and transfer all rights under the prearranged funeral contract to the successor seller. The trustee shall confirm the transfer by providing written notice of the transfer to the original seller, the successor seller, and the purchaser.

2011-0738h

Amendment to HB 248

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 359-K:1, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Public members representing the following groups and interests, appointed in such a manner as to create a commission comprised of representatives from both the private and public sector, diversely representative of the state by geography and by industry:

(1) One representative of the New Hampshire Business and Industry Association, appointed by the association.

(2) One representative of the Greater Manchester Chamber of Commerce, appointed by that organization.

(3) One representative of the Greater Nashua Chamber of Commerce, appointed by that organization.

(4) One representative of the Franconia Notch Chamber of Commerce, appointed by that organization.

(5) One representative of the Upper Valley Bi-State Regional Chamber of Commerce, appointed by that organization.

(6) One representative of the Greater Portsmouth Chamber of Commerce, appointed by that organization.

(7) One representative of the Retail Merchants Association of New Hampshire, appointed by the association.

(8) One representative of the New Hampshire Lodging and Restaurant Association, appointed by the association.

(9) One representative of the Home Builders and Remodelers Association of New Hampshire, appointed by the association.

(10) One representative of the NH/VT chapter of Associated Builders and Contractors, Inc., appointed by that organization.

(11) One member representing human resources professionals, appointed by HR State Council of New Hampshire, the New Hampshire affiliate of the Society for Human Resource Management.

(12) One representative of the National Association of Professional Employer Organizations, appointed by that organization.

(13) One representative of the New Hampshire Automobile Dealers Association, appointed by the association.

(14) One representative of the New Hampshire High Technology Council, appointed by that organization.

(15) One representative of the New Hampshire Manufacturing Extension Partnership, appointed by that organization.

(16) One representative of the New Hampshire Small Business Development Center, appointed by that organization.

(17) Two public members, appointed by the office of the governor.

2011-0747h

Amendment to HB 254

Proposed by the Majority of the Committee on Judiciary - R

Amend RSA 507:18 as inserted by section 1 of the bill by replacing it with the following:

507:18 Offers of Judgment in Civil Cases.

I. More than 10 days before the trial begins, either party to a claim may serve on an opposing party an offer to allow judgment on specified terms, with the costs then accrued. If, within 10 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk shall then enter judgment.

II. An unaccepted offer shall be considered withdrawn, but does not preclude a later offer. Evidence of an unaccepted offer shall not be admissible except after judgment in a proceeding to determine costs.

III. When one party's liability to another has been determined, but the extent of liability remains to be determined by further proceedings, the party held liable may make an offer of judgment. This offer shall be served within a reasonable time, but at least 10 days, before a hearing to determine the extent of liability.

IV. If the judgment that the offeree finally obtains is not more favorable than the unaccepted offer and the court finds that the offeree was unreasonable in rejecting the offer, the offeree shall pay the costs incurred, including reasonable attorney's fees, after the offer was made.

2011-0711h

Amendment to HB 262-FN

Proposed by the Committee on Commerce and Consumer Affairs - R

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

1 New Section; Nano Brewery License. Amend RSA 178 by inserting after section 12 the following new section:

178:12-a Nano Brewery License.

I. The commission may issue a nano brewery license to a business that manufactures beer or specialty beer, not exceeding, 2,000 barrels annually for sale in any quantity to the general public or licensees. The license shall entitle the licensee to sell at retail or wholesale only beverages manufactured by the licensee in a public building as defined in RSA 175:1, LV-a. In addition to the annual license fees provided in this section, a fee of $.30 for each gallon of beverage sold or transferred for retail sale or to the public shall be required.

II.(a) The annual fee for each license issued under this section shall be $240.

(b) On or before the tenth day of each month a nano brewery licensee shall pay the license fees as provided by paragraph I covering sales or transfers made during the preceding calendar month.

III.(a) No beverage or liquor shall be served or consumed on the premises except that which is manufactured by the licensee.

(b) The licensee may serve beverages to any visitor of legal drinking age by the glass or other suitable container.

(c) For the purpose of this section, food and non-alcoholic beverages may be provided by a properly licensed third party food vendor on or off the premises.

(d) The licensee shall not allow any beverage or liquor to be served or sold to any person under the age of 21 on the premises.

(e) Sales for consumption on the premises shall be limited to one 4-ounce glass per label per person.

IV. A nano brewery licensee shall have the right to transport beverages it manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state border for transportation and sale outside the state.

2 Limited Credits. Amend RSA 179:13 to read as follows:

179:13 Limited Credits.

I. Each holder of a wholesale distributor, brew pub, ***nano brewery,*** or beverage manufacturer license shall report to the commission the name and license number of any on-premises or off-premises licensee who is delinquent in making payment of accounts over a total of $100 within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-premises or off-premises licensee or on the premises of a liquor/wine/beverage warehouser storing the beverages for an on-premises or off-premises licensee. Each holder of a wholesale distributor license, brew pub license, ***nano brewery license,*** beverage manufacturer license, or beverage vendor license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

II. Each holder of a beverage manufacturer license, [~~a~~] beverage vendor license, brew pub license, ***nano brewery license,*** or wholesale distributor license shall immediately notify the commission of the receipt of the payment of any account which has been reported to the commission as delinquent. Post-dated checks beyond the 5-day reporting period shall not constitute payments of accounts for the purchases of beverages. Checks given in payment for beverages which are returned for nonpayment after the 5-day reporting period shall immediately constitute a delinquency and shall, upon return, be reported to the commission. Payments collected by agents shall be reported as delinquent unless actually received at the place of business of the holder of the beverage manufacturer license, beverage vendor license, brew pub license, ***nano brewery license,*** or wholesale distributor license on or before the fifth day of the reporting period. When collections are made by an agent, the sales slips or invoices shall be clearly marked with the name of the person making the collection and the date of such collection.

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, brew pub licenses, ***nano brewery licenses,*** and wholesale distributor licenses of the names of licensees who are delinquent in making payments of a total amount of $100 or more under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, brew pub license, ***nano brewery license,*** or wholesale distributor license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

IV. The commission may impose a fine of not less than $100 nor more than $500 for a violation of this section. Determinations of a failure to comply with this section shall be made by the commission.

V. Each wholesale distributor, brew pub licensee, ***nano brewery,*** or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, brew pub licensee, ***nano brewery,*** or beverage manufacturer. Proof of notification shall be forwarded to the commission, who shall issue an administrative notice for a violation of the provisions of RSA 179:13, I. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, ***nano brewery's,*** or beverage manufacturer's notification, providing the requirements of this section have been met.

3 Purchase and Supply Restrictions. Amend RSA 179:33 to read as follows:

179:33 Sizes of Beer Containers; Promotions; Notification.

I. Holders of beverage vendor***, nano brewery,*** or beverage manufacturer licenses shall use bottles or cans, and cases or containers for the sale of beer in the state which shall be specifically authorized by the commission.

II. Holders of beverage vendor***, nano brewery,*** or beverage manufacturer licenses shall have their packaging or containers specifically approved by the commission and shall be fined $250 for each packaging or container violation.

III. All details of transactions between retailers and wholesale distributors, beverage manufacturers, ***nano breweries,*** or brew pubs shall be reflected on pertinent invoices. Promotions shall be clearly identified by both brands and sizes and cash discounts shall be shown as credit and itemized as such. All items noted on delivery slips shall also be noted on wholesale distributor's account receivable ledger records.

IV. All wholesale distributors, beverage manufacturers, ***nano breweries,*** and brew pubs shall make their current prices for wholesale sales available to the commission in writing by brand package. Prices shall remain in effect until such time as they are changed in writing by the wholesale distributor, beverage manufacturer, ***nano brewery,*** or brew pub to the commission. Price changes shall be in the commission offices no later than 5 working days prior to any change of prices.

4 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill establishes a nano brewery license for businesses that manufacture up to 2,000 barrels of beer or specialty beer annually.

2011-0544h

Amendment to HB 274-FN

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 2 with the following:

2 Absentee Voting; Addresses and Polling Hours Maintained by Clerk. Amend RSA 657:19-c to read as follows:

657:19-c [~~E-Mail Account~~] ***Addresses and Polling Hours*** Maintained by Clerks. [~~As required by federal law, to satisfy their obligation to send and receive voting materials electronically,~~] Each town and city clerk shall establish and maintain an ***official*** e-mail [~~account and~~] address ***and street address***, which shall be publically available to voters. ***Clerks shall maintain up-to-date polling place locations for each election, including street addresses, and polling hours, and*** clerks shall keep such information in the statewide centralized voter registration database.

2011-0322h

Amendment to HB 284-FN

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

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

1 Optometry; Definitions; Pharmaceutical Agent. Amend RSA 327:1, IV(e) to read as follows:

(e) The application***, prescribing,*** or removal of Food and Drug Administration approved medical devices***,*** as approved by the board and consistent with the practice of optometry as set forth in this chapter***,*** including, but not limited to, contact lenses***, plano lenses,*** and punctal plugs. ***The term "plano lenses" means contact lenses with no refractive power.***

2 New Paragraph; Contact Lens Prescriptions. Amend RSA 327:25-a by inserting after paragraph V the following new paragraph:

VI. No person shall sell contact lenses without a valid prescription as defined in paragraph V.

3 New Paragraphs; Penalty. Amend RSA 327:30 by inserting after paragraph III the following new paragraphs:

IV. The board is authorized to issue a cease and desist order against any person or entity engaged acting in violation of this chapter. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board, or the prosecuting attorney of any county or municipality where the violation takes place may maintain an action to enjoin any person or entity from continuing to violate the provisions of this chapter. The action to enjoin shall not replace any other civil, criminal or regulatory remedy. An injunction without bond is available to the board.

4 Opthalmic Dispensing; Definitions. Amend RSA 327-A:1, IV to read as follows:

IV. "Prescription for contact lenses" means a dated and signed, written direction specifying that it is for contact lenses [~~and which~~] ***or plano lenses, and*** shall include at least the power, size, curvature, color, and material composition of the [~~contact~~] lenses. A prescription for contact lenses may also include, at the prescriber's professional discretion, other parameters or instructions such as lens manufacturer, prescription expiration date, number of permitted refills, and a statement prohibiting substitutions. Such parameters or instructions shall be honored by a person filling the prescription. Unless otherwise specified by the prescriber for health reasons, a contact lens prescription shall expire one year from the date of issue.

5 New Paragraph; Opthalmic Dispensing; Definitions. Amend RSA 327-A:1 by inserting after paragraph VIII the following new paragraph:

IX. "Plano lenses" means contact lenses with no refractive power.

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

2011-0675h

Amendment to HB 291

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 References Updated. Amend the following RSA provisions by replacing 27 C.F.R. section 55.11 with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 189:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III, and IV.

2 Definition of Permissible Fireworks. RSA 160-C:1, V is repealed and reenacted to read as follows:

V. "Permissible fireworks" means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

3 Distribution of Pamphlet. Amend RSA 160-C:12 to read as follows:

160-C:12 Distribution of Pamphlet Required. Any person engaged in selling permissible fireworks shall [~~provide~~] ***make available*** to the purchaser a pamphlet, approved by the commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

4 Permissible Fireworks Advisory Committee. RSA 160-C:13 is repealed and reenacted to read as follows:

160-C:13 Permissible Fireworks Advisory Committee.

I. There is hereby established a permissible fireworks advisory committee. The composition of this committee shall be as follows: one senator, appointed by the senate president; one representative, appointed by the speaker of the house of representatives; the state fire marshal, or designee; the director of the division of state police, or designee; and 3 public members, 2 of whom shall be engaged in the retail sale of consumer fireworks in New Hampshire and one of whom shall be a regular purchaser of consumer fireworks, appointed by the governor. No vote of the committee shall take place unless 3 members of the committee are present. The term of office of each member appointed by the governor shall be 2 years and until a successor is appointed and qualified. The other members of the committee shall serve terms coterminous with their terms in office. Vacancies shall be filled in the same manner for the unexpired terms. Members shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate. The committee shall elect a chairperson annually.

II. The committee shall meet at least once per calendar year, prior to October 1, and within 30 days of any emergency removal from retail sale of permissible fireworks pursuant to RSA 160-C:16. The purpose of the meeting following the emergency removal of permissible fireworks shall be to review the basis for the commissioner's decision and to make a recommendation to the commissioner as to whether the items are properly classified pursuant to 27 C.F.R. section 555.11.

III. The committee shall review the rules and standards of the Consumer Product Safety Commission regarding consumer fireworks so as to provide information and advice to the commissioner on the application and enforcement of the state's fireworks laws.

IV. On or before December 1, 2011, and each December 1 thereafter the committee shall make a report of the committee's activities and any recommendations for legislation to the commissioner, the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, and the state library.

5 Emergency Removal from Retail Sale. RSA 160-C:16, I is repealed and reenacted to read as follows:

I.(a) The commissioner may, upon the recommendation of the state fire marshal or the director of state police, at any time and with notice to the permissible fireworks advisory committee, suspend from retail sale or otherwise order the removal from retail sale of any permissible firework item that poses an imminent threat to life and property.

(b) The commissioner shall, within 15 days of action taken pursuant to this paragraph, file a report and request a finding from the federal Consumer Product Safety Commission, a determination on the legal status of the permissible consumer firework item being suspended or removed by the commissioner from retail sale.

(c) The commissioner's suspension or removal of any such firework items shall continue in force and effect until such time as a determination can be made and shall not supersede any finding by the Consumer Product Safety Commission pursuant to the commissioner's report and request.

6 Repeal. The following are repealed:

I. RSA 160-B:16-a, prohibiting the retail sale of reloadable aerial shells.

II. RSA 160-C:10, II and III, relative to list of permissible fireworks offered for sale.

III. RSA 160-C:15, relative to the permissible fireworks list.

IV. RSA 160-C:17, II, and III, relative to the fireworks inspector's duties.

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

AMENDED ANALYSIS

This bill defines permissible fireworks as consumer fireworks, with certain limited exceptions. The bill also revises the membership and duties of the permissible fireworks review committee.

2011-0748h

Amendment to HB 295

Proposed by the Committee on Health, Human Services and Elderly Affairs - R

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

1 Board of Medicine; Lyme Disease Treatment. The board of medicine established in RSA 329:2 shall post and maintain on its website the following statement: No licensee may be subject to disciplinary action solely for prescribing, administering, or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented in the physician's medical record for that patient.

2 Terms Defined. For purposes of section 1 of this act:

I. "Long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics, singly or in combination, for periods of time in excess of 4 weeks.

II. "Lyme disease" means the disease caused by the bacterium Borrelia burgdorferi and transmitted to humans by the bite of an infected blacklegged tick. Typical symptoms include fever, headache, fatigue, and a characteristic skin rash called erythema migrans. If left untreated, infection can spread to joints, the heart, and the nervous system. Lyme disease is diagnosed based on symptoms, physical findings such as rash, and the possibility of exposure to infected ticks; laboratory testing is helpful when used appropriately.

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

AMENDED ANALYSIS

This bill requires the board of medicine to post a statement on Lyme disease treatment on its website.

2011-0404h

Amendment to HB 298

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 356-B:40-a, I and II as inserted by section 1 of the bill by replacing it with the following:

I. If the unit owners' association or the board of directors has delegated certain powers and duties to a managing agent, the managing agent shall disclose any referral fees received from contract work performed on behalf of the association to the board of directors prior to the next regularly scheduled board meeting, unless the terms of any referral fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

II. The managing agent also shall disclose to the board of directors the amount and purpose of any fees, other than maintenance fees, received from a unit owner, unless the terms of any such fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

2011-0533h

Amendment to HB 316

Proposed by the Committee on Municipal and County Government - R

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

AN ACT relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.

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

1 Inventory Form; Appeal Rights. Amend RSA 74:7-a to read as follows:

74:7-a Penalty for Failure to File.

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which the person is liable. In no case, however, shall the penalty be less than $10 or more than $50. [~~Any person who fails to file an inventory form and who becomes~~

~~liable to pay the penalty specified in this section shall lose the right to appeal the denial of an abatement of an appraisal under RSA 75:1, but shall not~~] ***No person who fails to file an inventory form shall*** lose the right to apply for, or appeal the denial of, any other type of tax relief including an appeal under RSA 72:34-a, an appraisal under RSA 75:11, or a land use change tax under RSA 79-A:7. This penalty has all the force of taxation and shall be treated as incident to the tax.

II. If a town fails to deliver the inventory blank, the penalty [~~of loss of appeal rights~~] shall not apply.

III. If the property is transferred during the tax year to a different owner and the inventory blank was mailed or delivered to the previous owner, the penalty [~~of loss of appeal rights~~] shall not apply to the subsequent owner.

2 Elimination of Inventory Blanks. Amend RSA 74:4-a, I to read as follows:

I. Any municipality, by vote of its board of selectmen, city council or board of aldermen may elect not to utilize the inventory form or procedure. Such a vote shall automatically exempt all property owners and others within that municipality from all requirements and provisions of law relating to the inventory form[~~, including the requirement of filing an inventory in a complete and timely manner in order to retain all appeal rights on property tax or other exemptions and considerations to which they may legally be entitled~~].

3 Repeal. RSA 74:17, II, relative to the loss of right to appeal tax for refusing to grant inspection of property, is repealed.

4 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill removes the penalty of loss of appeal for property owners who refuse to grant consent to assessing officials to inspect their property or who fail to file an inventory form.

2011-0377h

Amendment to HB 317

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 153:10-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Each multi-unit dwelling and rental unit shall be equipped with automatic fire warning devices in accordance with the NFPA 101 Life Safety Code and the NFPA 72 National Fire Alarm and Signaling Code and carbon monoxide detection devices in accordance with the NFPA 720 Standard for the Installation of Carbon Monoxide (co) Detection and Warning Equipment; provided that a carbon monoxide detection device shall not be required in a multi-unit dwelling or rental unit that does not have an attached garage and does not contain an appliance or device that uses a combustion method of burning solid, liquid, or gas fuel. If a garage or combustion fuel appliance or device is later added to the dwelling or rental unit, a carbon monoxide detection device shall be required.

2011-0531h

Amendment to HB 329-FN

Proposed by the Majority of the Committee on Judiciary - R

Amend RSA 132:34, II as inserted by section 2 of the bill by replacing it with the following:

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any judge of a court of competent jurisdiction shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby.

(a) Such a pregnant minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. Any guardian ad litem appointed under this subdivision shall maintain the confidentiality of the proceedings. The court shall, however, advise her that she has a right to court-appointed counsel, and shall, upon her request, provide her with such counsel.

(b) Proceedings under this section shall be held in closed court, shall be confidential and shall ensure the anonymity of the minor. All court proceedings under this section shall be sealed. The minor shall have the right to file her petition in the court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and shall not be available to the public. These proceedings shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interest of the pregnant minor. In no case shall the court fail to rule within 48 hours from the time the petition is filed, except that the 48-hour limitation may be extended at the request of the minor. A judge of the court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained including the judge's own findings and conclusions. If the court fails to rule within the 48-hour period and an extension was not requested, then the petition shall be deemed to have been granted, and the notice requirement shall be waived.

(c) An expedited confidential appeal shall be available, as the supreme court provides by rule, to any such pregnant minor for whom the court denies an order authorizing an abortion without notification. The court shall make a ruling within 48 hours from the time of the docketing of the appeal. An order authorizing an abortion without notification shall not be subject to appeal. No filing fees shall be required of any such pregnant minor at either the trial or the appellate level. Access to the trial court for the purposes of such a petition or motion, and access to the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such a pregnant minor 24 hours a day, 7 days a week.

(d) The supreme court shall make rules to ensure that procedures followed in the appeals process are handled in an expeditious manner and protect the confidentiality of the parties involved in the appeal to satisfy the requirements of the federal courts.

2011-0637h

Amendment to HB 330-FN

Proposed by the Committee on Criminal Justice and Public Safety - R

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

2 Pistols and Revolvers; Carrying Without License. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Carrying Without License.

I. Notwithstanding any provision of law to the contrary, no person who is 18 years of age or older shall be guilty of an offense for carrying a firearm, openly or concealed, loaded or unloaded, upon or about his or her person, or upon or in a vehicle, whether or not such person possesses a license, permit, or other authorization to carry a firearm.

II. The provisions of paragraph I shall not constitute a bar to prosecution for any of the following offenses:

(a) RSA 159:3, relative to convicted felons.

(b) RSA 159:3-a, relative to armed career criminals.

(c) RSA 159:19, relative to courthouse security.

(d) RSA 207:7, relative to hunting from a motor vehicle, OHRV, snowmobile, boat, or aircraft.

(e) RSA 215-A:20, relative to loaded firearms on an OHRV.

(f) RSA 215-C:35, relative to loaded firearms on a snowmobile.

(g) RSA 637:7, relative to receiving stolen property.

(h) RSA 637:7-a, relative to possession of property without a serial number.

(i) RSA 597:7-a, relative to default or breach of conditions of release.

(j) Any unlawful act prohibited by 18 U.S.C. section 922.

3 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. [~~The provisions of~~] RSA 159:3 [~~and 4~~] shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

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

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than [4] ***5*** years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] ***5*** years. When required, license renewal shall take place within the month of the [~~fourth~~] ***fifth*** anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be $10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be [~~$100~~] ***$50***, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

5 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:

159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity. [~~Notwithstanding the provisions of RSA 159:6,~~] No nonresident [~~holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides~~] or [~~who is a~~] peace officer [~~in the state in which he resides,~~] shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

I. Such nonresident carries upon his person the license held from the state in which he resides; [~~and~~] ***or***

II. Such nonresident is in compliance with RSA 159:4; or

[~~II.~~] ***III.*** The state in which such person is a resident provides a reciprocal privilege for residents of this state.

