

HOUSE RECORD

Second Year of the 162nd General Court Calendar and Journal of the 2012 Session

Vol. 34 Concord, N.H.

Friday, March 9, 2012

No. 19

Contains: Reports and Amendments for March 14, 15 and 16, Legislative Ethics Committee Interpretive Ruling 2012-#1, House Bills Amended by the Senate, Hearings, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in Session on **Wednesday, March 14 and Thursday March 15 at 9:00 a.m. and Friday, March 16, 2012 at 10:00 a.m.**

I want to thank all of you who worked hard to get over 300 bills out of committee to meet the reporting deadline. We are also grateful to those members of the Committee Services staff who processed those reports, as well as the House Clerk and her staff who are now charged with the responsibility of processing this onslaught of legislation.

You may note that some committee reports have an opening sentence or two in italics. If so, this is wording that I have added to provide a better understanding of the contents of a particular bill.

I have appointed Rep. Don LeBrun to be the Speaker's liaison to statutory committees. He will follow up with the Chairs of those committees to ensure they meet and file reports in a timely manner.

Chairmen of legislative committees and subcommittees have been requested as much as possible to limit their work to Tuesdays, Wednesdays and Thursdays of each week in order to reduce expenditures for mileage reimbursement.

Please remember that Representatives Hall is not to be used for any purpose, whether legislative or non-legislative, without the express permission of the Speaker.

You are reminded that material is not to be placed in members' mailboxes in the anteroom behind the Chamber unless and until it has been approved for such distribution by the House Chief of Staff. Also, material is not to be distributed by members in Representatives Hall while the House is in Session.

There will NOT be a meeting of Chairmen and Vice-Chairmen this upcoming Tuesday, March 13th, which is Town Meeting Day.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **March 14**, Thursday, **March 15** at **8:30 a.m.** and Friday, **March 16** at **9:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **March 14**, Thursday, **March 15** at **8:15 a.m.** and Friday, **March 16** at **9:15 a.m.** in Rooms 305-307, LOB.

Terie Norelli, Democratic Leader

NOTICE OF RECONSIDERATION

This day, March 8, 2012, at 4:50 p.m., Representative Steve Vaillancourt, having voted on the prevailing side whereby the House, on a voice vote, found **HB 1645, prohibiting all public employees from participating in collective bargaining** Inexpedient to Legislate, served Notice of Reconsideration on the bill.

Karen Wadsworth
Clerk of the House

NOTICE

The House calendar closes at **3:00 p.m. on Wednesdays** for scheduling and notices. It closes at **NOON on Thursdays** for Committee Reports. Please be sure to do your scheduling in order to meet that deadline.

CLOSES NOON THURSDAY:

March 15
March 22

AVAILABLE FRIDAY:

March 16
March 23

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2012 SESSION

Thursday, March 22, 2012

Last day to report all remaining
House bills.

Thursday, March 29, 2012

Last day to act on House bills.
CROSSOVER.

CONTINUATION OF REGULAR CALENDAR FROM THURSDAY, MARCH 8

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS HB 1617-FN, repealing the certificate of need law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M Reagan for Health, Human Services and Elderly Affairs: The bill repeals the Certificate of Need (CON) board process which is the regulatory tool of the health services planning and review board. The bill as amended creates a system that allows competition while protecting small hospitals and preventing an over supply of expensive new inpatient services or additional inpatient beds. The goal of the original CON process was to manage growth of health care facilities state wide while reducing costs incurred by New Hampshire citizens. The committee believes the CON process has fallen short of this mission and has become protectionist of the consumer. Additionally, the committee found the CON process has less to do with the "quality" of care than it did with restricting the volume of choices

available for health care. The committee heard three hours of testimony both in support of and opposition to the bill. It became apparent to the majority that the current system was restrictive and non-responsive to New Hampshire citizens. **Vote 18-0.**