6 Pistols and Revolvers; Exemption. Amend RSA 159:14 to read as follows:

159:14 Exemption. None of the provisions of this chapter shall prohibit an individual not licensed under the provisions thereof who is not engaged in the business of selling pistols or revolvers from selling a pistol or revolver to a person ***qualified pursuant to RSA 159:4, or who is*** licensed under this chapter***,*** or to a person personally known to him ***or her***.

7 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license [~~or a valid license to carry firearms issued pursuant to RSA 159~~] ***or is otherwise qualified pursuant to RSA 159:4***.

8 Repeal. RSA 21-P:14, II(f), relative to the authority of the commissioner of the department of safety to adopt rules relative to the issuance of nonresident pistol permits, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded, on or about his or her person or upon or in a vehicle.

II. Removes, under certain circumstances, the requirement that nonresidents obtain a license to possess a firearm while in New Hampshire.

2011-0775h

Floor Amendment to HB 330-FN
Proposed by Rep. Hoell

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

AN ACT relative to carrying a concealed weapon without a license.

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

1 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. The provisions of RSA 159:3 [~~and 4~~] shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

2 Repeal. RSA 159:4, relative to the prohibition on carrying a pistol or revolver without a license, is repealed.

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

AMENDED ANALYSIS

This bill repeals the statute that prohibits carrying a concealed pistol or revolver without a license.

2011-0110h

Amendment to HB 331
Proposed by the Committee on Executive Departments and Administration - R

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

2 New Paragraph; State Transparency Website; Exemption from Disclosure. Amend RSA 9-F:1 by inserting after paragraph III the following new paragraph:

IV.(a) Nothing in this chapter shall be construed to require the public posting or dissemination of information exempt from public disclosure under RSA 91-A or other law.

(b) In submitting information to the state's financial system, each agency shall be responsible for indentifying information that is confidential or otherwise exempt from public disclosure under RSA 91-A. The department of administrative services shall, in consultation with state agencies, establish the method by which an agency shall identify information in the state's financial system that the agency has determined is confidential or otherwise exempt from disclosure. The department of administrative services shall not post such information on the transparency website.

3 Effective Date. This act shall take effect 120 days after its passage.

2011-0593h

Amendment to HB 337-FN-LOCAL

Proposed by the Special Committee on Education Funding - R

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

1 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this section:

I. "Average daily membership in residence" or "ADMR" means the average daily membership in residence of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Determination year" means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. "Educationally disabled child" or "educationally disabled pupil" shall mean "educationally disabled child" as defined in RSA 186-C:2, I.

VI. "English language learner" means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VII. "Pupils eligible for a free or reduced-price meal" means pupils in kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

VIII. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

2 Adequate Education; Base Cost Per Pupil. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Adequate Education; Base Cost Per Pupil.

I. The commissioner shall determine the base cost per pupil of the opportunity for an adequate education in each school district using the most recent statewide salary data available, divided into quartiles, as follows:

(a)(1) The average of the 3rd and 4th quartiles of salary for a teacher possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(2) For a teacher teaching art, music, world languages, media/technology, health, or physical education, multiply the amount determined under subparagraph (a)(1) by .20.

(b) The average of the 3rd and 4th quartiles of salary for a principal possessing at least a master's degree and 3 years of educator experience, multiplied by 1.33, then multiply the product by 1.05.

(c) The average of the 3rd and 4th quartiles of salary for a guidance counselor possessing at least a master's degree, multiplied by 1.33, then multiply the product by 1.05.

(d) The average of the 3rd and 4th quartiles of salary for a library/media specialist possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(e) The average of the 3rd and 4th quartiles of salary for a technology coordinator possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(f) The average of the 3rd and 4th quartiles of salary for a reading specialist possessing at least a master's degree at step 2 of the teacher salary schedule for that position, multiplied by 1.33, then multiply the product by 1.05.

(g) The average of the 3rd and 4th quartiles of salary for an administrative assistant, multiplied by 1.33, then multiply the product by 1.05.

(h) The average of the 3rd and 4th quartiles of salary for a custodian, multiplied by 1.33, then multiply the product by 1.05.

II. In each biennium, the commissioner shall calculate the base cost per pupil of the opportunity for an adequate education in each school district as the sum of the following:

(a)(1) For teachers of pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(2) For teachers of pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(3) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the amount determined in subparagraph I(a)(2).

(4) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the amount determined in subparagraph I(a)(2).

(b) For principals, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for principals determined in subparagraph I(b).

(c)(1) For guidance counselors for pupils in kindergarten through grade 8, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(2) For guidance counselors for pupils in grades 9 through 12, divide the ADMR of pupils in the municipality in grades 9 through 12 by 300, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(d) For library/media specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for library/media specialists determined in subparagraph I(d).

(e) For technology coordinators, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 1,200, then multiply the result by the salary for technology coordinators determined in subparagraph I(e).

(f) For reading specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for reading specialists determined in subparagraph I(f).

(g) For administrative assistants, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for administrative assistants determined in subparagraph I(g).

(h) For custodians, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for custodians determined in subparagraph I(h).

(i) For instructional materials, multiply the ADMR of pupils in the municipality in kindergarten through grade 12 by $130.

(j)(1) For technology costs for pupils in kindergarten through grade 8, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by $25.

(2) For technology costs for pupils in grades 9 through 12, multiply the ADMR of pupils in the municipality in grades 9 through 12 by $65.

(k) For transportation costs, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by $304.

III. In addition to the base cost calculated under paragraphs I and II:

(a) An additional $1,725 for each pupil who is in kindergarten through grade 12, who is eligible for the federal free and reduced-price meal program, and who attends a public school in which at least 12 percent of pupils reported in the school's ADMR in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional $675 for each pupil reported in the public school's ADMR in the determination year who is an English language learner and who is receiving English language instruction.

(c) An additional $1,856 for each pupil reported in the public school's ADMR in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be the cost of the opportunity for an adequate education in each year of the biennium.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

3 Adequate Education; Provisions for Grants to Municipalities. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

4 Adequate Education; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil. The quartile containing municipalities with the lowest equalized valuation per pupil shall then be divided in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of $3,360 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of $2,100 multiplied by the municipality's average daily membership in residence.

II. Aid under this section shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than ½ day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

5 Adequate Education; Determination of Grants; Excess Tax. Amend the section heading in RSA 198:41 and RSA 198:41, I-II to read as follows:

198:41 Determination of ***Education*** Grants [~~and Excess Tax~~].

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the ***total*** education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year, and from such amount; and

(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the [~~adequate~~] ***total*** education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

6 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

[~~Excess Education Property Tax Payment~~]

Local Control and Alternative Kindergarten Programs

7 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [~~RSA 198:46,~~] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

8 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts [~~and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education~~

~~trust fund~~]. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

9 Joint Legislative Oversight Committee on Accountability for an Adequate Education.

I.(a) There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(1) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(2) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2011.

10 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay [~~tuition~~] ***the greater of $5,450 or the sum of $2,000 plus the amount calculated*** pursuant to RSA 198:40-a [~~and RSA 198:40-c~~] directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

11 References Amended. Amend the following RSA sections by replacing “statewide education property tax” or “education property tax” or “education property taxes” with “education tax” or “education taxes,” as the context dictates: RSA 76:8, I; the introductory paragraph in RSA 198:57, IV, and RSA 198:57, VI(a).

12 Repeal. The following are repealed:

I. RSA 198:46, relative to excess education tax payments.

II. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

III. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

13 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes aid distributed to schools based on the number of pupils eligible to receive special education, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality’s equalized valuation, including utilities, per pupil and median family income.

III. Provides that a municipality which is scheduled to receive an adequate education grant in a fiscal year which is less than the grant such municipality received in the 2011 fiscal year shall receive an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

IV. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

V. Establishes a joint legislative oversight committee on accountability for an adequate education.

VI. Provides that the state shall pay the greater of $5,450 or the sum of $2,000 plus the amount calculated under RSA 198:40-a to chartered public school pupils.

2011-0604h

Amendment to HB 339-FN-A

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 427:2, VIII(e)-(l) as inserted by section 1 of the bill by replacing them with the following:

(e) If it is in a package or other container unless it bears a label showing:

(1) The name and place of business of the manufacturer, packer, or distributor; and

(2) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that under this subparagraph, reasonable variations may be permitted, and exemptions as to small packages may be established by the commissioner;

(f) If any word, statement, or other information required by or under authority of this subdivision to appear on the label or other labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(g) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been established by the commissioner unless:

(1) It conforms to such definition and standard, and

(2) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by the commissioner, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food;

(h) If it purports to be or is represented as a food for which a standard or standards of fill of container have been established by the commissioner, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as the commissioner has specified, a statement that it falls below such standard;

(i) If it is not subject to the provisions of subparagraph (g), unless its label bears:

(1) The common or usual name of the food, it there is any, and

(2) In case it is fabricated from 2 or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may be designated as spices, flavorings, and colorings without naming each; provided that, to the extent that compliance with the requirements of this subparagraph is impracticable, or results in deception or unfair competition, exemptions shall be established by the commissioner;

(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the commissioner, after consultation with the Secretary of Agriculture of the United States, determines to be necessary in order to fully inform purchasers as to its value for such uses;

(k) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by the commissioner; or

(l) If it fails to bear, directly thereon or on its container, as the commissioner may require, the inspection legend and, unrestricted by any of the foregoing, such other information as the commissioner may require to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

Amend the introductory paragraph of RSA 427:4,I as inserted by section 1 of the bill by replacing it with the following:

I. An examination and inspection of all livestock before they shall be allowed to enter into any slaughtering establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for commerce:

Amend RSA 427:16, IV(f) as inserted by section 4 of the bill by replacing it with the following:

(f) The slaughtering of sound and healthy poultry or the processing of poultry products of such poultry by any poultry producer or other person for distribution by him or her directly to household consumers for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

Amend RSA 427:32-b as inserted by section 7 of the bill by replacing it with the following:

427:32-b Fund Established. There is established in the office of the state treasurer a nonlapsing fund to be known as the meat inspection program fund to be administered by the commissioner, which shall be kept distinct and separate from all other funds. The treasurer shall deposit all gifts, grants, donations, and applicable fees received under RSA 427 in the meat inspection program fund. All moneys in the meat inspection program fund shall be continually appropriated to the commissioner for the purpose of paying the start-up and ongoing costs associated with the administration of the meat inspection program.

Amend section 7 of the bill by inserting after RSA 427:32-c the following new RSA section:

427:32-d Fees.

I. The commissioner shall adopt rules under RSA 541-A which establish fees for the processing of the following meat producing animals:

(a) No more than $50 per cow processed.

(b) No more than $30 per sheep, goat, pig, deer or elk processed.

(c) No more than $10 per turkey or rabbit.

(d) No more than $5 per chicken or other bird, not including turkeys.

II. The fees established by the commissioner for the processing of meat producing animals as well as the fees, fines and administrative charges established by the commissioner under RSA 427:14 shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the meat inspection program for the previous fiscal year. The requirements of this paragraph shall apply one year after the first establishment is opened and operating within the state meat inspection program as determined by the state veterinarian.

Amend the bill by replacing section 9 with the following:

9 Appropriation. The sum of $1 for the fiscal year ending June 30, 2012 is hereby appropriated to the department of agriculture, markets, and food for deposit in the meat

inspection program fund established in RSA 427:32-b. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2011-0570h

Amendment to HB 341

Proposed by the Committee on Municipal and County Government - R

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

2 New Section; City Charters; Limitations on Growth of Budgets and Taxes. Amend RSA 49-C by inserting after section 23 the following new section:

49-C:23-a Limitations on the Growth of Budgets and Taxes. A city charter may provide for limitations on the growth of one or more of the following: the annual city budget, the annual school budget if the city and the school district have the same legislative body, or taxes assessed by the city. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the elected body or a 2/3 vote of all members of the elected body present and voting.

3 New Section; Town Charters; Limitations on the Growth of Budgets and Taxes. Amend RSA 49-D by inserting after section 5 the following new section:

49-D:6 Limitations on the Growth of Budgets and Taxes.

I. Any town that by charter has adopted the town council form of government authorized under RSA 49-D:3, I, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the town council present and voting.

II. Any town that by charter has adopted the official ballot town council form of government authorized under RSA 49-D:3, I-a, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the town council present and voting. No matter to be voted on by official ballot may be subject to a supermajority voting requirement.

III. Any town that by charter has adopted the representative town meeting form of government authorized under RSA 49-D:3, III, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limit by a 2/3 vote of all members of the representative town meeting present and voting.

4 Applicability. Any municipal charter provision adopted, amended, or revised prior to the effective date of this act which authorizes a 2/3 vote of the elected body to override any provision limiting the growth of budgets or taxes shall remain in effect on the effective date of this act.

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

2011-0547h

Amendment to HB 347

Proposed by the Committee on Judiciary - C

Amend the bill by replacing section 1 with the following:

1 Motor Vehicle Records; Disclosure Required. Amend RSA 260:14, II-a to read as follows:

II-a. The accident report, the technical accident reconstruction report, any repair estimate, or any similar document that constitutes a motor vehicle record that is created or received as a result of any accident or collision involving a [~~state-owned or state-leased~~] vehicle ***owned or leased by the state, a county, a city, a town, or a local public entity*** shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A. ***Any report of a violation of this title by an employee or official of a county, a city, a town, or a local public entity while engaged in official business in a vehicle owned or leased by the state, a county, a city, a town, or a local public entity shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A.***

2011-0538h

Amendment to HB 348-FN

Proposed by the Majority Committee on Executive Departments and Administration - R

Amend RSA 284:6-a, VI as inserted by section 10 of the bill by replacing it with the following:

VI. Notwithstanding any law, rule or current practice to the contrary, the commission shall not authorize:

(a) Any game, lottery or other offering which was not in use by the public on or before October 1, 2010, including but not limited to any game, lottery or other offering by video slot machine and other gambling machines, devices which function or are designed to emulate a video slot machine or other gambling machine, an historical racing machine, electronic lucky 7 ticket units and computer technology to reveal instant ticket winners, whether in physical presence or through the Internet; or

(b) A reduction in the length of time between placing a wager, purchasing a lottery ticket or otherwise engaging in gambling and the announcement of the result of the wager, lottery or gamble for any game, lottery or other offering which was in use by the public on or before October 1, 2010.

2011-0761h

Amendment to HB 355

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 21-P:4, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a [~~and~~]***,*** RSA 153:5***, RSA 153:28, RSA 153:29-a, and RSA 160-C*** to the state fire marshal or his designee, or to any fire chief, fire investigator, fire inspector or [~~fire prevention~~] ***code enforcement*** officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. ***Any such officer may also be granted authority under the conditions set forth in RSA 21-P:14, II(s) to issue a citation for violations to an unlicensed person pursuant to RSA 319-C and RSA 329-A.***

2011-0366h

Amendment to HB 358

Proposed by the Committee on Municipal and County Government - C

Amend RSA 289:14-a, III as inserted by section 2 of the bill by replacing it with the following:

III. Any city, town, or public body shall be immune from civil liability in any action brought on the basis of any act or omission by any person who voluntarily and without compensation undertakes to maintain or to repair any burying ground.

Amend RSA 289:14-a, V as inserted by section 2 of the bill by replacing it with the following:

V. After approval and notice required under RSA 635:6, II, any marker, gate, or other material removed for repair shall be stored and kept safely in a manner determined by the selectmen, town council, mayor, or cemetery trustees. Upon approval of the selectmen, town council, mayor, or cemetery trustees, a marker, gate, or other material deemed to be at risk of irreparable damage or loss may be placed permanently in a safe facility and the fact of its removal or replacement made visible in the cemetery or in public records.

2011-0452h

Amendment to HB 370

Proposed by the Majority of the Committee on Education - R

Amend RSA 193-F:4, II(l) as inserted by section 2 of the bill by replacing it with the following:

[~~(m)~~] ***(l)*** A written procedure [~~providing for~~] ***requiring*** communication with the parent or parents or guardian of victims and perpetrators throughout the course of the investigation and a written procedure providing for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law.

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

4 New Section; Pupil Safety and Violence Prevention; Bullying or Cyberbullying Occurring Off of School Property. Amend RSA 193-F by inserting after section 4 the following new section:

193-F:4-a Bullying or Cyberbullying Occurring Off of School Property. A school board member or employee of a school district who becomes aware of an incident of bullying or cyberbullying which occurs off of school property shall notify the principal of the school attended by the victim and, if the perpetrator attends a different school than the victim, the principal of the school attended by the perpetrator. The principal or principals shall, in writing, notify the parent, or parents, or guardian of the victim and the perpetrator within 48 hours of the incident.

AMENDED ANALYSIS

This bill:

I. Deletes a provision authorizing the superintendent to grant the principal a waiver from providing notice of an incident of bullying within 48 hours to the victim or the perpetrator.

II. Removes a provision extending the bullying and cyberbullying statute to actions occurring off school property, but requires a school principal to notify the parent, parents, or guardian of the victim and the perpetrator of any incidents of bullying or cyberbullying occurring off school property.

2011-0582h

Amendment to HB 378-FN

Proposed by the Committee on Criminal Justice and Public Safety - R

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

AN ACT inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force.

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

2 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. The person [~~shall~~] ***may*** be given a minimum [~~mandatory~~] sentence of not less than 3 years' imprisonment for a first offense and a minimum [~~mandatory~~] sentence of not less than 6 years' imprisonment if such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.

3 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. ***The act of producing, displaying, or pointing a weapon shall constitute non-deadly force.***

AMENDED ANALYSIS

This bill provides that a person who is on his or her own property and who responds to a trespasser who refuses to leave and displays a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed criminal threatening. The bill also removes the minimum mandatory sentence for conviction of a felony involving the possession, use, or attempted use of a firearm, and makes the sentence for such a felony conviction discretionary.

2011-0740h

Amendment to HB 381

Proposed by the Committee on Science, Technology and Energy - C

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

1 New Paragraph; Definitions. Amend RSA 362-A:1-a by inserting after paragraph I-c the following new paragraph:

I-d. "Combined heat and power system" means a new system installed after July 1, 2011, that produces heat and electricity from one fuel input using an eligible fuel, without restriction to generating technology, has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80 percent in the production of heat and electricity, or has an electric generating capacity greater than 30 kilowatts and not more than one megawatt and a fuel system efficiency of not less than 65 percent in the production of heat and electricity. Fuel system efficiency shall be measured as usable thermal and electrical output in BTUs divided by fuel input in BTUs.

2 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns or operates ***an*** electrical generating [~~facilities~~] ***facility either*** powered by renewable energy ***or which employs a heat led combined heat and power system,*** with a total peak generating capacity of not more than 100 kilowatts, or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more up to one megawatt, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used in the first instance to offset the customer's own electricity requirements.

II-c. "Eligible fuel" means natural gas, propane, hydrogen, heating oil when combusted with a burner, or other fuel approved by the department of environmental services, through rules adopted under RSA 541-A, including air emission standards for the device using the approved fuel.

II-d. "Heat led" means that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.

3 Effective date. This act shall take effect on July 1, 2011.

2011-0514h

Amendment to HB 382

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to the maintenance of municipal public cemeteries.

Amend RSA 289:4 as inserted by section 1 of the bill by replacing it with the following:

289:4 Maintenance. Every municipality shall raise and appropriate sufficient funds, by taxation or otherwise, to provide for the suitable care and maintenance of the municipal public cemeteries within its boundaries which are not otherwise provided for ***by an alternative funding source*** [~~, and to provide and maintain around all such cemeteries a good and sufficient fence, and to supply the fence with necessary gates~~]. Every municipality may raise and appropriate annually a sufficient sum to provide for the suitable care and maintenance of deserted burial grounds and cemeteries which have been declared abandoned in accordance with RSA 289:19-21.

AMENDED ANALYSIS

This bill removes the requirement that municipalities maintain sufficient fencing and gate

2011-0576h

Amendment to HB 387

Proposed by the Committee on Science, Technology and Energy - R

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

1 New Section; Enhanced 911 System; Subscriber Information From Providers of Prepaid Cellular Telephone Service. Amend RSA 106-H by inserting after section 10 the following new section:

106-H:10-a Provision of Prepaid Telephone Subscriber Information. Each provider of prepaid commercial mobile radio service shall provide to the bureau for the purposes of helping to locate a calling party in exigent circumstances and in such format as the commissioner may require, any information in its possession related to the name, street address, city, and state of the purchaser or user of the service and the telephone number assigned to such purchaser or user sold by a provider or such provider's agent within the state of New Hampshire. This information shall be made available by the provider or reseller of such service to the bureau at the time of request by the bureau. For purposes of this section, the term "purchaser" means the end user of the service at the retail level.

II. No provider of a prepaid commercial mobile radio service shall be held liable for failure to provide any or all of the requested information if the information is not in the provider's possession and the provider has acted in good faith to comply with this section.

2 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill requires providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

2011-0639h

Amendment to HB 390

Proposed by the Committee on Executive Departments and Administration - C

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

1 Reinstated Boards, Commissions, Councils, Advisory Committees, and Task Forces. Pursuant to 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby reinstated:

(1) RSA 5:42	State Historical Records Advisory Board
(2) RSA 12-A:2-f	New Hampshire Economic Development Fund Review Committee

(3)	RSA 12-A:9-c	Nash Stream Forest Citizens Committee
(4)	RSA 12-A:29-b	Cannon Mountain Advisory Commission
(5)	RSA 12-A:54	Job Training Program for Economic Growth Grant Review Committee
(6)	RSA 17-I:1	Joint Legislative Historical Committee
(7)	RSA 21-P:51	Joint Legislative Oversight Committee on the Emergency Management System.
(8)	RSA 21-R:6	Information Technology Council
(9)	RSA 21-R:9	Joint Legislative Information Technology Oversight Committee.
(10)	RSA 106-G:1	Advisory Committee on Breath Analyzer Machines
(11)	RSA 132:10-a	Newborn Screening Advisory Committee
(12)	RSA 151-C:3	Health Services Planning and Review Board
(13)	RSA 153:2	State Advisory Board of Fire Control
(14)	RSA 153:16-c	Advisory Committee on Heating System Certification
(15)	RSA 153-A:8	Trauma Medical Review Committee
(16)	RSA 171-A:19-a	Committee for the Protection of Human Subjects
(17)	RSA 227-D:4	Monadnock Advisory Commission
(18)	RSA 275-C:11	Committee on Architectural Barrier-Free Design
(19)	RSA 278:2	State Apprenticeship Advisory Council
(20)	RSA 330-A:4	Mental Health Board Advisory Committees

2 Repealed Boards, Commissions, Councils, Advisory Committees, and Task Forces. Notwithstanding 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby repealed effective December 31, 2011:

(1)	RSA 19-B	Commission on the Status of Women
(2)	RSA 126:24-h	Advisory Committee on Quality of Vital Records Information
(3)	RSA 126-A:65	Comprehensive Cancer Plan Oversight Board
(4)	RSA 126-I:3	Osteoporosis Advisory Council
(5)	RSA 169-C:39-d	New Hampshire Children's Trust Fund Board
(6)	RSA 170-G:6	Advisory Board to the Department of Health and Human Services
(7)	RSA 186-C:21	Executive Planning Commission on Special Education
(8)	RSA 227-C:18-23	State Heritage Collections Committee

3 Comprehensive Cancer Plan Fund. Amend the introductory paragraph of RSA 126-A:64 to read as follows:

There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions of the New Hampshire comprehensive cancer plan as developed by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, with allocations determined by the [~~comprehensive cancer plan oversight board~~] ***commissioner of the department of health and human services***:

4 Services for Children, Youth, and Families; Appeals. Amend RSA 170-G:4-a, IV to read as follows:

IV. The appeal shall be heard under RSA 541-A:31-36 by the commissioner or his ***or her*** designee [~~and 2 members from the advisory board established by RSA 170-G:6. The chairman of the advisory board shall appoint its 2 members~~]. No person hearing the appeal shall have had any involvement in establishing the rate or deciding on the certification that is the subject of the appeal, or be affiliated in any way with the appellant.

5 Special Education; Duties. Amend RSA 186-C:3-a, II(e)(1) to read as follows:

(1) If children with disabilities are being placed in out-of-district programs solely due to a lack of qualified personnel, the department shall develop and implement strategies[~~, in addition to the requirements of RSA 186-C:21,~~] to help address the shortage and increase the capacity of local education agencies to serve children in the schools they would attend if not disabled.

6 Repeal of the New Hampshire Children's Trust Fund Board. Notwithstanding the provisions of 2010, 195:3 and 2010, 195:4, the New Hampshire children's trust fund board established in RSA 169-C:39-d is hereby repealed in accordance with section 2 of this act.

7 Repeal. The following are repealed:

I. RSA 21-H:14-c, II(a)(15), relative to a member from the commission on the status of women serving on the interagency coordinating council for women offenders.

II. RSA 169-C:39-b, I, relative to the definition of New Hampshire children's trust fund board.

III. RSA 276-B:2, I(e), relative to a member from the commission on the status of women serving on the task force on work and family.

IV. 2007, 263:98, II, relative to the repeal of the comprehensive cancer plan oversight board.

8 Effective Date. This act shall take effect June 29, 2011.

2011-0562h

Amendment to HB 398

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Service Animals. The chapter title of RSA 167-D is repealed and reenacted to read as follows:

SERVICE ANIMALS AND SEARCH AND RESCUE DOGS

2 Service Animals. RSA 167-D:1 through RSA 167-D:9 is repealed and reenacted to read as follows:

167-D:1 Definitions. As used in this chapter:

I. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

II. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally, or customarily permitted or invited.

III. A "place of public accommodation" shall mean, but shall not be limited to, any tavern roadhouse, hotel, motel, or trailer camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation, or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice, and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage; any public conveyance operated on land or water, or in the air, or any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or any other place of amusement; any comfort station; any dispensary, clinic, or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the state board of education, or the commissioner of education of the state of New Hampshire.

IV. "Service animal" means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

V. "Service animal trainer" means any person who is employed by or volunteers for an organization generally recognized by agencies involved in the rehabilitation of mobility impaired persons as reputable and competent to provide service animals with training, and who is actively involved in the training process.

VI. "Search and rescue dog" means any dog which has been trained to perform typical search and rescue operations and is certified by a competent authority or holds a title from a competent authority or organization recognized by the office of the governor, the department of safety, the department of fish and game, or the Federal Emergency Management Agency or its successor agency.

167-D:2 Service Animal Duties.

I. The work or tasks performed by a service animal shall be directly related to the handler's disability. Work and tasks may include, but is not limited to:

(a) Assisting individuals who are blind or have low vision with navigation and other tasks.

(b) Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.

(c) Providing non-violent protection or rescue work.

(d) Pulling a wheelchair.

(e) Assisting an individual during a seizure.

(f) Alerting individuals to the presence of allergens.

(g) Retrieving items such as medicine or a telephone.

(h) Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

(i) Helping persons with psychiatric and neurological disability by preventing or interrupting impulsive or destructive behaviors.

II. The crime determent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this chapter.

167-D:3 Private Clubs, etc. Nothing herein contained shall be construed to include or apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using good faith criteria other than race, creed, color, national origin, ancestry, or disability in admission of students.

167-D:4 Service Animals May Accompany. It is lawful for any service animal to accompany his or her handler or trainer into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

167-D:5 Application of RSA 167-D:4 to Search and Rescue Dogs. The provisions of RSA 167-D:4 shall also apply to dogs involved in search and rescue missions at the request of a government agency when such dogs are in the course of, or traveling to or from the scene of, their official duties.

167-D:6 Service Animal Trainer. A service animal trainer, while engaged in the actual training process and activities of such animals, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to persons with disabilities using a service animal.

167-D:7 Licensing. Service animals shall be licensed as provided in RSA 466.

167-D:8 Prohibited Acts.

I. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a service animal's handler or trainer who otherwise complies with the limitations applicable to persons without disabilities.

II. It is unlawful for any person to fit an animal with a collar, leash, or harness of the type which represents that the animal is a service animal, if in fact said animal is not and to thus use the animal to misrepresent the physical status of said person.

III. It is unlawful for any person to willfully interfere or attempt to interfere with a service animal.

167-D:9 Nonuse of Service Animal. A person with a disability not using a service animal in any of the places, accommodations, or conveyances listed in RSA 167-D shall have all of the rights and privileges conferred by law upon other persons; and the failure of person with a disability to use a service animal in those places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

167-D:10 Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor

3 Service Animals; Emergency Plans. Amend RSA 21-P:37, VI to read as follows:

VI. To prepare a comprehensive plan and program for the evacuation of [~~hearing ear dogs, guide dogs,~~] search and rescue dogs[~~,~~] and [~~other~~] service animals, as defined in RSA 167-D.

4 Service Animals; Emergency Plans. Amend RSA 466:44 to read as follows:

466:44 Restaurants and Food Stores.

I. Except as provided in paragraph II, no person shall bring any animal into any restaurant or any store that sells food; and no person shall allow any animal to enter in any store that sells food, except for [~~guide dogs leading blind persons, and the hearing ear dog and the service dog~~] ***service animals*** as provided in RSA 167-D. Whoever violates the provisions of this paragraph shall be guilty of a violation.

II. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a [~~service dog~~] ***service animal*** is present.

5 Service Animals; Motor Vehicles Approaching. Amend RSA 265:41-a to read as follows:

265:41-a Approaching a [~~Hearing Ear Dog~~] ***Service Animal***. The driver of a vehicle approaching a [~~deaf or hearing impaired~~] person using a [~~properly identified hearing ear dog~~] ***service animal*** shall take all necessary precautions to avoid injury to that person, and any driver who fails to take such precautions shall be liable in damages for any injury caused to that person.

6 Repeal. RSA 167-C:2 relative to guide dogs for individuals that are blind, is repealed.

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

2011-0527h

Amendment to HB 401

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend the bill by replacing section 1 with the following:

1 High School and Postsecondary 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***.

I. 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.

II. 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 exits 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.

2011-0410h

Amendment to HB 404

Proposed by the Committee on Resources, Recreation and Development - C

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

AN ACT relative to toilet facilities at recreational campgrounds or camping parks.

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

1 Recreational Parks and Campgrounds; Disposal System. Amend RSA 216-I:4, III to read as follows:

III. Flush toilets or other approved toilet facilities***, such as self-composting toilets or incinerating toilets,*** shall be provided in all recreational campgrounds or camping parks.

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

AMENDED ANALYSIS

This bill includes self-composting toilets or incinerating toilets on the list of toilet facilities which may be provided in recreational campgrounds or camping parks.

2011-0358h

Amendment to HB 409

Proposed by the Committee on Municipal and County Government - R

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

1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as follows:

I. In the case of towns, appointed or elected members of the planning board may also serve on any other municipal board or commission ***except the conservation commission or a local land use board as defined in RSA 672:7***, provided that such multiple membership does not result in 2 planning board members serving on the [~~same board or commission~~] ***local governing body***.

2 Planning Board. Amend RSA 673:2 to read as follows:

673:2 Planning Board.

I.(a) In cities, the planning board shall consist of 9 members:

(1) The mayor of the city, or with the approval of the local legislative body the mayor's designee[~~, who shall be an ex officio member~~];

(2) An administrative official of the city selected by the mayor[~~, who shall be an ex officio member~~];

(3) A member of the city council selected by the council[~~, who shall be an ex officio member~~]; and

(4) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

(b) Alternatively, the local legislative body in a city with a city council-city manager form of government may establish a planning board with membership as provided in paragraph I-a.

I-a. In cities with a city council-city manager form of government, the planning board may consist of the following 9 members:

(a) The city manager, or with the approval of the local legislative body the city manager's designee[~~, who shall be an ex officio member~~];

(b) A member of the city council selected by the council[~~, who shall be an ex officio member~~]; and

(c) Seven persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

I-b. In towns which operate under the town council form of government, the planning board shall consist of 7 or 9 members, as determined by the local legislative body or by the municipal charter. If the planning board shall consist of 9 members, the members shall be the persons listed in paragraph I. If the planning board shall consist of 7 members, the members shall be as follows:

(a) A member of the town council or administrative official of the town selected by the town council[~~, who shall be an ex officio member~~]; and

(b) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

II. In other towns, the planning board shall consist of 5 or 7 members as determined by the local legislative body. The membership shall be filled by one of the following procedures:

(a) The selectmen shall designate one selectman or administrative official of the town [~~as an ex officio member~~] and appoint 4 or 6 other persons who are residents of the town, as appropriate; or

(b) The local legislative body may decide, by majority vote at the town meeting, that planning board members shall be elected according to either the procedure in subparagraph (1) or in subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA 673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c). The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2) shall specifically state which procedure for electing planning board members is being voted upon. Following the majority vote at town meeting, planning board members shall be elected as follows:

(1) The selectmen shall choose one selectman or administrative official of the town [~~as an ex officio member~~] and the remaining planning board positions shall be filled at the next regular town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the term provided under RSA 673:5, II; or

(2) The selectmen shall choose one selectman or administrative official of the town [~~as an ex officio member~~] and the remaining planning board positions shall be filled on a staggered basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed member expires, until each member of the board is an elected member. The maximum number of elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member is an elected member, such member shall be elected for the term provided in RSA 673:5, II.

(c) A local legislative body which has voted to elect planning board members may, by majority vote at town meeting, decide to rescind that action and have the planning board appointed in the manner set forth in subparagraph (a). The vote to have planning board members so appointed shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint members in accordance with RSA 673:5. The planning board shall, however, continue in existence, and the elected members in office at the time of the town meeting vote to appoint members may continue to serve until their successors are appointed and qualified.

III. In village districts, the planning board shall consist of either 5 or 7 members as determined by the village district meeting. The district commissioners shall:

(a) Designate one district commissioner or administrative official of the district [~~as an ex officio member~~]; and

(b) Appoint 4 or 6 other persons who are residents of the village district, as appropriate.

IV. In counties in which there are located unincorporated towns or unorganized places, the planning board shall consist of 5 or 9 members. The county commissioners shall recommend appointees to the planning board, and the appointees shall be approved by the county delegation. Planning board members shall be residents of the county, and shall be evenly distributed geographically throughout the county. The membership of the planning board shall be as follows:

(a) The chairperson of the board of county commissioners or designee [~~shall be an ex officio member~~].

(b) A member of the county convention selected by the convention [~~shall be an ex officio member~~].

(c) An administrative official of the county selected by the chairperson of the board of county commissioners [~~shall be an ex officio member~~].

(d) Two or 6 persons appointed by the board of county commissioners and approved by the county convention.

(e) One or 3 alternates appointed by the board of county commissioners and approved by the county convention.

3 Heritage Commissions. Amend RSA 673:4-a, II to read as follows:

II. Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. If there is a historic district commission, one member of this commission shall be [~~an ex officio~~] ***a*** member of the heritage commission. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate***,*** and promote the purpose of the heritage commission.

4 Terms. Amend RSA 673:5, I(a) to read as follows:

I.(a) [~~Except as provided in subparagraph (b),~~] The term of any ex officio member serving on a local land use board shall coincide with the term for that other office; [~~except that~~] the term of the administrative official appointed by the mayor shall terminate with the term of office of the mayor appointing the official, and [~~that~~] the term of the administrative official appointed by the town council, board of selectmen, or village district commissioners shall be for one year.

5 Applicability. The provisions of RSA 673:7, I, as amended by section 1 of this act, shall not apply to any current term of any person legally appointed or elected to multiple boards or commissions prior to the effective date of this act. No person thus exempted from the limitations on membership established in section 1 of this act may be reappointed or reelected to any board or commission except in conformity with the amended provisions of RSA 673:7, I.

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

AMENDED ANALYSIS

This bill modifies limitations on town planning board members serving on another board or commission. This bill also corrects certain references to appointed land use board members.

2011-0584h

Amendment to HB 411

Proposed by the Committee on Election Law - R

Amend the bill by replacing section 1 with the following:

1 Distributing Campaign Materials at Polling Place. Amend RSA 659:43, II to read as follows:

II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare***,*** and rights of voters within a corridor [~~10~~] ***15*** feet wide and extending [~~a distance~~] from the entrance door of the building [~~as determined by the moderator~~] where the election is being held ***to the nearest public way or parking area***. ***In cities and towns that have not adopted an ordinance establishing the dimensions of the corridor, the moderator may, in the interests of the safety, welfare, and rights of voters, alter the dimensions of the corridor, if the moderator posts notice of the altered dimensions at the office of the town or city clerk or at the town hall at least 10 days before the election. The altered dimensions shall be subject to review by the secretary of state, if such review is requested by a resident of the town or ward or candidate appearing on the ballot in the town or ward at least 3 days before the election; following the review, the secretary of state shall either approve or modify the altered dimensions of the corridor. If, due to an unforeseen event, enforcement of the dimensions of the corridor would endanger public safety, the moderator may establish temporary emergency dimensions until the danger to public safety has passed; the moderator shall promptly notify the secretary of state of the circumstances requiring the establishment of temporary emergency dimensions.***

AMENDED ANALYSIS

This bill authorizes the moderator to alter the corridor in which distributing campaign materials and electioneering are prohibited at the polling place, subject to review by the secretary of state.

2011-0733h

Amendment to HB 418-FN

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

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

2 New Subdivision; Department of Information Technology; Open Standards. Amend RSA 21-R by inserting after section 9 the following new subdivision:

Open Standards

21-R:10 Definitions. In this subdivision:

I. "Open source software" means software that guarantees the user, without further cost:

(a) Unrestricted use of the software for any purpose;

(b) Unrestricted access to the respective source code;

(c) Exhaustive inspection of the working mechanisms of the software;

(d) Use of the internal mechanisms and arbitrary portions of the software, to adapt them to the needs of the user;

(e) Freedom to make and distribute copies of the software; and

(f) Modification of the software and freedom to distribute modifications of the new resulting software, under the same license as the original software.

II. "Open standards" means specifications for the encoding and transfer of computer data that:

(a) Is free for all to implement and use in perpetuity, with no royalty or fee;

(b) Has no restrictions on the use of data stored in the format;

(c) Has no restrictions on the creation of software that stores, transmits, receives, or accesses data codified in such way;

(d) Has a specification available for all to read, in a human-readable format, written in commonly accepted technical language;

(e) Is documented, so that anyone can write software that can read and interpret the complete semantics of any data file stored in the data format;

(f) If it allows extensions, ensures that all extensions of the data format used by the state are themselves documented and have the other characteristics of an open data format;

(g) Allows any file written in that format to be identified as adhering or not adhering to the format; and

(h) If it includes any use of encryption or other means of data obfuscation, provides that the encryption or obfuscation algorithms are usable in a royalty-free, nondiscriminatory manner in perpetuity, and are documented so that anyone in possession of the appropriate encryption key or keys or other data necessary to recover the original data is able to write software to access the data.

III. "Proprietary software" means software that does not fulfill all of the guarantees provided by open source software.

IV. "State agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called, including the legislative and judicial branches of state government, established in the state constitution, statutes, or executive orders.

21-R:11 Use of Open Source Software by State Agencies.

I. For all software acquisitions, each state agency, in consultation with the department of information technology, shall:

(a) Consider acquiring open source software products and services as an alternative to proprietary software products and services;

(b) Except as provided in subparagraphs (d) and (e), acquire software products primarily on a value-for-money basis;

(c) Provide justification to the chief information officer whenever a proprietary software product is acquired rather than open source software;

(d) Avoid the acquisition of products that do not comply with open standards for interoperability or data storage; and

(e) Avoid the acquisition of products that are known to make unauthorized transfers of information to, or permit unauthorized control of or modification to a state agency's computer.

II. All state procurement documents related to software acquisitions shall include language that requires adherence to this section.

21-R:12 Metrics; Inventory of Open Source Software Used by State Agencies. Each state agency shall maintain an inventory of all proprietary and open source software products used by the agency.

21-R:13 Use of Open Data Formats by State Agencies.

I. The commissioner shall assist state agencies in the purchase or creation of data processing devices or systems that comply with open standards for the accessing, storing, or transferring of data. The commissioner shall:

(a) Ensure that any new data standards which the state of New Hampshire defines and to which it owns all rights are open standards compliant.

(b) Use open standards unless specific project requirements preclude use of an open data format.

(c) Reexamine existing data stored in a restricted format to which the state of New Hampshire does not own the rights every 4 years to determine if the format has become open and, if not, whether an appropriate open standard exists.

(d) Make readily accessible, on the state website, documentation on open data formats used by the state of New Hampshire. When data in open format is made available through the state's website, a link shall be provided to the corresponding data format documentation.

21-R:14 Statewide Information Policy on Open Government Data Standards.

I. The commissioner shall develop a statewide information policy based on the following principles of open government data. According to these principles, open data is data that is:

(a) Complete. All public data is made available, unless subject to valid privacy, security, or privilege limitations.

(b) Primary. Data is collected at the source, with the highest possible level of granularity, rather than in aggregate or modified forms.

(c) Timely. Data is made available as quickly as necessary to preserve the value of the data.

(d) Accessible. Data is available to the widest range of users for the widest range of purposes.

(e) Machine processable. Data is reasonably structured to allow automated processing.

(f) Nondiscriminatory. Data is available to anyone, with no requirement of registration.

(g) Nonproprietary. Data is available in a format over which no entity has exclusive control, with the exception of national or international published standards.

(h) License-free. Data is not subject to any copyright, patent, trademark, or trade secret regulation. Reasonable privacy, security, and privilege restrictions may be allowed.

II. The information policy developed under paragraph I shall include a mechanism for adoption and review by each state agency. Each agency that adopts the policy shall designate a contact person responsible for oversight and implementation of open government data standards for that agency. The contact shall act as a liaison between the department, the implementing agency, and the public in matters related to open government data standards. The commissioner shall include the status of the development and implementation of the statewide information policy based on open government data standards in the quarterly report to the legislative oversight committee under RSA 21-R:9.

III. In developing the open data standards policy, the commissioner shall solicit information from the secretary of state relative to state archiving practices and the collection of data for historical purposes.

3 Department of Information Technology; Duties of Commissioner Regarding Acquisition of Information Systems. Amend RSA 21-R:4, I to read as follows:

I. Providing technical information technology consultation to all executive branch agencies and to any other agency that requests it, including technical advice ***consistent with the principles of open government data established in RSA 21-R:11 through RSA 21-R:14*** during the development or acquisition of information systems.

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

AMENDED ANALYSIS

This bill requires state agencies to consider open source software when acquiring software and promotes the use of open data formats by state agencies. This bill also directs the commissioner of information technology to develop a statewide information policy based on principles of open government data.

2011-0709h

Amendment to HB 419-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 New Section; Certificates of Insurance. Amend RSA 412 by inserting after section 6-a the following new section:

412:6-b Certificates of Insurance.

I. In this section:

(a) “Certificate” or “certificate of insurance” means any document or instrument, no matter how titled or described, which is issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. “Certificate” or “certificate of insurance” shall not include a policy of insurance or insurance binder.

(b) “Certificate holder” means any person, other than a policyholder, who possesses a certificate of insurance or is identified as the certificate holder on the certificate.

(c) “Insurance producer” means an insurance producer licensed under RSA 402-J.

(d) “Insurer” means an entity established to conduct the kinds of insurance business as provided in RSA 401 and licensed in accordance with the provisions of RSA 402 or RSA 405.

(e) “Person” means any individual, partnership, corporation, association, or other legal entity, including any government or governmental subdivision or agency.

(f) “Policyholder” means a person who has contracted with a property or casualty insurer for insurance coverage.

II.(a) No person shall issue a certificate of insurance that:

(1) Does not comply with the requirements of subparagraph (b).

(2) Is not in the public interest.

(3) Is contrary to public policy.

(4) Is misleading, deceptive, or encourages misrepresentation.

(5) Violates any law.

(b) The following are requirements for the content, purpose, issuance, and use of certificates of insurance:

(1) Each certificate shall contain the following statement, in sufficient font and size and located on the certificate to be readily identifiable:

"This certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policy or policies referenced herein."

(2) No person shall demand or require the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning any policy of insurance to which the certificate makes reference.

(3) No person shall knowingly prepare or issue a certificate of insurance that contains any false or misleading information.

(4) No person shall prepare or issue a certificate of insurance that purports to affirmatively or negatively alter, amend, or extend the coverage provided by any policy of insurance referenced in the certificate.

(5) The requirements of this section shall apply to certificates of insurance issued as evidence of insurance policies and coverage on property, operations, or any risk located in this state, regardless of where the certificate holder, policyholder, insurer, or insurance producer is located.

(6) No certificate of insurance shall contain references to contracts, including construction or service contracts, other than the referenced contract of insurance.

(7) A certificate holder shall only have a contractual right to notice of cancellation, nonrenewal, or any similar notice concerning a policy of insurance if the person is identified and designated within the policy or any endorsement to that policy as an additional insured and that policy or endorsement requires notice to be provided.

(c) The commissioner may publish sample certificates of insurance which provide templates as to form and content, which, in his or her opinion, meet the requirements of subparagraph (b) and are acceptable for use by insurers and insurance producers. In addition to templates developed by the commissioner, insurance industry trade organizations, and supporting entities, may submit templates for consideration and inclusion in the set of sample certificates so published.

(d) An insurer or insurance producer may prepare or issue an addendum to a certificate that clarifies and explains the coverage provided by any policy of insurance referenced in the certificate and otherwise complies with the requirements of this section.

(e) An insurance producer may charge a reasonable fee to the policyholder or to a certificate holder on behalf of the policyholder in order to cover costs associated with issuing the certificate which are not otherwise provided for in commissions or expense reimbursements that the insurer has contractually agreed to pay that insurance producer.

2 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill establishes the law relative to content and form of certificates of insurance.

2011-0645h

Amendment to HB 424

Proposed by the Committee on Commerce and Consumer Affairs - C

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

6 Foreign Insurance Companies; Surplus Line Insurer. Amend RSA 405:24, II to read as follows:

II.***(a) Surplus lines insurance may be placed by a surplus lines licensee if the insurer is authorized to write the type of insurance in its domiciliary jurisdiction, and either meets the criteria established through a multi-state agreement pursuant to RSA 405-B:3 or meets one of the following criteria:***

(b) The insurer has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction which equals the greater of:

(1) The minimum capital and surplus requirements under RSA 401:4 or RSA 402:13;

(2) Fifteen million dollars; or

(3) The insurer is a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners.

III. The commissioner, pursuant to RSA 402-J, may issue a producer license to a resident of the state permitting the producer named therein to procure insurance policies and contracts of insurance or suretyship to be effective in this state in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in some state having an insurance commissioner***, or in a domestic insurer authorized to do business in accordance with paragraph IV***. Such insurance or suretyship placed with an unadmitted surplus lines company shall be for such amount as the producer cannot place with an admitted company, and shall not be placed until the producer has first satisfied the insurance commissioner that the producer cannot procure such an insurance in an admitted company. ***For purposes of this paragraph, an insurer authorized to do business in accordance with paragraph IV shall not be deemed to be authorized or admitted.*** Before delivering to the insured a policy or binder of insurance written under the provisions of this section, every producer shall have stamped in a form approved by the commissioner on the face of the binder or policy the following: "The company issuing this policy has not been licensed by the state of New Hampshire and the rates charged have not been approved by the commissioner of insurance. If the company issuing this policy becomes insolvent, the New Hampshire insurance guaranty fund shall not be liable for any claims made against the policy."

IV. A domestic insurer possessing policyholder surplus of at least $15,000,000 may, pursuant to a resolution by its board of directors, and with the approval of the commissioner, be designated as a domestic surplus lines insurer. The authority of a domestic surplus lines insurer in this state shall be limited to providing insurance covering risks procured from a surplus lines producer in accordance with this section. A domestic surplus lines insurer is not subject to the provisions of Title XXXVII, except that it shall be subject to any statute or regulation which specifically references unadmitted surplus lines companies and to the provisions of RSA 400-A:37, RSA 400-A:39, RSA 404-F, and RSA 417:1 through 417:31.

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

2011-0217h

Amendment to HB 426

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend RSA 318:58, I as inserted by section 1 of the bill by replacing it with the following:

I. Any patient, or other person [~~licensed pursuant to RSA 318:42, II and acting on behalf of the patient~~] ***or entity authorized to possess prescription drugs and medical devices pursuant to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a, or other law, including any nursing home or long-term care facility licensed under RSA 151 or any correctional facility***, may donate unused prescription drugs and medical devices to the program.

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

2011-0478h

Amendment to HB 431

Proposed by the Committee on Judiciary - C

Amend RSA 135-C:45, I as inserted by section 2 of the bill by replacing it with the following:

I. In hearings held under this chapter, after hearing all the evidence, the court may order the respondent to be released, notwithstanding expert testimony, or it may order the person to submit to some form of treatment other than inpatient treatment on an involuntary basis, which may include treatment at a community mental health program approved by the commissioner. If the examining psychiatrist recommends involuntary admission to a receiving facility as the most desirable form of treatment, the court may so order. ***The court may furnish a copy of the psychiatric evaluation, pursuant to RSA 135-C:43, II, performed by the psychiatrist designated by the court to the designated receiving facility, as defined in RSA 135-C:26, or the secure psychiatric unit.*** If the court determines that involuntary admission to a receiving facility is necessary, but the examining psychiatrist finds otherwise in his report under RSA 135-C:40, the court may overrule the recommendation of the psychiatrist only after the court finds that treatment other than involuntary admission to a receiving facility would not be in the best interests of the person and the community.

2011-0734h

Amendment to HB 442-FN

Proposed by the Committee on Health, Human Services and Elderly Affairs - R

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

1 Findings.

I. Modern medical research has discovered beneficial uses for marijuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

II. Subsequent studies since the 1999 National Academy of Sciences' Institute of Medicine report continue to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often fails to respond to conventional treatments and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

III. Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 500,000 patients in states with medical marijuana laws. Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, and many others.

IV. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics shows that approximately 99 out of every 100 marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

V. Alaska, California, Colorado, the District of Columbia, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, New Jersey, Oregon, Vermont, Rhode Island, and Washington have removed state-level criminal penalties from the medical use and cultivation of marijuana. New Hampshire joins in this effort for the health and welfare of its citizens.

VI. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of New Hampshire in violation of federal law.

VII. State law should make a distinction between the medical and non-medical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and designated caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

VIII. The people of the state of New Hampshire declare that they enact this act pursuant to the police power to protect the health of its citizens that is reserved to the state of New Hampshire and its people under the 10th Amendment to the United States Constitution.

2 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-U the following new chapter:

CHAPTER 126-V

USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-V:1 Definitions. In this chapter:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-V:8 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, or related supplies and educational materials, to a registered qualifying patient who has designated it, either by dispensing it directly to the registered qualifying patient or by dispensing it to his or her registered designated caregiver.

II. "Alternative treatment center agent" means a principal officer, board member, employee, manager, or volunteer of a registered alternative treatment center who is 21 years of age or older.

III. "Cardholder" means a qualifying patient, a designated caregiver, or an alternative treatment center agent who has been issued and possesses a valid registry identification card.

IV. "Chronic or terminal disease" means cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, or multiple sclerosis.

V. "Debilitating medical condition" means the presence of both:

(a) A chronic or terminal disease; and

(b) Symptoms or treatment results that include at least one of the following: cachexia or wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

VI. "Department" means the department of health and human services.

VII. "Designated caregiver" means an individual who is at least 21 years of age including a licensed health care professional, but who is not a qualifying patient, and who has agreed to assist with a patient's medical use of marijuana, including acquiring medical marijuana from an alternative treatment center and delivering it to the qualifying patient, and who has never been convicted of any drug-related offense. Except for a licensed health care professional, a designated caregiver may serve as a designated caregiver for only one qualifying patient at a time.

VIII. "Marijuana" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term does not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

IX. "Medical use" means the acquisition, possession, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms or results of treatment associated with the registered qualifying patient's debilitating medical condition.

X. "Physician" means an individual licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances, except that in relation to a visiting qualifying patient, "physician" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

XI. "Qualifying patient" means an individual who has been diagnosed by a physician as having a debilitating medical condition.

XII. "Registry identification card" means a document issued by the department that identifies an individual as a qualifying patient, a designated caregiver, or a registered alternative treatment center agent.

XIII. "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter. A seedling shall meet all three criteria set forth in this paragraph.

XIV. "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XV. "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days.

XVI. "Written certification" means a document signed by a physician stating that in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship as defined in RSA 329:1-c of at least 3 months in duration, the qualifying patient has a debilitating medical condition, and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. The written certification shall be valid for up to one year and shall specify the qualifying patient's debilitating medical condition, which also shall be noted in the qualifying patient's medical records.

126-V:2 Protections for the Medical Use of Marijuana.

I. A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this chapter, if the qualifying patient possesses an amount of usable marijuana that does not exceed 2 ounces. A qualifying patient shall remain subject to the provisions of RSA 126-V:5.

II. A designated caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of usable marijuana in accordance with this chapter, if the designated caregiver possesses an amount of marijuana that does not exceed 2 ounces of usable marijuana. A designated caregiver shall remain subject to the provisions of RSA 126-V:5.

III.(a) A qualifying patient is presumed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is presumed to be lawfully engaged in assisting with the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the registered qualifying patient's debilitating medical condition or symptoms or effects of the treatment associated with the debilitating medical condition, in accordance with this chapter.

IV.(a) An alternative treatment center may accept marijuana seeds, seedlings, plants, or useable marijuana from other registered alternative treatment centers in New Hampshire. An alternative treatment center may transfer or sell marijuana seeds, seedlings, plants, or usable marijuana to other registered alternative treatment centers in New Hampshire.

(b) An alternative treatment center may accept a donation of marijuana seeds or seedlings, without compensation, from individuals and entities from jurisdictions outside of New Hampshire who are authorized to cultivate medical marijuana in their home state.

(c) Individuals and entities from jurisdictions outside of New Hampshire who are authorized to cultivate medical marijuana in their home state shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege for donating marijuana seeds or seedlings to alternative treatment centers in New Hampshire.

V.(a) No school or landlord may refuse to enroll or lease to, or otherwise penalize, an individual solely for his or her status as a registered qualifying patient or a designated caregiver, unless failing to do so would put the school or landlord in violation of federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(c) Unless a failure to do so would constitute a violation of federal law or federal regulations, an employer shall not discriminate against an individual in hiring, termination, or any term or condition of employment, or otherwise penalize an individual, based upon either of the following:

(1) The individual's status as a registered qualifying patient or registered designated caregiver; or

(2) A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used or possessed, or was under the influence of or impaired by marijuana on the premises of the place of employment. For purposes of this chapter, "impaired" includes but is not limited to instances where the registered qualifying patient is not able to safely perform essential job tasks.

VI. A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied such a right solely for conduct allowed under this chapter and there shall be no presumption of neglect or child endangerment.

VII. A registered designated caregiver who is a licensed health care professional may receive compensation for costs associated with assisting a registered qualifying patient who has designated the designated caregiver to assist him or her with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

VIII. A physician shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms or effects of treatment associated with the debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care.

IX. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited.

X. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter.

XI. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a registry identification card issued by the department, provided that a debilitating medical condition as defined in RSA 126-V:1, V exists.

XII. Any cardholder who transfers marijuana to an individual who is not a cardholder under this chapter shall be guilty of a class B felony, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26. The department may revoke the registry identification card of any cardholder who violates any provision of this chapter, and the cardholder shall be subject to any other penalties established in law for the violation.

XIII. The protections provided to cardholders in this section shall exist only upon presentation of a valid registry identification card.

126-V:3 Departmental Administration.

I. Except as provided for in paragraphs II and III, the department shall issue registry identification cards to qualifying patients who submit all of the following information:

(a) Written certification as defined in RSA 126-V:1, XVI.

(b) Application or renewal fee.

(c) Name, residential and mailing address, and date of birth of the qualifying patient, except that if the applicant is homeless, no residential address is required.

(d) Name, address, and telephone number of the qualifying patient's physician.

(e) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.

(f) Name and address of the alternative treatment center that the qualifying patient designates; a qualifying patient may designate no more than one alternative treatment center at any time.

(g) A statement signed by the qualifying patient, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that their diversion of marijuana is punishable by a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.

(h) A complete set of fingerprints for the qualifying patient's designated caregiver, if any.

(i) A signed statement from the designated caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that their diversion of marijuana is punishable by a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.

II. The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:

(a) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(1) Allow the qualifying patient's medical use of marijuana;

(2) Serve as the qualifying patient's designated caregiver;

(3) Control the acquisition of the marijuana and the frequency of the medical use of marijuana by the qualifying patient; and

(c) The custodial parent or legal guardian completes an application on behalf of the minor.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, the applicant previously had a registry identification card revoked for violating the provisions of this chapter, or if the department determines that the information provided was falsified. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

IV. The department shall require a state and federal criminal records check on each person who is applying to be a designated caregiver or an alternative treatment center agent. The department shall request the department of safety to perform the state and federal criminal records check and the department of safety shall complete such records checks and convey the findings of such checks to the department within 30 days of the request. The department and the department of safety may exchange necessary data including fingerprint data with the Federal Bureau of Investigation without disclosing that the records check is related to the provisions of RSA 126-V and acts permitted by it. The department and the department of safety shall destroy each set of fingerprints obtained pursuant to this chapter after the criminal records check is complete.

V. The department shall issue a registry identification card to the designated caregiver, if any, who is named in a qualifying patient's approved application and who qualifies under this chapter. The department shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the individual.

VI. The department shall issue registry identification cards to qualifying patients and to the designated caregivers within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the physician states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier date, then the registry identification card shall expire on that date.

(a) In the case of qualified patients and designated caregivers, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the qualifying patient.

(2) If the cardholder is a designated caregiver, the designated caregiver's name, address, and date of birth.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder.

(6) A statement that the cardholder is permitted under state law to possess marijuana pursuant to this chapter for the medical use of the qualifying patient.

(b) In the case of a registered alternative treatment center agent, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the cardholder.

(2) The name and address of the alternative treatment center.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder.

(6) A statement that the cardholder is permitted to engage in activities for the alternative treatment center to cultivate and provide medical marijuana to qualified patients and designated caregivers in accordance with this chapter and a designation as to whether the person is a principal officer, board member, employee, or volunteer.

VII. The department shall track the number of registered qualifying patients who have designated each alternative treatment center and issue a monthly written statement to the alternative treatment center identifying the number of registered qualifying patients who have designated that alternative treatment center along with the registry identification numbers of each patient and each patient's designated caregivers.

VIII. In addition to the monthly reports, the department shall also provide written notice to an alternative treatment center which identifies the names and registration identification numbers of a qualifying patient and his or her designated caregivers whenever any of the following events occur:

(a) A qualifying patient designates the alternative treatment center to serve his or her needs under this chapter;

(b) An existing registered qualifying patient revokes the designation of the alternative treatment center because he or she has designated a different alternative treatment center instead; or

(c) A registered qualifying patient who has designated the alternative treatment center loses his or her status as a registered qualifying patient under this chapter.

IX. The following notifications and department responses are required:

(a) A registered qualifying patient shall notify the department of any change in his or her name, address, or designated caregiver within 10 days of such change.

(b) A registered qualifying patient or alternative treatment center agent who fails to notify the department of any of these changes shall be guilty of a violation, punishable by a fine of no more than $150. If the qualifying patient's certifying physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive benefit from the medical use of marijuana, the card is null and void upon notification by the department to the qualifying patient.

(c) A registered designated caregiver or alternative treatment center agent shall notify the department of any change in his or her name or address within 10 days of such change. A registered designated caregiver or alternative treatment center agent who fails to notify the department of any of these changes shall be guilty of a violation, punishable by a fine of no more than $150.

(d) When a qualifying patient, designated caregiver, or alternative treatment center agent notifies the department of any change to a name, address, alternative treatment center, or designated caregiver, the department shall issue the cardholder a new registry identification card with a new random 10-digit identification number within 15 days of receiving the updated information and a $10 fee.

(e) A registered qualifying patient who no longer has a debilitating medical condition and the patient's registered designated caregiver and alternative treatment center shall return all registry identification cards associated with that qualifying patient to the department within 48 hours of receiving the diagnosis by the patient's physician. When a registered qualifying patient dies, the family or designated caregiver shall notify the designated alternative treatment center within 24 hours, the alternative treatment center shall make arrangements to pick up any remaining supply of marijuana within 48 hours of receiving such notification, and the protections of this chapter shall no longer apply.

(f) If a cardholder loses his or her registry identification card, he or she shall notify the department and submit a $10 fee within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 10-digit identification number.

X. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

XI.(a) The department shall create and maintain a confidential registry of registered qualifying patients, designated caregivers, and alternative treatment center agents who have applied for and are entitled to receive a registry identification card in accordance with the provisions of this chapter.

(b)(1) Except as specifically provided in this chapter, no person shall be permitted to gain access to any information about qualifying patients, designated caregivers, and alternative treatment center agents in the department's confidential registry, or any information otherwise maintained by the department about physicians and alternative treatment centers, except for authorized employees of the department in the course of their official duties and authorized employees of local and state law enforcement agencies who have stopped or arrested an individual who claims to be engaged in the medical use of marijuana. Authorized employees of local and state law enforcement agencies shall be granted access to the information within the department's confidential registry only for the purpose of verifying that an individual who has presented a registry identification card to the state or local law enforcement official is lawfully in possession of such card. In addition, if a state or local law enforcement agent has obtained a search or arrest warrant for a specific individual or address for which the law enforcement agent has probable cause to believe possesses, cultivates, or distributes marijuana, the department shall confirm or deny whether the individual or location is a registered qualifying patient, designated caregiver, or alternative treatment center agent.

(2) An employer, landlord, court, administrative hearings officer, or health care provider that has been presented with a registry identification card by a person asserting that they are entitled to protections under RSA 126-V:2 may contact the department to verify the validity of the registry identification card. The department shall verify a registry identification card to an employer, landlord, court, or health care provider who requests verification pursuant to this paragraph, provided that the employer, landlord, court, or health care provider provides the random identification card number on the registry identification card. In verifying the validity of a registry identification card, the department shall confirm only whether a card bearing the random identification card number is valid and the name of the person to whom it was issued.

(c) An individual shall be guilty of a class B misdemeanor for breaching the confidentiality of information obtained pursuant to this chapter, except that department employees shall be exempt for notifying law enforcement officials about falsified or fraudulent information submitted to the department, provided the employee who suspects that falsified or fraudulent information has been submitted confers with his or her supervisor, and both agree that circumstances exist that warrant the notification.

XII. The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, designated caregivers, or physicians, but does contain, at a minimum, all of the following information:

(a) The number of applications and renewals filed for registry identification cards.

(b) The number of qualifying patients and designated caregivers approved in the state.

(c) The number of alternative treatment centers registered in the state.

(d) The nature of the debilitating medical conditions of the qualifying patients.

(e) The number of registry identification cards revoked.

(f) The number of physicians providing written certifications for qualifying patients.

XIII. Where a state or local law enforcement agency encounters an individual who, during the course of an investigation, credibly asserts that he or she is a registered qualifying patient or registered designated caregiver or encounters a registered alternative treatment center, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual or entity to any law enforcement authority that does not recognize the protection of this chapter and any prosecution of the individual or entity for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing marijuana to a person who is not allowed to possess it under this chapter, nor shall it prevent the sharing of information if the primary offense is unrelated to marijuana.

XIV. The application for qualifying patients' registry identification cards shall include a question asking whether the patient would like the department to notify him or her of any clinical studies regarding marijuana's risk or efficacy that seek human subjects. The department shall inform those patients who answer in the affirmative of any such studies it is notified of that will be conducted in the United States.

126-V:4 Department Rules. Not later than one year after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider applications for issuance and renewals of registry identification cards for qualifying patients and designated caregivers. The department's rules shall establish application and renewal fees for registry identification cards in accordance with the following:

I. The fee structure by the department for alternative treatment centers and registry identification cards shall generate revenues sufficient to offset all state expenses of implementing and administering this chapter; however,

II. The department may accept donations from private sources without the approval of the governor and council in order to reduce the application and renewal fees.

126-V:5 Prohibitions, Restrictions, and Limitations on the Use of Medical Marijuana.

I. A registered qualifying patient may use medical marijuana on privately-owned real property only with the permission of the property owner or in the case of leased property with the permission of the tenant in possession of the property, except that a tenant shall not allow a qualified patient to smoke medical marijuana on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant in possession may permit a qualified patient to use medical marijuana on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of marijuana without the combustion of the marijuana.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of marijuana while:

(1) Operating a motor vehicle, commercial vehicle, boat, or vessel, or any other vehicle propelled or drawn by power other than muscular power;

(2) In his or her place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of marijuana by a qualified patient or other cardholder:

(1) For purposes other than alleviating symptoms as permitted by this chapter; or

(2) In a manner that endangers the health, well-being, or safety of another person;

(c) The smoking of marijuana in any public place, including:

(1) A school bus, public bus, or other public vehicle;

(2) A workplace or place of employment, without the written permission of the employer;

(3) The grounds of any preschool or primary or secondary school;

(4) Any correctional facility; or

(5) Any public park, public beach, public recreation center, public field, or youth center.

II. Nothing in this chapter shall be construed to require:

(a) A governmental, private, or any other health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the medical use of marijuana;

(b) Any individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property;

(c) Any accommodation of any medical use of marijuana on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana;

(d) A landlord to permit a qualified patient to use marijuana in any common areas of leased property.

(e) A landlord to permit a qualified patient to smoke marijuana on any or in any leased property, except that a landlord may not prohibit the medical use of marijuana on leased property by a qualified patient through means other than smoking, including but not limited to the ingestion of medical marijuana or the inhalation through vaporization, as long as the tenant in possession of the property provides permission to the qualified patient to use medical marijuana in the rented property.

III. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of $500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

126-V:6 Affirmative Defense. Except as provided in RSA 126-V:5, it is an affirmative defense to any prosecution of an offense involving marijuana intended for medical use that:

I. The defendant is a qualifying patient in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; or

II. The defendant is a designated caregiver in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; and

III. The qualifying patient or the qualifying patient's designated caregiver was engaged in the acquisition, possession, preparation, use, or transportation of marijuana, paraphernalia, or both, relating to the administration of marijuana solely to treat or alleviate the qualifying patient's debilitating medical condition or symptoms or effects of treatment associated with the qualifying patient's debilitating medical condition.

126-V:7 Enforcement.

I. If the department fails to issue a valid registry identification card in response to a completed application for issuance or renewal submitted by a qualifying patient by certified mail pursuant to this chapter within 20 days of the application for issuance or renewal, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

II. If the department fails to issue a valid registry identification card in response to a completed application for issuance or renewal submitted by an alternative treatment center agent or a designated caregiver by certified mail pursuant to this chapter within 45 days of the application for issuance or renewal, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

III. If at any time after one year following the effective date of this chapter the department is not accepting applications, including if it has not adopted rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application, pursuant to RSA 126-V:3, I together with a written certification shall be deemed a valid registry identification card.

126-V:8 Alternative Treatment Centers.

I. An alternative treatment center registered under this section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense marijuana, marijuana paraphernalia, and related supplies and educational materials, to registered qualifying patients who have designated it as their alternative treatment center and to their registered designated caregivers for the registered qualifying patients' medical use. An alternative treatment center may receive consideration for providing the goods and services allowed by this section. An alternative treatment center may cultivate and possess whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of usable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the alternative treatment center to provide him or her with marijuana for medical use. An alternative treatment center may also possess marijuana seeds, stalks, and unusable roots.

II.(a) Not later than one year after the effective date of this section, the department shall adopt rules, pursuant to RSA 541-A, governing alternative treatment centers and the manner in which it shall consider applications for registration certificates for alternative treatment centers, including, but not necessarily limited to, rules governing:

(1) The form and content of registration and renewal applications.

(2) Oversight requirements.

(3) Security requirements, which shall include at a minimum, lighting, physical security, video security, alarm requirements, measures to prevent loitering, and on-site parking.

(4) Sanitary requirements.

(5) Electrical safety requirements.

(6) The specification of acceptable forms of picture identification that an alternative treatment center may accept when verifying a sale.

(7) Personnel requirements including how many volunteers an alternative treatment center is permitted to have and requirements for supervision.

(8) Labeling standards.

(9) Procedures for suspending or terminating the registration of alternative treatment centers that violate the provisions of this section or the rules adopted pursuant to this section, procedures for appealing penalties, and a schedule of penalties.

(10) Procedures for inspections and investigations.

(11) Advertising restrictions, including a prohibition of misrepresentation and unfair practices.

(12) Permissible hours of operation.

(13) The fees for the processing and review of applications for registration as an alternative treatment center for the registration and regulation of an alternative treatment center after it has been approved by the department. Such fees shall be established in an amount that covers all costs of the department and other state agencies, as applicable, for the review, registration, and regulation of alternative treatment centers.

(14) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this chapter.

(b) The department shall adopt rules with the goal of protecting against diversion and theft, without imposing an undue burden on the registered alternative treatment centers or compromising the confidentiality of registered qualifying patients and their registered designated caregivers.

(c) Within 30 days of the adoption of rules, the department shall begin accepting applications for the operation of alternative treatment centers.

(d) Within 18 months of the effective date of this section, provided that at least 3 applications have been submitted that score sufficiently high to receive a certificate, the department shall issue alternative treatment center registration certificates to the three highest-scoring applicants.

(e) Any time an alternative treatment center registration certificate is revoked, is relinquished, or expires, the department shall accept applications for a new alternative treatment center and issue registration certificates to the applicant who scores the highest.

(f) If at any time after one year after the effective date of this section, fewer than 3 alternative treatment centers hold valid registration certificates in New Hampshire, the department shall accept applications for a new alternative treatment center. Except as provided in subparagraph (g), no more than 3 alternative treatment centers may hold valid registration certificates at one time.

(g) If at any time after 2 years after the effective date of this section, the report issued pursuant to RSA 126-V:9 determines that 3 alternative treatment centers are not sufficient to ensure access to registered qualifying patients throughout the state, the department shall accept applications for up to 2 additional alternative treatment centers and issue registration certificates to the appropriate number of applicants who score the highest. The number of additional alternative treatment centers shall be determined by the department, based on the report issued pursuant to RSA 126-V:9.

III.(a) An alternative treatment center applicant must submit a completed department-approved application form with all required documentation and a non-refundable fee in an amount set by department rule. The alternative treatment center application and supporting materials must include, at a minimum:

(1) The legal name, articles of incorporation, and bylaws of the alternative treatment center.

(2) The proposed physical address of the alternative treatment center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of medical marijuana.

(3) A description of the enclosed, locked facility that would be used in the cultivation of marijuana by the alternative treatment center.

(4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center and a complete set of fingerprints for each of them. The board of directors for the non-profit must include at least one physician, nurse, or pharmacist licensed to practice in New Hampshire and at least 3 patients qualified to register as registered qualifying patients.

(5) Proposed security and safety measures that comply with the rules issued pursuant to 126-V:8 II (a)(4), including a description of interior and exterior lighting and security systems; and

(6) Written procedures, including for cultivation, inventory control, food preparation, if any, quality control, record keeping and incident reporting.

(7) Copies of educational materials that would be provided.

(8) The distance from any pre-existing private or public school.

(9) A copy of the proposed policy regarding services to registered patients who cannot afford to purchase marijuana for medical purposes.

(10) Information demonstrating the applicant's knowledge of organic growing methods to be used in their growing and cultivation of marijuana.

(11) Steps that will be taken to ensure the quality of the marijuana, including purity and consistency of dose.

(12) A start-up timetable which provides an estimated time from registration of the dispensary to full operation, and the assumptions used for the basis of those estimates.

(13) Information showing the applicant's experience running a non-profit or other business.

(14) A full description of a staffing plan that will provide accessible business hours, safe growing and cultivation, and maintenance of confidential information regarding grow sites and the identity of patient information.

(15) A description of any additional services that will be available to patients.

(b) Any time one or more alternative treatment center registration applications are being considered, the department shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered designated caregivers, and the towns or cities where the applicants would be located.

(c) Each time an alternative treatment center certificate is granted, the decision shall be based on the overall health needs of qualified patients and the safety of the public. The department shall evaluate applications for alternative treatment center registration certificates using an impartial and numerically scored competitive bidding process developed by the department in accordance with this chapter. The department shall require applicants to meet a minimum score to be considered. The registration considerations shall include the following criteria:

(1) The suitability of the proposed location or locations, including compliance with any local zoning laws and geographic convenience to patients from throughout the state of New Hampshire to alternative treatment centers if the applicant were approved.

(2) The proposed alternative treatment center's plan for operations and services, including its staffing and training plans, whether it has sufficient capital to operate, and ability to provide a steady supply of marijuana to the registered qualifying patients in the state.

(3) The principal officer and board members' character and relevant experience, including any training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, or marijuana cultivation and preparation and their experience running a non-profit organization or business.

(4) The applicant's plan for making medical marijuana available on an affordable basis to registered qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance.

(5) The applicant's plan for safe and accurate packaging and labeling of medical marijuana, including the applicant's plan for ensuring that all medical marijuana is free of contaminants.

(6) The sufficiency of the applicant's plans for record keeping and inventory control. Records shall be considered confidential health care information under New Hampshire law and are intended to be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended. Any dispensing records that a registered alternative treatment center is required to keep shall keep track of transactions according to registered qualifying patients', registered designated caregivers', and registered alternative treatment centers' registry identification numbers, rather than their names, to protect their confidentiality.

(7) The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed.

(8) Whether the entity possesses or has the right to use sufficient land, buildings, and equipment to properly carry out its duties as an alternative treatment center.

(d) After an alternative treatment center is approved, but before it begins operations, it shall submit the registration and regulation fee paid to the department in accordance with the rules adopted by the department.

(e) Except as provided in subparagraph (h), the department shall issue each alternative treatment center agent a registry identification card or renewal card within 15 days of receipt of the person's name, address, and date of birth and a fee in an amount established by the department. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of an alternative treatment center and shall contain the following:

(1) The name, address, and date of birth of the alternative treatment center agent.

(2) The legal name of the alternative treatment center with which the alternative treatment center agent is affiliated.

(3) A random identification number that is unique to the cardholder.

(4) The date of issuance and expiration date of the registry identification card.

(5) A photograph of the cardholder.

(f) Except as provided in this section, the department shall not issue a registry identification card to any principal officer, board member, agent, volunteer, or employee of an alternative treatment center who has been convicted of a drug-related offense. The department shall conduct a background check of each principal officer, board member, agent, volunteer, or employee in order to carry out this provision. The department shall notify the alternative treatment center in writing of the reason for denying the registry identification card. The department may grant such person a registry identification card if the department determines that the offense was for conduct that occurred prior to the effective date of this chapter or that was prosecuted by an authority other than the state of New Hampshire and for which the provisions of this chapter would otherwise have prevented a conviction.

(g) A registration identification card of an alternative treatment center agent shall expire one year after its issuance, or upon the expiration of the registered organization's registration certificate, whichever occurs first.

(h) Notwithstanding any other provision of law, information required to be submitted to the department on an application for an alternative treatment center identifying the locations where marijuana is proposed to be grown, cultivated, harvested, and otherwise prepared for distribution to registered qualifying patients, registered caregivers, and alternative treatment centers, if such location is different from the location of the alternative treatment center, and any other department records identifying such location, shall be considered to be confidential information and not subject to disclosure pursuant to RSA 91-A, provided that such information may be disclosed to a law enforcement agency upon request for purposes of enforcement under this chapter.

IV.(a) An alternative treatment center's registration shall expire 2 years after its registration certificate is issued. The alternative treatment center may submit a renewal application beginning 60 days prior to the expiration of its registration certificate.

(b) The department shall grant an alternative treatment center's renewal application within 30 days of its submission if the following conditions are all satisfied:

(1) The alternative treatment center submits the required fee, which shall be refunded within 30 days if the renewal application is rejected.

(2) The department has not suspended the alternative treatment center's registration for violations of this chapter or rules adopted pursuant to this chapter.

(3) The alternative treatment center is complying with the requirements in paragraph VI.

(4) The inspections authorized by paragraph V and the report, provided pursuant to subparagraph VI(h), do not raise serious concerns about the continued operation of the alternative treatment center applying for renewal.

(c) If the department determines that any of the conditions listed in subparagraphs (b)(1)-(4) do not exist, the department shall begin an open application process for the operation of an alternative treatment center. In granting a new registration certificate, the department shall consider factors listed in subparagraphs III(a) and III(c).

(d) The department shall issue a 30-day temporary registration certificate to an alternative treatment center after that center's registration would otherwise expire if the following conditions are all satisfied:

(1) The alternative treatment center has applied for a renewal, but the department has not yet come to a decision.

(2) The alternative treatment center requested a temporary registration certificate.

(3) The alternative treatment center has not had its registration certificate revoked due to violations of this chapter or rules adopted pursuant to this chapter.

V. Alternative treatment centers shall be subject to reasonable inspection by the department of health and human services. During an inspection, the department may review the alternative treatment center's records, including its confidential dispensing records, which shall track transactions according to registered qualifying patients' registry identification numbers to protect their confidentiality.

VI.(a) An alternative treatment center shall be operated on a not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

(b) An alternative treatment center may not be located in a residential district or within 500 feet of the property line of a pre-existing public or private school or playground.

(c) An alternative treatment center shall notify the department within 10 days of when an alternative treatment center agent ceases to be associated with and/or work at the alternative treatment center. His or her registry identification card shall be deemed null and void and the person shall be liable for any other penalties that may apply to the person's non-medical use of marijuana.

(d) An alternative treatment center shall notify the department in writing of the name, address, and date of birth of any proposed new alternative treatment center agent and shall submit a fee in an amount established by the department for a new registry identification card before a new agent or employee begins working at the alternative treatment center, and shall submit a complete set of fingerprints for the prospective alternative treatment center agent.

(e) An alternative treatment center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, and shall ensure that each location has an operational security alarm system.

(f) The operating documents of an alternative treatment center shall include procedures for the oversight of the alternative treatment center and procedures to ensure accurate record keeping.

(g) Each alternative treatment center shall keep the following records, dating back at least one year:

(1) Records of the disposal of marijuana that is not distributed by the alternative treatment center to registered patients who have designated the alternative treatment center to cultivate for them.

(2) A record of each transaction, including the amount of marijuana dispensed, the amount of consideration, and the registry identification number of the registered qualifying patient or registered designated caregiver.

(h) Each alternative treatment center shall:

(1) Conduct an initial comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing and mature marijuana plants at each authorized location on the date the alternative treatment center first dispenses medical marijuana.

(2) Conduct a monthly comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing, mature marijuana plants, and seedlings at each authorized location on the date the alternative treatment center first dispenses medical marijuana.

(i) An alternative treatment center shall submit a department-approved incident report form on the next business day after it discovers a reportable incident. The report shall indicate the nature of the breach and the corrective actions taken by the alternative treatment center. For purposes of reporting, an incident includes:

(1) Confidential information accessed or disclosed in violation of department rules;

(2) Loss of inventory by theft or diversion;

(3) Unauthorized intrusion into the alternative treatment center or the one permitted additional location, if any;

(4) Any known violation of this chapter or department rules by an alternative treatment center agent; and

(5) Any other incident that the department by rule requires to be reported.

(j) Alternative treatment centers cannot use pesticides in marijuana cultivation unless pesticides become authorized for application on marijuana.

(k) No marijuana or paraphernalia at an alternative treatment center shall be visible from any public or other property.

(l) An alternative treatment center is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist patients who are allowed to use marijuana pursuant to this chapter with the medical use of marijuana directly or through the registered qualifying patients' designated caregivers.

(m) An alternative treatment center shall submit an annual report to the department which shall provide information required by the department in order to allow the department to evaluate whether the alternative treatment center is adequately providing patients with access to medical marijuana

VII.(a) Each time an alternative treatment center agent dispenses marijuana to a registered qualifying patient directly or through the qualifying patient's registered designated caregiver, he or she shall consult the alternative treatment center's records to verify that the records do not indicate that the dispensing of marijuana would cause the registered qualifying patient to receive more marijuana than is permitted in a 10-day period. Each time marijuana is dispensed, the alternative treatment center agent shall record the date the marijuana was dispensed and the amount dispensed. All records shall be kept according to the registry identification number of the registered qualifying patient and registered designated caregiver, if any.

(b) Except as provided in subparagraph (c), a registered qualifying patient is not allowed to obtain more than one ounce of usable marijuana directly or through the qualifying patient's registered designated caregiver during a 10-day period;

(c) After providing an opportunity for patients, experts, researchers, and physicians to be heard, the department may issue a rule adjusting the limit specified in subparagraph (a) to an amount that is reasonably necessary for a 10-day supply.

VIII.(a) No registered alternative treatment center shall be subject to the following:

(1) Prosecution for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply, or dispensing of marijuana, or related supplies for medical purposes in accordance with the provisions of this chapter and any rule adopted by the department pursuant to this chapter.

(2) Inspection and search by a law enforcement agency, except pursuant to paragraph V or upon a search warrant issued by a court or judicial officer.

(3) Seizure of marijuana, except upon any order issued by a court or judicial officer.

(4) Imposition of any penalty or denied any right or privilege including, but not limited to, imposition of a civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for acting in accordance with this chapter to assist registered qualifying patients or registered designated caregivers with the medical use of marijuana.

(b) No alternative treatment center agent shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or denied any right or privilege including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with an alternative treatment center to engage in acts permitted by this chapter.

(1) Except when transporting marijuana in accordance with subparagraphs (2) or (3), registered alternative treatment center agents are only allowed to possess and manufacture marijuana at the registered alternative treatment center location or locations for which the alternative treatment center agent is registered. Volunteers are only allowed to possess and manufacture marijuana at a registered alternative treatment center location. Volunteers cannot dispense marijuana.

(2) Distributions of marijuana for medical use to a registered qualifying patient or a registered caregiver for use by a registered qualifying patient shall be labeled with a trip ticket to identify the alternative treatment center, the patient's registry number, or the caregiver's number, the amount and form, the time and date of origin, and destination of the product.

(3) An alternative treatment center with a growing location in addition to the location of the alternative treatment center shall label the marijuana that is being moved between the growing location and the alternative treatment center with a trip ticket that identifies the alternative treatment center by registry number, the time, date, origin, and destination of the material being transported, and the amount and form of marijuana and marijuana material that is being transported. Marijuana shall be transported only by a registered alternative treatment center agent who is not a volunteer.

IX.(a)(1) An alternative treatment center shall not possess an amount of marijuana that exceeds whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of useable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the alternative treatment center to provide him or her with marijuana for medical use.

(2) An alternative treatment center may possess marijuana seeds, stalks, and unusable roots.

(b) An alternative treatment center or registered alternative treatment center agent shall not dispense, deliver, or otherwise transfer marijuana to a person other than:

(1) A registered qualifying patient who has designated the relevant alternative treatment center; or

(2) Such patient's registered designated caregiver.

(c) A person found to have violated subparagraph (b) of this section shall not be a registered alternative treatment center agent, and such person's registry identification card shall be immediately revoked.

(d) Except as provided in subparagraph III(f), no person who has been convicted of a drug-related offense shall be a registered alternative treatment center agent unless the department has determined that the person's conviction was for the medical use of marijuana or assisting with the medical use of marijuana and issued the person a registry identification card as provided under subparagraph III(g). A person who is employed by or is an agent, volunteer, principal officer, or board member of an alternative treatment center who violates this paragraph shall be guilty of a violation punishable by a fine of up to $1,000. A subsequent violation of this paragraph shall be a misdemeanor.

(e) All cultivation of marijuana shall take place in an enclosed, locked facility, which can only be accessed by alternative treatment center agents.

X. All marijuana dispensed by an alternative treatment center shall include a label specifying the percent of tetrahydrocannabinol contained in the marijuana, the weight of the marijuana, and any other information the department requires to appear on the label. The label shall also specify that the marijuana is for medical use and that diversion is a class B felony requiring revocation of one's registry identification card.

XI. An alternative treatment center must provide educational materials about marijuana to registered patients and their registered primary caregivers. Each alternative treatment center shall have an adequate supply of up-to-date educational material available for distribution. Educational materials shall be available for inspection by the department upon request. The educational material shall at least include information about the following:

(a) Strains of marijuana, routes of administration, and their different effects. Alternative treatment centers shall have educational materials available to assist in the selection of prepared marijuana. Alternative treatment centers shall provide tracking sheets to registered patients and registered primary caregivers who request them to keep track of the strains used and their effects.

(b) How to achieve proper dosage for different modes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained.

(c) Information on tolerance, dependence, and withdrawal must be provided. Alternative treatment centers are not required to continue to furnish marijuana for medical purposes if it is believed that a registered qualifying patient or designated caregiver is abusing marijuana or other substances.

(d) Information regarding substance abuse signs and symptoms must be available, as well as referral information.

(e) Information on whether the alternative treatment center's marijuana and associated products meet organic certification standards.

(f) An alternative treatment center shall provide to each registered qualifying patient and registered designated caregiver receiving marijuana a safety insert, which the department may, at its discretion, inspect and approve, which shall include but not be limited to: (1) methods for administration of medical marijuana; and (2) a description of potential side effects qualifying patients could experience while using medical marijuana.

XII. Each alternative treatment center shall develop, implement, and maintain on the premises employee and agent policies and procedures to address the following requirements:

(a) A job description or employment contract developed for all employees and a volunteer agreement for all volunteers, which includes duties, authority, responsibilities, qualifications, and supervision.

(b) Training in and adherence to confidentiality laws.

(c) The proper use of security measures and controls that have been adopted; and

(d) Specific procedural instructions on how to respond to an emergency.

XIII. Each alternative treatment center shall maintain a personnel record for each alternative treatment center agent that includes an application for employment or to volunteer and a record of any disciplinary action taken.

XIV. Each alternative treatment center shall develop, implement, and maintain on the premises an on-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee training needs, which includes, but is not limited to, the following topics:

(a) Professional conduct, ethics, and patient confidentiality; and

(b) Developments in the field of the medical use of marijuana.

XV. All alternative treatment centers shall prepare training documentation for each employee and have employees sign a statement indicating the date, time, and place the employee received said training and topics discussed, to include name and title of presenters. The alternative treatment center shall maintain documentation of an employee's and a volunteer's training for a period of at least 6 months after termination of an employee's period of employment or the volunteer's period of voluntary service.

XVI. A physician shall not:

(a) Accept, solicit, or offer any form of pecuniary remuneration from or to an alternative treatment center, except if the physician is employed by an alternative treatment center.

(b) Offer a discount or other thing of value to a patient who uses or agrees to use a particular alternative treatment center.

(c) Examine a patient for purposes of diagnosing a debilitating medical condition at a location where medical marijuana is sold or distributed.

(d) Hold an economic interest in an alternative treatment center if the physician certifies the debilitating medical condition of a patient for participation in the medical marijuana program.

126-V:9 Annual Report. The commissioner of the department of health and human services shall report annually on the medical marijuana program established under this chapter to the health and human services oversight committee established under RSA 126-A:13. The report shall be filed with the chairman of the committee by November 1 of each year beginning with November 1, 2012. The commissioner's report shall include the following areas:

I. The ability of registered qualifying patients and registered designated caregivers in all areas of the state to obtain timely access to medical marijuana.

II. The effectiveness of alternative treatment centers individually and together in serving the needs of registered qualifying patients and registered caregivers, including the provision of educational and support services.

III. Physician participation in the medical marijuana program.

IV. The number of designated caregivers and the number of registered qualifying patients, by county.

V. Sufficiency of the regulatory and security safeguards contained in this chapter to ensure that access to and use of marijuana cultivated is provided only to cardholders authorized for such purposes.

VI. Any illegal distribution or diversion of marijuana cultivated pursuant to this chapter to individuals who are not cardholders.

VII. Any other issues related to the implementation of the medical use of marijuana permitted under this chapter that the committee shall request.

VIII. A detailed summary of the reports submitted by alternative treatment centers as required under RSA 126-V:8, VI(i).

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

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

Amendment to HB 444-FN

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT relative to the commemoration of General John Stark Day.

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

1 Observances Proclaimed by the Governor; General John Stark Day. Amend RSA 4:13=l to read as follows:

4:13-l General John Stark Day. The governor shall annually proclaim the fourth Monday in April as General John Stark Day and shall urge cities and towns throughout the state to observe this day in commemoration of General Stark's gallant and illustrious service to New Hampshire and his country. ***The governor shall urge schools to commemorate the day with appropriate activities and events.***

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

AMENDED ANALYSIS

This bill requires the governor to urge schools to commemorate General John Stark Day with appropriate activities and events.

2011-0716h

Amendment to HB 450

Proposed by the Committee on Executive Departments and Administration - R

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

1 Barbering, Cosmetology, and Esthetics; License Required; Compensation. Amend RSA 313-A:9, I to read as follows:

I. It shall be a [~~class A misdemeanor~~] ***violation*** for any natural person, and a [~~felony~~] ***class A misdemeanor*** for any other person, to engage in any practice regulated by this chapter without the appropriate license.

2 New Paragraph; Exemption Added; Barbering, Manicuring, Cosmetology, and Esthetics. Amend RSA 313-A:25 by inserting after paragraph II the following new paragraph:

III. The provisions of this chapter relative to barbering, manicuring, cosmetology and esthetics shall not be construed to apply to the provision of barbering, manicuring, cosmetology, or esthetics services to family and friends when done for no compensation.

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

AMENDED ANALYSIS

This bill reduces the penalty for unlicensed practice of barbering, manicuring, cosmetology, or esthetics. The bill also adds an exemption for providing barbering, manicuring, cosmetology, or esthetics services to family and friends for no compensation.

2011-0353h

Amendment to HB 451-FN

Proposed by the Committee on Election Law - C

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

AN ACT relative to prerecorded political messages.

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

1 Repeal. RSA 664:14-a, III, relative to prohibiting the delivery of prerecorded political messages to numbers on a federal do not call list, is repealed.

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

AMENDED ANALYSIS

This bill repeals the prohibition on delivering prerecorded political messages to numbers on any federal do not call list.

2011-0624h

Amendment to HB 461-FN

Proposed by the Committee on Special Committee on Public Employee Pensions Reform - R

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

AN ACT relative to determining the full actuarial cost for purchasing service credit in the retirement system.

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

1 Retirement System; Membership; Prior Service Credit; Cost of Purchase. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service. The amount determined by the actuary to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full length of service relating to the withdrawn contributions, with this amount adjusted for interest from the date of withdrawal to the date of payment based on the interest rates in effect for each fiscal year. [~~The amount determined by the actuary to purchase prior service credit related to Peace Corps and AmeriCorps service shall be computed under RSA 100-A:4, VIII.~~] For [~~all other~~] ***any*** **other** prior service credit ***purchase*** the amount determined by the actuary shall be the [~~product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought~~] ***payment of the full accrued actuarial cost to the system. The full actuarial cost of service credit purchases shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees, and shall include an interest rate 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate shall not be less than zero***.

2 Membership; Cost of Prior Service Credit. Amend RSA 100-A:3, VI(d)(1) to read as follows:

(d)(1) In the case of an employer which through its own fault, and not the fault of the employee, failed to enroll an eligible employee at the time such employee became eligible for membership in this retirement system or a predecessor system, the employer and not the employee shall pay the cost of the actuary's statement obtained under this subparagraph. The actuary's statement shall be based on the [~~product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought. In addition, if such employee has not received final approval of the board before July 1, 1989, to receive credit for such service, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay ½~~] ***payment of the full accrued actuarial cost to the system as determined according to RSA 100-A:3, VI(b)***. Upon payment, and with the approval of the board, the member shall receive credit for prior service. The amount paid by the employee for prior service credit under this subparagraph shall be credited to the member annuity savings fund, and the amount paid by the employer shall be credited to the state annuity accumulation fund.

3 Creditable Service; Armed Forces Service; Cost of Prior Service Credit. Amend RSA 100-A:4, VI(b) to read as follows:

(b) Credit for active service in the armed services shall not be made until the member has paid either in lump sum or, if permitted by the board of trustees, by installment deductions from pay from an employer. The actuary's statement shall be [~~the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the~~

~~member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought~~] ***based on the payment of the full accrued actuarial cost to the system as determined according to RSA 100-A:3, VI(b)***.

4 Service Credit; Peace Corps; AmeriCorps. Amend RSA 100-A:4, VIII to read as follows:

VIII. Any employee, teacher, permanent policeman, or permanent fireman who has completed at least 5 years of membership service and who terminates his or her employment in order to enter directly into the Peace Corps or AmeriCorps, shall be entitled to service credit for the period of such Peace Corps or AmeriCorps service, provided he or she again becomes employed within a year after the termination of such service and provided further that he or she elects to make, and makes while in active service and within a period of time equal to 3 times the length of time of such service, but not more than 5 years, all payments of the full actuarial cost to the system. The full actuarial cost of service credit purchases under this paragraph shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees ***as provided in RSA 100-A:3, VI(b)***. The member may be required to prepay all or part of the actuarial calculation fee, as determined by the board. Credit shall not be granted until the active member has fully paid for such service credit in a lump sum or by installment payments as permitted by the board. The member's payment shall be credited to the member annuity savings fund. The amount of service credit purchased under this paragraph shall not exceed the least of (a) 2 years or (b) the member's actual period of Peace Corps and AmeriCorps service or (c) 5 years minus the period of nonqualified service credit purchased by the member pursuant to former RSA 100-A:4, VII. Creditable service purchased under this paragraph shall not be used for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

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

AMENDED ANALYSIS

The bill establishes a uniform method for determining the full actuarial cost of purchasing service credit in the retirement system, including out-of-state service.

2011-0467h

Amendment to HB 483-FN-LOCAL

Proposed by the Committee on Municipal and County Government - R

Amend the bill by replacing sections 1 and 2 with the following:

1 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect***, or has previously been in effect within the last 5 years,*** for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

2 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically Bacillus thuringiensis israelensis or Bacillus sphaericus, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared***, or has been declared within the last 5 years,*** by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

AMENDED ANALYSIS

This bill allows a municipality to commence mosquito control abatement activities on state lands where a public health threat is in effect or was in effect within the last 5 years under RSA 141-C:25.

2011-0774h

Amendment to HB 489-FN

Proposed by the Committee on Health, Human Services and Elderly Affairs - R

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

AN ACT establishing a health information organization corporation.

Amend RSA 332-I:3 as inserted by section 4 of the bill by inserting after paragraph VI the following new paragraph:

VII. The health information organization shall follow all current and future laws relative to medical information privacy and all existing laws regarding health information exchanges.

Amend RSA 332-I:3, III as inserted by section 4 of the bill by replacing it with the following:

III. [~~A~~] ***The*** health information [~~exchange~~] ***organization*** shall maintain an audit log of [~~health care providers who access protected health information~~] ***the transactions transmitted through the health information organization. The parties transmitting or receiving information through the health information organization shall maintain audit logs in accordance with nationally accepted interoperability standards, practices, regulations, and statutes***, including ***but not limited to***:

(a) The identity of the health care provider accessing the information;

(b) The identity of the individual whose protected health information was accessed by the health care provider;

(c) The date the protected health information was accessed; and

(d) The area of the record that was accessed.

Amend RSA 332-I:8, I as inserted by section 5 of the bill by replacing it with the following:

I. The powers of the corporation shall be vested in 12 members and up to 3 at-large members. Except for the members appointed under subparagraphs I(b)-(d), members shall serve 3-year terms. No member shall serve more than 2 full consecutive terms. Members shall be appointed as follows:

(a) A consumer not affiliated with the health care industry, appointed by the governor.

(b) A member of the house of representatives, appointed by the speaker of the house of representatives.

(c) A member of the senate, appointed by the president of the senate.

(d) The commissioner of the department of health and human services, or designee.

(e) A member of the department of health and human services, office of medicaid business and policy, appointed by the commissioner.

(f) A member representing a large hospital, appointed by the New Hampshire Hospital Association.

(g) A member representing a critical access hospital, appointed by the New Hampshire Hospital Association.

(h) An independent practice physician not affiliated with any hospital, appointed by the New Hampshire Medical Society.

(i) A representative of community health centers, appointed by Bi-State Primary Care Association.

(j) A representative of community mental health centers, appointed by the New Hampshire Community Behavioral Health Association.

(k) A retail pharmacist, appointed by the pharmacy board.

(l) A representative of home health care agencies, appointed by the Home Care Association of New Hampshire.

(m) The board may appoint up to 3 at-large members with qualifications, experience and expertise as identified and determined by the board.

Amend the bill by replacing section 6 with the following:

6 Initial Terms for Members of Health Information Organization Board; First Meeting. The initial terms of office for the members appointed to the health information organization board established in RSA 332-I:8 as inserted by section 5 of this act shall be as follows: the members in subparagraphs I(e), (f), (h), and (l) shall serve for 3 years; the members in subparagraphs I(a), (g), (i), (j), and (k) shall serve for 2 years. The members in subparagraphs I(b), (c) and (d) shall serve coterminous with their term or terms in office. The at-large members in subparagraph I(m), if any, shall serve for terms not exceeding 3 years as determined by the board. Initial appointments shall be made within 30 days of the effective date of this section. The first meeting shall be held within 60 days of the effective date of this section and shall be called by the member of the house of representatives.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Applicability. Nothing in this act shall be construed to enable or support a health benefit exchange.

2011-0597h

Amendment to HB 491-FN

Proposed by the Committee on Executive Departments and Administration - C

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

1 Repeal. RSA 100-D, relative to divestiture of retirement system assets relating to Sudan, is repealed.

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

AMENDED ANALYSIS

This bill repeals the statute requiring divestiture of retirement system assets relating to Sudan.

2011-0106h

Amendment to HB 503

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 1 with the following:

1 Master Electricians; Apprentices. Amend RSA 319-C:2, V to read as follows:

V. "Master electrician" means a person ***either employed by another master electrician or*** who, as a business, hires or employs another to do electrical work, or, without hiring another, makes electrical installations as a principal or auxiliary business for his ***or her*** own account. ***Each master electrician may have no more than 2 apprentice electricians working with him or her under his or her personal supervision, provided this authorization shall not apply to more than 6 master electricians for each work location.***

AMENDED ANALYSIS

This bill allows a master electrician licensed by the electricians' board to have no more than 2 apprentice electricians under his or her personal supervision and allows a master electrician to be employed by another master electrician.

2011-0698h

Amendment to HB 504-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

Amend RSA 318:51-a, V as inserted by section 3 of the bill by replacing it with the following:

V.(a) The manufacturer, wholesaler, distributor, reverse distributor, or broker to which a license has been issued shall, within 30 days of any change of information supplied in the original application, notify the board.

(b) The notice required pursuant to subparagraph (a) shall contain:

(1) Current New Hampshire license number of the manufacturer, wholesaler, distributor, reverse distributor, or broker.

(2) Name of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(3) Address of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(4) Names, addresses, and titles of new corporate officers, partners, or owners.

(c) A new license shall be required for a change of ownership of an established manufacturer, wholesaler, distributor, reverse distributor, or broker to a successor business entity which results in a change in the controlling interest in the manufacturer, wholesaler, distributor, reverse distributor, or broker.

AMENDED ANALYSIS

This bill licenses reverse distributors of drugs.

This bill also requires manufacturers, wholesalers, distributors, reverse distributors, and brokers to report changes in ownership.

2011-0606h

Amendment to HB 508-FN

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 21-U:2 through 21-U:5 as inserted by section 1 of the bill by replacing them with the following:

21-U:2 Pilot Program to Establish Performance Measurement System. There is hereby established in the department of health and human services a pilot program for the development and adoption of a performance measurement system. The performance measures to be developed shall include both process and end outcome indicators. Process indicators shall include, but not be limited to input, intermediate outcome, and output indicators. The performance measurement system shall be developed at the departmental level and shall serve as a model for program level performance measurement. Notwithstanding RSA 21-U:5, the department of health and human services shall develop and adopt a performance measurement system as provided for in this chapter on or before July 1, 2012.

21-U:3 Interim and Final Report. The department of health and human services shall submit an interim and a final report on the development and adoption of a performance measurement system. The interim report shall be filed on or before December 31, 2012, and the final report shall be filed on or before July 1, 2013. The report shall specifically identify the performance measures developed pursuant to RSA 21-U:2 and shall report on those measures to the extent of the available data. Copies of both the interim and the final report shall be forwarded to the speaker of the house of representatives, the president of the senate, the governor, the chairperson of the house executive departments and administration committee, the house clerk, the senate clerk, and the state library.

21-U:4 Development of Performance Measurement System by Agencies. On or before January 1, 2012, each agency, as defined in RSA 21-G:5, III, shall provide to the department of health and human services a contact person within the agency who shall be responsible for providing the department of health and human services with information as to that agency's readiness to adopt the performance measurement system provided for in RSA 21-U:5. Each such agency shall cooperate with the department of health and human services and shall provide the required information in a timely manner so that the information can be included with the reports submitted pursuant to RSA 21-U:3.

21-U:5 Adoption of Performance Measurement System by Agencies. Beginning December 31, 2013, every agency, as defined in RSA 21-G:5, III, shall adopt a performance measurement system for each of its programs that includes: a mission statement, the outcomes the program seeks to achieve, and the specific outcome indicators that the program intends to use to track performance.

AMENDED ANALYSIS

This bill establishes a pilot program for the development of a performance measurement system in the department of health and human services. The bill requires all agencies to develop performance measurement systems by December 31, 2013.

2011-0333h

Amendment to HB 528-FN-LOCAL
Proposed by the Committee on Education - R

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

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

I.***(a)*** To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state ***which have implemented a facility maintenance and capital improvement program in accordance with RSA 198:15-y***, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects. The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed.

2 School Building Aid; Approval of Plans, Specifications, and Costs. Amend RSA 198:15-c to read as follows:

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

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

II. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment***:***

(a) The facilities planned will not adequately meet the educational requirements, or if [~~its~~] ***the*** cost estimates are excessive or unreasonable[~~. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment~~]***; or***

(b) The proposed construction or purchase is in conflict with effective statewide planning pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B***; or***

(c) The school district has failed to comply with the facility maintenance and capital improvement program required under RSA 198:15-y, unless the department determines that the school district has shown good cause for the noncompliance in which case the department may approve the school district's request.

III. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive an annual grant as provided herein.

3 New Subdivision; School Building Aid; Facility Maintenance and Capital Improvement Programs. Amend RSA 198 by inserting after section 15-w the following new subdivision:

Facility Maintenance and Capital Improvement Programs

198:15-x Definitions. In this subdivision:

I. "Facility maintenance and capital improvement program" means a program to replace or repair building systems on a building by building basis for each school district.

II. "Maintenance plan" means a plan to address scheduled and unscheduled repairs and maintenance necessary to achieve the designed life expectancy of building systems and components.

198:15-y Facility Maintenance and Capital Improvement Programs.

I. Beginning July 1, 2016, each school district shall develop and implement a facility maintenance and capital improvement program which includes a maintenance plan for each building in the school district in order to be eligible to receive school building aid grants.

II. A maintenance plan shall, at a minimum, include a maintenance and replacement schedule for all major building systems to include but not be limited to the following:

(a) Heating, ventilation, and air conditioning systems.
(b) Plumbing and electrical systems.
(c) Integrated technology systems.
(d) Roof systems.
(e) Building exterior.
(f) Windows and doors.
(g) Building interior, including painting and flooring.
(h) Site maintenance.
(i) Annual fire safety inspection report.

III. A capital improvement program shall, at a minimum, include for a 10-year period:

(a) The school district's educational mission, vision, and goals.
(b) Assessment of program capacity of an existing facility.
(c) Enrollment projections and new program needs.
(d) Efficiencies of current space usage.
(e) Match of infrastructure to educational programs.
(f) Education specifications.
(g) Estimated associated costs and a budget reflecting those costs.
(h) Evidence of consultation with the local planning board and with the regional planning commission.

IV. The school district shall, to the extent possible, commit the resources necessary to implement the facility maintenance and capital improvement program for all school buildings and facilities within the school district.

V. Beginning July 1, 2016, and annually thereafter, each school district shall report to the department of education, on a form provided by the department, the actual amount budgeted for facilities maintenance, capital improvement, or capital reserves, and whether these amounts comply with its facility maintenance and capital improvement program.

4 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill requires school districts to develop a facility maintenance and capital improvement program no later than July 1, 2016 in order to be eligible to receive school building aid grants.

2011-0470h

Amendment to HB 541

Proposed by the Committee on Municipal and County Government - C

Amend RSA 72:29, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner," "owned" or "own," shall include those ***who have placed their property in a grantor/revocable trust or*** who have equitable title or the beneficial interest for life in the subject property.

AMENDED ANALYSIS

This bill clarifies the ability of the owner of real property whose property is placed in a grantor/revocable trust to qualify for exemptions or tax credits.

2011-0726h

Amendment to HB 542-FN

Proposed by the Majority of the Committee on Education - R

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

AN ACT prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

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

1 New Paragraph; Attendance by Pupil. Amend RSA 193:1 by inserting after paragraph IV the following new paragraph:

V. No school district shall compel a parent to send his or her child to any school or program to which he or she may be conscientiously opposed nor shall a school district approve or disapprove a parent's education program or curriculum.

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

AMENDED ANALYSIS

This bill prohibits a school district from requiring that a parent send his or her child to any school or program to which the parent is conscientiously opposed.

2011-0757h

Amendment to HB 557-FN-A

Proposed by the Majority of the Committee on Ways and Means - R

Amend RSA 77-A:4, III as inserted by section 2 of the bill by replacing it with the following:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or a partnership, a deduction equal to a fair and reasonable compensation for the personal services of a natural person who is a proprietor, partner, or member provided to the business organization, provided, under this chapter however, that the amount of such deduction shall not reduce such business organization's tax to less than zero. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the personal services of the proprietor, partner, or member. Such amounts shall generally include all amounts reported as earned income on federal tax returns, but shall also include amounts attributable to personal services provided in connection with the operation and rental of real property, the sale of property and services, and other amounts due to services rendered.

(b) Subject to the provisions of subparagraph (c) which establishes a record-keeping safe harbor, one method of determining the amount of the deduction allowed under this paragraph shall be by using the standards set forth in section 162(a)(1) of the United States Internal Revenue Code, as it may be amended from time to time, and the Treasury Regulations, administrative rulings, and judicial cases issued thereunder.

(c) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe-harbor, to deduct up to $50,000 as total compensation for the tax year;

(d)(1) In this paragraph, “record-keeping safe harbor” means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (e).

(2) Notwithstanding subparagraph III(d)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(e) A business organization or group of related business organizations may elect the record-keeping safe-harbor option in subparagraph III(c) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed personal services for the business organization or group of related business organizations.

(f) Related business organizations electing not to substantiate the extent of the personal services of their proprietors, partners, and members, shall be limited to the safe harbor deduction, less any owners’ compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, “related business organizations” are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(g) A taxpayer claiming a deduction under this paragraph shall bear the burden of proving that at least one or more proprietors, partners, or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 New Paragraph; Appeal for Redetermination or Reconsideration; Procedure. Amend RSA 21-J:28-b by inserting after paragraph VII the following new paragraph:

VIII. The department shall bear the burden of proof on any change to any compensation deduction under RSA 77-A finally determined to be due after January 1, 2011.

4 New Section; Interest and Dividends Tax; Excess Compensation. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Dividend. Excess compensation determined by audit of the department shall not be considered a dividend under this chapter unless such determination is accepted by the Internal Revenue Service.

2011-0425h

Amendment to HB 558

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing section 1 with the following:

1 Haseltine Street in the Town of Plaistow; Portion of NH 121A in Plaistow; Reclassification.

I. Haseltine Street in the town of Plaistow shall be reclassified as a class II highway and shall be renamed NH 121A.

II. The portion of NH 121A (Main Street) in the town of Plaistow, from the intersection with Haseltine Street to the Massachusetts state line, shall be reclassified as a Class V highway.

2011-0755h

Amendment to HB 565

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 317-A:2-a, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The additional non-board dental hygienist members shall serve terms of 3 years, with initial terms staggered to provide for annual appointments. The New Hampshire Dental Hygienists' Association, the New Hampshire Dental Society, and the dental hygiene education community shall each nominate one dental hygienist for appointment as additional members of the committee. Subsequent appointments shall be made from the same nominating authority as the committee member whose term expires.

2011-0539h

Amendment to HB 571-FN

Proposed by the Committee on Fish and Game and Marine Resources - R

Amend RSA 211:18, III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Beginning January 1, 2012, any eligible individual shall purchase a commercial or limited commercial lobster and crab license for each calendar year in order to remain eligible to purchase such license in subsequent years, except that:

(1) Active duty military personnel stationed outside the state for any portion of the calendar year may submit duty orders and a written request to the executive director to obtain an exemption for that year.

(2) The purchase requirement shall not pertain to those individuals prohibited from purchasing a valid lobster and crab license for the entire calendar due to a court conviction for violation of marine fisheries regulations.

(3) The purchase requirement shall not pertain to those individuals who file with the executive director, each year, a notarized affidavit indicating their intent to remain eligible to purchase such license in subsequent years. The notarized affidavit shall be on a form provided by the department and shall be postmarked on or before June 30 of that year.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect January 1, 2012.

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

2011-0625h

Amendment to HB 588

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 1 with the following:

1 New Section; Election Procedure; Additional Polling Places; Report of Changes. Amend RSA 659 by inserting after section 4-a the following new section:

659:4-b Report of Changes.

I. Cities and towns shall report any changes in polling hours or the location of the central polling place or any additional polling place to the secretary of state within 3 business days of the change, but in no case later than 5:00 p.m. on the Friday before the election. When reporting a change in location of a polling place, cities and towns shall include the street address of the new location.

II. The secretary of state shall post any changes in polling hours or the location of the central polling place or any additional polling place on the secretary of state's website. If the secretary of state receives a report of any such changes at least 7 days before the election, he or she shall post such changes within 48 hours of receiving the report. If the secretary of state receives a report of any such changes less than 7 days before the election, he or she shall post such changes by noon on the business day following receipt of the report.

III. If a city or town fails to report any change in accordance with paragraph I, the secretary of state may order such additional polling hours for the polling place as he or she deems necessary.

2011-0674h

Amendment to HB 601-FN

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend the introductory paragraph of RSA 420-L:3 as inserted by section 1 of the bill by replacing it with the following:

The commissioner shall ***have the authority to*** enforce the consumer protections and market reforms as set forth in the Act that relate to insurance. ***Before establishing standards for enforcing the provisions of the Act, the commissioner shall obtain approval from the oversight committee, established in RSA 420-L:6. This provision requiring approval of the oversight committee before establishing standards for the enforcement of the provisions of the Act that relate to insurance shall apply to any state official or agency that seeks to enforce the insurance provisions of the Act.*** This ***section*** shall not include the medical assistance program under RSA 167. The commissioner shall have full power and authority in accordance with the time frames set forth in the Act to:

Amend RSA 420-L:6 as inserted by section 2 of the bill by replacing it with the following:

420-L:6 Health Insurance Reform Oversight Committee. There is established a health insurance reform oversight committee consisting of 2 members of the senate, appointed by the president of the senate, one of whom shall be from the senate commerce[~~, labor and consumer protection~~] committee, and 3 members of the house of representatives, appointed by the speaker of the house, 2 of whom shall be from the house commerce and consumer affairs committee. ***The committee shall elect from its membership a chairman.*** The committee shall meet at the request of the commissioner[~~, but no more frequently than monthly~~] ***or the chairman***. The commissioner shall make such periodic reports to the oversight committee relative to the department's federal insurance reform implementation plans and initiatives as may be required by the oversight committee. The oversight committee shall make [~~a summary~~] ***an annual*** report on federal insurance reform implementation, together with any recommendations for legislation, to the house commerce and consumer affairs committee and the senate commerce[~~, labor and consumer protection~~] committee [~~by the first day of the 2011 legislative session~~] ***on or before November 1, 2011 and thereafter on or before November 1 of each year***.

AMENDED ANALYSIS

This bill removes the repeal of the law authorizing the insurance commissioner to implement the insurance reforms required under federal law. This bill also requires the insurance department to obtain approval from the health insurance reform oversight committee before implementing any of the federal changes.

2011-0256h

Amendment to HB 603

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend the title of the bill by replacing it with the following:
AN ACT prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.
Amend RSA 4:43, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No public works projects or natural formations under the control of the state shall be named in honor of any living elected, or formerly elected, official.

AMENDED ANALYSIS

This bill prohibits public works projects and natural formations under control of the state from being named in honor of any living elected, or formerly elected, official.

2011-0494h

Amendment to HB 605

Proposed by the Committee on Ways and Means - C

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

1 New Section; Business Finance Authority; Innovation Business Job Growth Program. Amend RSA 162-A by inserting after section 13-c the following new section:

162-A:13-d Innovation Business Job Growth Program.

I. The authority may establish and administer an innovation business job growth program to increase the supply of venture capital to the economy of the state. The program is intended to promote investment in qualified venture capital funds by guaranteeing or insuring portions of the principal of investments in such funds and through direct investment in qualified venture capital funds by the authority. Creation of the program is intended to improve access by innovative businesses in this state to venture capital funds, and to create or preserve employment opportunities for the state's citizens. The program shall be known as the "New Hampshire innovation business job growth program."

II. The authority is authorized to apply for and accept grants from the federal government and sources other than the state of New Hampshire that will assist in carrying out the purposes of this section. The authority shall establish a fund to be known as the New Hampshire innovation business job growth fund which shall be established exclusively for the purpose of receiving, holding, and investing all such moneys or grants consistent with the purposes of this section, including any investment income earned with respect to such moneys or grants. The authority shall maintain the fund and all moneys, grants, and investment income earned thereon separate and distinct from all other moneys of the authority.

III. Upon approval by the authority's board of directors, the authority may apply funds maintained in the New Hampshire innovation business job growth fund to provide guarantees of the principal of investments in qualified venture capital funds that by contract agree to invest such principal in New Hampshire within 12 months of the receipt of the guarantees. The authority's board of directors shall approve such application of funds after making all of the following findings:

(a) The proposed application or investment will serve a public use and provide a public benefit;

(b) The proposed application or investment is within the policy of, and the authority conferred by, this section;

(c) The proposed application or investment will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens; and

(d) The proposed application or investment will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

IV. Qualified venture capital funds are those funds that have by contract with the authority's board of directors agreed to invest, no later than 12 months after the execution of the guarantee, the amount of any guaranteed principal in businesses whose primary operations are located in New Hampshire and that, in opinion of the board:

(a) Will maintain a periodic presence in the state;

(b) Will build linkages to, and accept referrals from, some of the organizations promoting the state's innovation economy, including the authority, the Small Business Development Corporation, the university of New Hampshire Green Launching Pad, the department of resources and economic development, the New Hampshire Innovation Commercialization Center, the university system of New Hampshire, and other venture capital investors within the state;

(c) Will actively invest in companies establishing their first payroll accounts in the state;

(d) Express a commitment to seek investments in businesses in this state that meet its investment criteria; and

(e) Demonstrate the ability to successfully manage rapid portfolio company growth leading to excellent returns on invested capital.

V. The application or investment of funds pursuant to this section shall be evidenced by written agreement entered into by the authority, other parties, and qualified venture capital funds with respect to such application or investment.

VI. The authority shall establish such policies and procedures as it shall determine necessary to carry out the purposes of this section.

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

2011-0739h

Amendment to HB 609-FN

Proposed by the Committee on Judiciary - C

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

1 New Chapter; Circuit Court. Amend RSA by inserting after chapter 490-E the following new chapter:

CHAPTER 490-F

CIRCUIT COURT

490-F:1 Purpose. The general court hereby organizes, constitutes, and establishes the New Hampshire circuit court. The goals of the circuit court are the respectful treatment of all individuals, the prompt and fair resolution of all issues within its jurisdiction, the use of alternative dispute resolution to reduce the adversarial nature of proceedings, the effective use of technology and the assignment of judicial and nonjudicial staff specially selected for their commitment to these goals.

490-F:2 Circuit Court; General. The circuit court shall be a court of record with statewide jurisdiction. Each circuit court location shall have the authority to hear all cases within the subject matter jurisdiction of the circuit court. Subject to part 1, article 17 of the New Hampshire constitution, nothing in this chapter shall prohibit the reassignment of cases within the circuit court as justice or efficiency require in the discretion of the administrative judge of the circuit court.

490-F:3 Circuit Court Divisions. The circuit court shall consist of 3 divisions: a probate division, a district division, and a family division. The circuit court shall have the jurisdiction, powers, and duties conferred upon the former probate and district courts and upon the former judicial branch family division by RSA 547, RSA 502-A, and RSA 490-D.

490-F:4 Circuit Court Locations. The judicial districts for the district and family divisions shall be as set forth in RSA 502-A:1 and RSA 490-D:4, respectively, and each county shall be a judicial district for the probate division. The supreme court may, from time to time, establish other locations for each of the divisions. The probate court records shall be maintained at the circuit court site at each county seat. The circuit courts shall be as follows:

I. Coos county	first circuit

II. Grafton county	second circuit
III. Carroll county	third circuit
IV. Belknap county	fourth circuit
V. Sullivan county	fifth circuit
VI. Merrimack county	sixth circuit
VII. Strafford county	seventh circuit
VIII. Cheshire county	eighth circuit
IX. Hillsborough county	ninth circuit
X. Rockingham county	tenth circuit

490-F:5 Circuit Court Judges and Masters; Appointment; Tenure.

I. On the effective date of this chapter, the circuit court shall consist of those justices and masters previously appointed and commissioned by the governor and council as prescribed by the constitution and the laws of the state of New Hampshire. The tenure of office of persons serving as justices or special justices of the district and probate courts or marital masters in the judicial branch family division and superior court shall not be affected hereby, and they shall continue in office as judges or masters respectively of the circuit court.

II. Judicial and master appointments to fill vacancies which exist on the effective date of this chapter in the former probate and district courts and in the former judicial branch family division shall be to the New Hampshire circuit court. No judicial officer appointed to the circuit court shall be appointed to a particular location; however, the assignment of a circuit court judge to a particular location shall be within the discretion of the administrative judge of the circuit court who shall take into account the weighted caseload and judicial need of that location.

490-F:6 Circuit Court Judges and Masters; Assignment; Certification.

I. Circuit court judges and masters shall be assigned to one or more circuits or locations in the discretion of the administrative judge of the circuit court after considering population, judicial time and efficiency, available judicial resources, and the needs of the public.

II. The assignment of a circuit court judge to a division within the circuit court shall be based upon the judge's knowledge of, commitment to, and expertise in the subject matter of the division.

III. For purposes of part 2, articles 80 and 81 of the New Hampshire constitution, a judge of probate shall be any circuit court judge assigned to the probate division.

IV. Judges and marital masters appointed prior to the effective date of this chapter shall be initially assigned within the circuit court as follows:

(a) Judges of the former probate court shall be initially assigned to the probate division of the circuit court;

(b) Judges of the former district court shall be initially assigned to the district division of the circuit court;

(c) Judges certified in the former judicial branch family division shall be initially assigned to the division that corresponds with their initial appointment and to the family division of the circuit court; and

(d) Masters appointed to the former judicial branch family division or superior court shall be permanently assigned to the family division of the circuit court.

V. The assignment of a circuit court judge to a division following initial assignment shall be within the discretion of the administrative judge; provided, however, the circuit court judge shall be certified by the supreme court to hear cases coming within the newly assigned division prior to such assignment. A judge initially assigned to a division within the circuit court pursuant to paragraph I shall be deemed certified in the division of initial assignment.

VI. Thereafter, judges appointed to the circuit court shall be assigned to a division at the discretion of the administrative judge subject to the following considerations:

(a) The knowledge, commitment to, and expertise of the judge in the subject matter of the particular division to which the judge is to be assigned;

(b) The division in which the judicial vacancy resulting in the new appointment exists, and

(c) The judicial needs of a particular circuit court location as determined by the administrative judge.

VII. Judges may be certified in all divisions of the circuit court pursuant to rules adopted by the supreme court.

VIII. Nothing in this section shall prohibit the administrative judge from assigning judges to a division as justice and efficiency require.

IX. The judges and masters shall be entitled to receive their actual personal expenses when absent from their assigned court in the performance of their official duties. The judges and masters shall not be reimbursed for mileage to commute from the judge's residence to his or her assigned court except for any mileage in excess of 50 miles each way.

490-F:7 Circuit Court Judges; Number.

I. Except as provided in paragraph II, the number of judges and masters in the circuit court shall not be less than the number of authorized judicial and master positions in the former district court, probate court, and judicial branch family division, as well as any superior court judicial officer or marital master equivalent not yet transferred to the former judicial branch family division on the effective date of this chapter but necessary to complete the family division implementation as set forth in RSA 490-D.

II. Upon the retirement, resignation, disability, or removal of a part-time justice or special justice of the former probate or district courts, the position shall be eliminated, unless within 30 days of such retirement, resignation, disability, or removal the supreme court certifies in writing to the governor that due to population, caseload, and available judicial resources, the position needs to be continued in the circuit court.

III. Upon the completion of the current term of a marital master, the position shall be converted to a full-time judicial position, provided that the fiscal committee of the general court approves and further provided that sufficient funds have been appropriated for the salary and benefits of the full-time judicial position. Once converted to a full-time judicial vacancy, the governor may nominate and the council may confirm any qualified person pursuant to part 2, article 46 of the New Hampshire constitution.

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

490-F:8 Circuit Court Judges; Retired Judges.

I. Nothing in this chapter shall limit the ability of retired judges under 70 years of age of the former district and probate courts or of the circuit court to elect senior active status or of such retired judges 70 years of age and older to serve as judicial referees pursuant to RSA 493-A.

II. Judges who have elected senior active status, are eligible to elect senior active status, or are eligible to serve as a judicial referee on the effective date of this chapter shall maintain such eligibility.

III. The assignment and certification provisions of this chapter shall apply to senior active judges and retired judges acting as judicial referees.

490-F:9 Disqualifications of Judges. No judge or clerk of the circuit court shall be retained or employed as an attorney in any action, complaint, or proceeding pending in a division of the circuit court or circuit court site in which that judge or clerk has been certified or assigned. No attorney shall be permitted to practice before any division of the circuit court where any justice, associate justice, or special justice is associated with such attorney in the practice of law.

490-F:10 Full-Time Circuit Court Judges. A circuit court judge designated to be full-time under RSA 490-F:7, IV shall not be permitted to engage in the practice of law to any degree. Full-time judges shall receive the salary specified in RSA 491-A:1.

490-F:11 Judicial Branch Budget Request. For the purpose of calculating the biennial budget request and judicial salaries as well as the number of judicial positions required in the circuit court, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the fiscal committee of the general court. The number of weighted case units shall be calculated by the administrative office of the courts in October of each year, using caseload statistics for the preceding 12-month period. Said weighted case units shall serve as the basis for determining the salary of part-time judges for the next calendar year.

490-F:12 Part-Time Judges; Salary Calculation. The salary of judges who were part-time judges in the district and probate courts shall be calculated each year based on the weighted caseload of the former jurisdiction less any weighted values for case types that are no longer within the jurisdiction of the circuit court or judicial branch.

490-F:13 Circuit Court Clerks; Appointment. The administrative judge of the circuit court shall appoint a clerk with responsibility for each circuit court site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more circuit court locations. Circuit court clerks shall have the same duties as clerks of the former district court and judicial branch family division and as registers of probate with the exception of RSA 15-B, RSA 456-B, RSA 548, RSA 653, RSA 655, and RSA 661 which shall remain as duties of the registers of probate. Circuit court clerks shall hold office at the pleasure of the administrative judge of the circuit court.

490-F:14 Staff. The administrative judge of the circuit court shall identify a mechanism by which to assign and transfer existing staff in the probate and district courts and in the judicial branch family division to operate the circuit court. The number of circuit court staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-F:15 Referees. The circuit court, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall in the same manner commit any other cause or the determination of any other question of fact.

490-F:16 Alternative Dispute Resolution. Alternative dispute resolution shall be utilized in the circuit court when practicable to reduce the adversarial nature of proceedings.

490-F:17 Existing Procedure Applicable. All provisions of law, not inconsistent herewith, relating to procedure in civil or criminal matters and practice in the former probate and district courts and the former judicial branch family division shall remain in full force and apply to the circuit courts hereby established.

490-F:18 Statutory References. During the implementation of the circuit court, references in statutes involving the jurisdiction of the circuit court to the probate or district courts or to the judicial branch family division shall be deemed to include the circuit court. Following the full implementation of the circuit court, those references shall be deemed to be to the New Hampshire circuit court where it has exclusive jurisdiction of a subject matter and to the superior court and circuit court where the circuit court has concurrent jurisdiction with the superior court.

490-F:19 Implementation Plan. On the effective date of this chapter, the New Hampshire circuit court shall be operational based upon a plan of implementation developed by the administrative judge of the circuit court in consultation with and approved by the supreme court.

2 Judicial Branch Family Division Clerks, Fees. RSA 490-D:12, II and III are repealed and reenacted to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

III. The sum of $5 shall be added to each entry fee collected by the circuit court clerk on cases which, prior to the establishment of the judicial branch family division, would have been filed in the probate court. Sums collected under this paragraph shall be deposited in the mediation and arbitration fund established under RSA 490-E:4.

3 Sessions in Towns Within District. RSA 502-A:2, II is repealed and reenacted to read as follows:

II. The administrative judge of the circuit court established in RSA 490-F shall have the authority to and shall, on an annual basis, establish the number of court sessions and the hours and days of operation required for each district court. The administrative judge shall consider the convenience of each court's users, caseload, resources, and security. Each court shall submit a plan for flexible scheduling to the administrative judge that meets the needs of the community served by that court which may include evening, early morning, and/or weekend sessions and other alternative sessions. In evaluating the community need for alternative sessions, the administrative judge and local courts shall evaluate separately civil suits, small claims, order of notice, motor vehicle matters, and criminal cases to determine the needs of the community.

4 Duties of Clerks; Disposition of Fines. RSA 502-A:8 is repealed and reenacted to read as follows:

502-A:8 Duties of Clerks; Disposition of Fines.

I. The clerk of the applicable circuit court established in RSA 490-F shall receive all fines and forfeitures paid into the district court from any source. The clerk of any circuit court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited with the treasurer and not out of the penalty assessment charged by a district court. The clerk shall forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund and fines collected for violations of title LXII and all other statutes to the treasurer for deposit in the general fund within 14 days. The clerk shall separately indicate which fines were for violations of title XXI. Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6 through RSA 105:7, shall be remitted monthly to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

II. Nothing in this section shall prevent the court from transferring the collection of fines to a centralized location. Any fines collected by the central location shall be distributed as indicated in paragraph I. References to duties and responsibilities of clerks contained in paragraph I shall be deemed to include the central fine collection center as appropriate.

5 Criminal Cases; District Courts. RSA 502-A:11 is repealed and reenacted to read as follows:

502-A:11 Criminal Cases, District Courts. Each district court shall have the powers of a justice of the peace and quorum throughout the state and shall have original jurisdiction, subject to appeal, of all crimes and offenses committed within the confines of the district in which such court is located which are punishable by a fine not exceeding $2,000 or imprisonment not exceeding one year, or both, including all violations of the provisions of RSA 266:16 and 266:25 pertaining to vehicles exceeding permitted size or weight, regardless of whether the defendant is a natural person or any other person.

6 Jury Trial. RSA 502-A:15 is repealed and reenacted to read as follows:

502-A:15 Jury Trial. In cases in which the damages claimed exceed $1,500 or the title to real estate is involved, if the defendant, upon the entry of any action for damages under RSA 502-A:14, II or II-a, within 7 days of the return date of the action or within such additional time as the district court for good cause may allow, files a written request for trial by jury, the cause shall be at once transferred to the superior court for the county or judicial region in which the court is located, to be heard and tried as if originally entered in the transferee court. The original entry fee and cost of transferring the action shall be paid by the moving party but shall be recoverable as costs if the moving party prevails in the action. If, after transfer for trial by jury, the moving party waives the right to jury trial, the cause shall at once be remanded to the district court of original jurisdiction.

7 District Court Fees. RSA 502-A:28, I is repealed and reenacted to read as follows:

I. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of each applicable circuit court established in RSA 490-F for the benefit of the state.

8 Other Fees. RSA 502-A:29 is repealed and reenacted to read as follows:

502-A:29 Other Fees. For other certificates or papers which he or she is authorized to make or certify, the clerk of a circuit court shall receive the same fees as a clerk of the superior court.

9 Probate Court Fees. RSA 490:27, I is repealed and reenacted to read as follows:

I. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state.

10 Court of Record. RSA 547:1 is repealed and reenacted to read as follows:

547:1 Court of Record. The court of probate is a court of record for all purposes, and each probate court shall be provided with a seal bearing upon its face the name of the court and the name of this state.

11 Transfer to Superior Court. RSA 547:11-d is repealed and reenacted to read as follows:

547:11-d Transfer to Superior Court. In cases where a right to jury trial is guaranteed by the constitution or granted by statute, a plaintiff desiring a jury trial shall file the action in the superior court, and filing the action in the probate court where there is concurrent jurisdiction shall constitute a waiver of a jury trial by the plaintiff. If the defendant desires a jury trial, the defendant shall indicate the request for a jury trial at the time of the defendant’s initial pleading with the court. Failure to timely request a jury trial shall constitute a waiver by the defendant thereof. If a jury trial is requested by the defendant, the matter shall be transferred to the superior court.

12 New Sections; Dockets and Index; Records; Probate Court Entry Fees. Amend RSA 547 by inserting after section 27 the following new sections:

547:27-a Docket and Index. The probate court shall keep a docket of all cases and matters, and an index thereto which shall be open to public inspection at all reasonable times.

547:27-b Records.

I. The probate court shall appropriately retain all wills and their probate; all proceedings with regard to real estate; all accounts settled, and all orders, decisions and appointments from which an appeal may be claimed.

II. The probate court, subject to the approval of the supreme court, shall establish and implement retention and destruction schedules for those original files, papers and records in cases and matters disposed of by the court.

547:27-c Probate Court Entry Fees.

I. Entry fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of each applicable circuit court established in RSA 490-F for the benefit of the state.

II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

13 Residence. RSA 548:1 is repealed and reenacted to read as follows:

548:1 Residence, etc. The register of probate shall dwell in the county in which the probate records are required to be kept. If a register shall dwell in any other county and continue so dwelling for 30 consecutive days, the office shall be deemed vacant.

14 Preservation of Files. RSA 548:5 is repealed and reenacted to read as follows:

548:5 Preservation of Files. The register of probate shall be responsible for coordinating with the administrative judge of the circuit court established in RSA 490-F the preservation of any closed files having the potential for historical significance. The register may recommend that these files be sent to the records center established under RSA 5. The register of probate shall maintain a current index describing the location of any files which have been removed from the court pursuant to this section.

15 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

548:17 Salaries. The annual salaries of the registers of probate shall be established by the supreme court in accordance with the compensation system established by the supreme court.

16 Acting as Counsel. RSA 548:24 is repealed and reenacted to read as follows:

548:24 Counsel Acting As. The register shall not act as counsel or advocate in any proceeding in, or to be brought into, the probate court of which the register was elected, nor receive any fee for such service.

17 Acting as Appraiser. RSA 548:25 is repealed and reenacted to read as follows:

548:25 Appraiser, or Commissioner, Acting As. The register shall not be appointed nor act as appraiser or commissioner on any estate under administration in the probate court of the county in which the register was elected.

18 New Section; Record of Decedent's Real Estate. Amend RSA 554 by inserting after section 14 the following new section:

554:14-a Record of Decedent's Real Estate. Whenever it appears from the inventory or any other instrument pertaining to real estate filed with the court in connection with the administration of any estate that the estate contains real estate located in another county within the state, the court shall notify, within 15 days, the register of deeds of the county in which the real estate lies of the name and date of death of the decedent. A register of deeds who receives such a notice shall record in the grantor's index of the register's office the name of the decedent, the decedent's date of death, and the county in which the estate is being probated. The cost for filing said notice shall be assigned to the estate.

19 New Section; Notice to Fiduciaries. Amend RSA 554 by inserting after section 26 the following new section:

554:26-a Notice to Fiduciaries.

I. A fiduciary appointed by the probate court shall file, as required by law, an inventory within 90 days after the date of appointment, or an account of administration within one year after the date of appointment. If a fiduciary fails to file an inventory within 30 days after the required filing date, or an account of administration within 90 days after the required filing date, the fiduciary is in default. The clerk of the applicable circuit court established in RSA 490-F shall give notice of the default to the fiduciary by first class mail within 10 days after the default. In the case of any inventory, account, annual report, statement of voluntary administration, or waiver of administration affidavit, the fiduciary shall either file the inventory, account, annual report, statement of voluntary administration, or waiver of administration affidavit, or show good cause for the failure to file, within 30 days after notice of the default from the clerk. If the fiduciary fails to file or to show good cause, the judge of probate shall issue a citation to the fiduciary to appear before the judge pursuant to RSA 550:2. The fiduciary shall pay default and citation fees as established by the supreme court under RSA 490:26-a to the clerk, pursuant to RSA 490:27. The requirements of this section shall apply to fiduciaries previously appointed as the judges of probate may prescribe by rules adopted pursuant to RSA 547:33.

II. The clerk shall contemporaneously with the issuance of any citation pursuant to paragraph I and RSA 550:2 send a copy of such citation by first class mail to the following:

(a) Any surety for the fiduciary;

(b) Any person who has filed an appearance; and

(c) Any residuary beneficiary, and the director of charitable trusts in cases involving charitable dispositions and trusts.

20 Name Change. Amend the following RSA provisions by replacing "register of probate" and "register" with "clerk:" 5-C:32, 7:29, 21-J:14, 87:21, 87:22, 87:26, 135-C:38, 170-B:16 170-B:22, 171-B:6, 401:1, 457:28-b, 464-A:12, 464-A:20, 464-A:26, 464-A:28, 464-A:33, 505:11, 553:16, 553:25, 561:19, 564:4, 564:12, 568:30, 568:35, and 568:54.

21 Reference Deleted. RSA 151-A:15, I is repealed and reenacted to read as follows:

I. If within 180 days after the date of a testate or intestate patient's death in any nursing home no petition for probate has been filed under any section of RSA 553 and the gross value of the personal property remaining at the nursing home belonging to the deceased, including any amount left in a patient account, is no more than $2,500, the nursing home administrator shall file in the probate court in the county where the nursing home is located an affidavit for the purpose of disposing of such deceased patient's estate. The form of the affidavit, and the rules governing proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The nursing home administrator shall not file a death certificate with the probate court, but shall attest to the death in the affidavit. If the nursing home patient died testate and if the nursing home administrator has the will or a copy of the will, the nursing home administrator shall file the same in the probate court in the county where the nursing home is located. The probate court shall waive all filing fees.

22 Reference Change. The introductory paragraph of RSA 464-A:35, I is repealed and reenacted to read as follows:

I. A guardian of the person shall file an annual report with the court within 90 days after the anniversary date of the guardian's appointment, or be in default. The clerk shall give notice of the default to the guardian by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a. The report shall contain a brief summary of the present status of the ward including, but not limited to:

23 Reference Change. RSA 464-A:36, I is repealed and reenacted to read as follows:

I. Subject to the provisions of RSA 464-A:26, V, a guardian of the estate shall file an annual account under oath with the court within 90 days after the anniversary date of the guardian's appointment, or be in default. The clerk shall give notice of the default to the guardian by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a.

24 Reference Change. RSA 490:25, III is repealed and reenacted to read as follows:

III. Receive and accept at any time funds from the sale or exchange of books, pamphlets, maps, manuscripts, and other related material, or from the sale of data base services, barcodes, cataloging records, magnetic tapes, laser discs, video tapes, or related or similar material, or from fees and fines as established by the law library and approved by the supreme court. Any funds accruing to the law library from such sources and as provided under RSA 490:24, I; RSA 490-D:12, II; RSA 499:18, II; RSA 502-A:28, II; and RSA 547:27-c, II shall be paid into the state treasury and held in a continually appropriated fund which shall not lapse for the use of the law library upon approval by the supreme court;

25 Reference Change. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	$151,477
Associate justices, supreme court	$146,917
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	$146,917
Associate justices, superior court	$137,804
District court justices prohibited from practice pursuant to RSA 502-A:21-a	$137,804
Probate judges prohibited from practice pursuant to RSA 547:2-a	$137,804

26 Reference Change. RSA 553:32, I is repealed and reenacted to read as follows:

I. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's estate and is appointed to serve as administrator; or whenever a deceased dies intestate and the surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is appointed to serve as administrator, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets. Administration of the estate shall be completed upon the administrator's filing, and the probate court's approval of an affidavit of administration. Such filing shall occur not less than 6 months nor more than one year after the date of appointment of the administrator. The affidavit of administration shall state that to the best of the knowledge and belief of the administrator there are no outstanding debts or obligations attributable to the deceased's estate and shall list all real estate owned by the decedent at the time of death, including the location, book, and page. If the administrator fails to file the affidavit of administration within the time prescribed above, the administrator is in default. The clerk shall give notice of the default to the administrator by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a.

27 Reference Change. RSA 554:1 is repealed and reenacted to read as follows:

554:1 Inventory. Every administrator shall file under oath, with the court, within 90 days after the date of appointment, a full, true and itemized inventory of all the estate of the deceased which has come to the administrator's knowledge. If an administrator fails to file an inventory within 30 days after the required filing date, the administrator is in default. The clerk shall give notice of the default to the administrator by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a. The inventory shall contain a description of the real estate; a correct schedule of all goods, chattels, stocks, bonds, cemetery plots or burial spaces, and other effects of the deceased; of all notes, with their dates and terms of payment, and the date and amount of each endorsement thereon; of all deposits in savings banks, with the name and location of each bank, the number of each book, the date of the last dividend, and the whole amount then due thereon less any withdrawals since that date; and a list and description of any other written evidences of debt. If any person claims a present legal or equitable right of title to real or personal property in the estate of the deceased, the administrator may petition the probate court pursuant to RSA 547:11-b to determine the question as between the parties.

28 Reference Change. RSA 599:1 is repealed and reenacted to read as follows:

599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the sentence is declared, may appeal therefrom to obtain a de novo jury trial in the superior court, which shall hear the appeal. The appeal shall be entered by the defendant at the next return day unless for good cause shown the time is extended by the superior court. If, after a jury trial in the superior court, the defendant is found guilty, the superior court shall sentence the defendant, and the defendant may appeal questions of law arising therefrom to the supreme court. In the event the defendant waives the right to jury trial after the case has been appealed, the superior court shall forthwith remand the case to the district court for imposition of the sentence originally imposed by the district court, and the defendant may appeal questions of law arising therefrom to the supreme court. In all misdemeanor cases which are appealed to superior court or in which defendants are bound over it shall be the duty of the superior court to transmit to the justice of the district court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

29 Repeal. The following are repealed:

1. RSA 490-D:6, relative to judges and marital masters.
2. RSA 490-D:10, relative to referees.
3. RSA 490-D:11, relative to staff.
4. RSA 490-D:12, I, relative to judicial branch family division clerks.
5. RSA 490-D:13, relative to alternative dispute resolution.
6. RSA 490-D:15, relative to marital master's expenses.
7. RSA 502-A:1-a, relative to additional district courts.
8. RSA 502-A:3, relative to appointment and tenure of district court justices.
9. RSA 502-A:3-a, relative to associate justices of Manchester, Nashua, and Concord District Courts.
10. RSA 502-A:3-b, relative to tenure of district court justices following consolidation.
11. RSA 502-A:3-c, relative to elimination of special justices unless need certified.
12. RSA 502-A:5, relative to powers of other justices.
13. RSA 502-A:5-a, relative to assignment of judges.
14. RSA 502-A:6, III, relative to salaries of clerks.
15. RSA 502-A:6, V, relative to salaries of deputy clerks.
16. RSA 502-A:7, relative to district court clerks.
17. RSA 502-A:7-a, relative to deputy clerk of the Nashua District Court.
18. RSA 502-A:7-b, relative to deputy clerks.
19. RSA 502-A:8-a, relative to assignment of juvenile intake officers.
20. RSA 502-A:8-b, relative to duties of juvenile intake officers.
21. RSA 502-A:12-a, relative to regional jury trials.
22. RSA 502-A:20, relative to courts of record.
23. RSA 502-A:21, relative to disqualification of justices.
24. RSA 502-A:32, relative to existing procedure applicable.
25. RSA 502-A:34, relative to functions of municipal courts vested in district court.
26. RSA 502-A:35, relative to an exception to the abolition of municipal courts.
27. RSA 502-A:36, relative to the transfer of pending actions.
28. RSA 547:11-e, relative to failure to prosecute appeal.
29. RSA 547:27, relative to if the register is not present.
30. RSA 547:38, relative to assignment of judges.
31. RSA 548:2, relative to office hours.
32. RSA 548:3, relative to the seal.
33. RSA 548:4, relative to docket and index.
34. RSA 548:4-a, relative to scheduling.
35. RSA 548:5-a, relative to notice to fiduciaries.
36. RSA 548:6, relative to destruction of records.
37. RSA 548:7-a, relative to the record of decedent's real estate.
38. RSA 548:8, relative to blanks and stationery.
39. RSA 548:9, relative to inventory blanks.

40. RSA 548:14, relative to deputy registers.
41. RSA 548:14-a, relative to additional deputy registers.
42. RSA 548:16, relative to the disability of the register.
43. RSA 548:23, relative to receipts.
44. RSA 548:23-a, relative to probate court entry fees.

30 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill establishes the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

2011-0130h

Amendment to HB 621-FN-LOCAL

Proposed by the Committee on Public Works and Highways - C

Amend RSA 482-A:3, III as inserted by section 2 of the bill by replacing it with the following:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) and RSA 483-B:5-b are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state and protected shorelands under RSA 483-B, conducting field investigations, and holding public hearings. [~~Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands and shorelands review fund.~~]

Amend RSA 482-A:3, III as inserted by section 3 of the bill by replacing it with the following:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state and protected shorelands under RSA 483-B, conducting field investigations, and holding public hearings. [~~Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands and shorelands review fund.~~]

Amend the bill by replacing section 5 with the following:

5 Permit Required; Fees. Amend the introductory paragraph of RSA 483-B:5-b, I(b) to read as follows:

(b) The permit application fee shall be $100 plus $.10 per square foot of area affected by the proposed activities and shall be [~~deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be~~] capped as follows:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Repeal. RSA 6:12, I(b)(131), relative to the wetlands and shorelands review fund, is repealed.

2011-0487h

Amendment to HB 622

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

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

1 New Paragraph; Semi-annual Rate Adjustments for Adequate Education Grants or Excess Tax Amounts. Amend RSA 76:15-a by inserting after paragraph II the following new paragraph:

III.(a) Notwithstanding the provisions of paragraphs I and II, any municipality affected by a change in adequate education grants or excess tax amounts, determined pursuant to RSA 198:41, may apply to the commissioner of revenue administration on forms prescribed by the commissioner to adjust the 1/2 of the previous year's tax rate by an amount sufficient to collect 1/2 of the estimated increase or decrease in the local school tax resulting from the change.

(b) The department of education shall certify, no later than November 15, to the commissioner of the department of revenue administration the difference in the amount of the adequate education grants and excess tax amounts between the current fiscal year and the forthcoming fiscal year for every municipality.

(c) Any municipality requesting an adjusted rate for the semi-annual bill shall submit such request to the commissioner of the department of revenue administration by April 1 prior to the issuance of the semi-annual bill.

2 New Paragraph; Quarterly Rate Adjustments for Adequate Education Grants or Excess Tax Amounts. Amend RSA 76:15-aa by inserting after paragraph IV the following new paragraph:

V.(a) Notwithstanding the provisions of paragraphs II and III, any municipality with quarterly billing affected by a change in adequate education grants or excess tax amounts, determined pursuant to RSA 198:41, may apply to the commissioner of revenue administration on forms prescribed by the commissioner to adjust the 1/4 of the previous year's tax rate by an amount sufficient to collect 1/4 of the estimated increase or decrease in the July and October quarterly bills in local school tax resulting from the change.

(b) The department of education shall certify, no later than November 15, to the commissioner of the department of revenue administration the difference in the amount of the adequate education grants and excess tax amounts between the current fiscal year and the forthcoming fiscal year for every municipality.

(c) Any municipality requesting an adjusted rate for the quarterly bills shall submit such request to the commissioner of the department of revenue administration by April 1 prior to the issuance of the July and October quarterly bills.

(d) The department of revenue administration shall expedite certified adjusted rate applications.

3 Rate Adjustments for Fiscal Year 2011. On the effective date of this act, the department of education shall certify to the commissioner of the department of revenue administration the difference in the amount of the adequate education grants between the 2011 fiscal year and the 2012 fiscal year for every municipality. The department of revenue administration shall expedite certified adjusted rate applications in accordance with RSA 76:15-a, III and RSA 76:15-aa, V.

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

AMENDED ANALYSIS

This bill allows for the adjustment in the method of calculating the partial payment of taxes related to an increase or decrease in local education taxes resulting from a change to the town's or city's adequate education grant or excess tax amount. The changes applies to both semi-annual and quarterly collection of taxes.

2011-0565h

Amendment to HB 642-FN

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend the bill by replacing section 1 with the following:

1 Request for Information Relative to Single Pharmacy Benefits Manager. The commissioners of the departments of health and human services and administrative services shall jointly issue a request for information (RFI) to solicit information on the feasibility and opportunities for efficiency or savings presented by unifying the public payors of health care benefits, including, but not limited, to Medicaid, state employees and retirees, and municipal employees and retirees, in a single pharmacy benefits manager. The RFI required under this section shall be issued no later than 90 days after passage of this act. The commissioners shall submit a report to the governor, speaker of the house of representatives, president of

the senate, and the oversight committee on health and human services established in RSA 126-A:13 no later than 60 days following the completion of the RFI process summarizing the information received. If the RFI suggests that there would be increased efficiency and savings, the commissioners shall jointly issue a request for proposal (RFP) within 6 months of the report required under this section and the cost of the RFP shall be borne by the affected groups in proportion to their covered lives.

AMENDED ANALYSIS

This bill requires the commissioners of the departments of health and human services and administrative services to issue a request for information (RFI) soliciting information regarding the feasibility of unifying the public payors of health care benefits in a single pharmacy benefits manager. Under this bill, if the RFI suggests there would be savings under such system, the commissioners shall issue a request for proposal.

2011-0616h

Amendment to HCR 9

Proposed by the Majority of the Committee on State-Federal Relations and Veterans Affairs - R

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of New Hampshire respectfully urges the President and Congress of the United States to immediately address the serious privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by Transportation Security Agency employees at the nation's airports; and if these concerns cannot be satisfactorily addressed, urges the discontinuation of their use; and

That the New Hampshire general court hereby urges Congress to pass H.R. 6416 or to enact similar legislation protecting the rights of travelers in the nation's airports; and

That copies of this resolution, signed by the speaker of the house of representatives and the senate present, be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

2011-0622h

Amendment to HCR 13

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

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

A RESOLUTION urging the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the general court of the state of New Hampshire, the Congress of the United States, and particularly, the legislative delegation to Congress of the state of New Hampshire, are hereby urged and petitioned to use all of their efforts, energies, and diligence to protect all the citizens of this nation from potential, unprecedented losses in the value of take-home pay, retirement income, insurance policies, and investments as a result of the Federal Reserve's ongoing inflation of our unbacked paper money by passing HR 459 in the House of Representatives and S.202 in the Senate requiring a comprehensive audit of the Federal Reserve; and

AMENDED ANALYSIS

This house concurrent resolution urges the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.

2011-0581h

Amendment to HCR 15

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

Amend the title of the bill by replacing it with the following:
A RESOLUTION urging our federal senators to vote against the Law of the Sea Convention.
Amend the resolution by replacing the first 2 paragraphs after the title with the following:

Whereas, Article 1, Section 1 of the Constitution for the United States of America delegates all legislative authority of the government of United States of America to the Congress of the United States; and

Whereas, Article 2, of the Constitution for the United States of America delegates no legislative authority to the President of the United States of America; and

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of the state of New Hampshire urges Senator Shaheen and Senator Ayotte representing New Hampshire in the United States Senate in the Congress of the United States to vote against ratification of the Law of the Sea Convention; and

That the general court of the state of New Hampshire does not support any executive order creating new treaties or agreements among nations or with the United Nations without the affirmative vote of 2/3 of the United States Senate; and

That the house clerk transmit copies of this resolution to Senator Shaheen and Senator Ayotte.

AMENDED ANALYSIS

The house concurrent resolution urges our federal senators to vote against the Law of the Sea Convention.

2011-0612h

Amendment to HCR 22

Proposed by the Majority of the Committee on State-Federal Relations and Veterans Affairs - R

Amend the title of the resolution by replacing it with the following:
A RESOLUTION declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.
Amend the resolution by replacing all after the title with the following:

Whereas, at 6,288 feet Mount Washington is the highest peak in the Northeastern United States and is located in the Presidential Range of the White Mountains, in Coos County, New Hampshire; and

Whereas, Mount Washington is a natural landmark known throughout the world for its majestic beauty and its dangerously erratic weather; and

Whereas, Mount Washington signifies the tough, resilient "live free or die" nature of New Hampshire and its residents; and

Whereas, Mount Washington is unique to New Hampshire; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That while the New Hampshire house of representatives understands and supports the need for firms, corporations, or persons to have trademark protection and that the name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location; and

That copies of this resolution be forwarded by the house clerk to the United States Patent and Trademark Office.

AMENDED ANALYSIS

This concurrent resolution declares that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.