JUDICIARY

CACR 22, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for the **Majority** of Judiciary: This bill would offer an amendment to the New Hampshire Constitution, to be voted upon by the citizens of the state at the general election of November 2012. Currently the justices of the state supreme court make the rules that govern the administration of all courts in the state. The majority of the committee believes that court rules should have the force and effect of law. Accordingly, it was determined that the legislature, the body charged with passing laws, should be involved in this process. This is not a novel concept. Prior to 1978, the New Hampshire legislature passed the statutes on judicial rules and procedures. This amendment would strike a balance between the judicial and legislative branches and require that the chief justice establish the court rules with the concurrence of the state legislature. The majority of the committee concluded that this issue was important enough to be put before the people by way of Constitutional Amendment. **Vote 12-4.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This is the first of two mutually inconsistent CACRs recommended for passage by this committee. One of the popular myths about our present constitution is that the passage of Part II, Article 73-1 in 1978 somehow took power away from the legislature and put it in the hands of the court. This is not true. Article 73-a simply reallocated rulemaking power within the judicial branch from the superior court to the supreme court. This CACR would amend Part II Article 73-a of the constitution to allow the supreme court to make rules of court procedure only with the concurrence of the legislature. Those in favor of this change argue that this is already being done on the federal level. However, the federal system is different in that the court sets the rules, and then the legislature has seven months in which to decide if they want to overrule or modify the court's action. Requiring the legislature to take affirmative action before a rule can be adopted will be counterproductive in many instances. An example of this would be the rulemaking required of the court upon passage of the parental notification bill to set out procedures for the judicial bypass contained in the bill. There, the rules needed to be in place when the bill was implemented. The minority is also concerned about adhering to the charge of a much older part of our constitution, Part I, Article 37, which says, "[i]n the government of this state, the three essential powers thereof to wit, the legislative, executive, and the judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity." Finally, the minority believes that the majority abdicated its duty to make a considered recommendation to this House when it recommended two inconsistent CACRs addressing the same subject matter to the full House.

CACR 26, Relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gregory M Sorg for the **Majority** of Judiciary: This CACR, if ratified, would repeal Article 73-a of Part II of the New Hampshire constitution. It is one of several CACRs aimed at correcting the perceived improvident cumulative transfer of authority from the legislative to the judicial branch through several constitutional amendments ratified between 1966 and 1978. The authority given to the supreme court by Article 73-a in 1978 to make rules having "the force and effect of law" is by its terms limited to "rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts."

However, acting under color of Article 73-a, the court has repeatedly issued rules unrelated to and going well beyond court administration, practice and procedure, and the majority believes that this abuse justifies withdrawal of its supposed basis by repeal of Article 73-a.

Vote 11-5.

Rep. Janet G Wall for the **Minority** of Judiciary: This CACR would repeal all authority for the Chief Justice of the Supreme Court to make rules governing the administration of all the courts. The bill is flawed in that it does not tell the voters the correct information. There is a legislative myth that Part II, Article 73-a altered power between the legislature and the supreme court. It did not. Article 73-a reallocates power within the judicial branch by authorizing rulemaking power by the supreme court, rather than the superior court. It did nothing to the legislative branch. Just as the various state agencies make rules for the applications of laws the legislature passes, the judicial branch needs to make rules as well. Rules made by the judicial branch deal with numerous functions including the everyday operations of the court system. The rulemaking process in the judicial branch is not undertaken lightly. We have a system of checks and balances in government with respect for the separation of powers. While the legislative branch makes laws, the judicial branch, in this instance, develops rules. This CACR is not needed.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: This bill restores constitutional protections for the most vulnerable members of our society at their most vulnerable time. Under current law, life-sustaining treatment can be withheld or withdrawn from a legally incapacitated person if: (1) that person has a validly executed advance directive, (2) such action is authorized by an existing guardian or other court order, or (3) such action is taken in accordance with a facility's standard protocol as applicable to its general patient population. Because the committee felt that greater protections were warranted for our most vulnerable citizens, the committee eliminated the third option. The committee was concerned about the possibility of subjective decisions based on factors such as finances, and was also concerned about disparate treatment of these most vulnerable citizens, depending on what facility they happened to be in. For example, one facility might choose to terminate a patient's life while the decision in another facility could be totally different. The committee felt that the decision to end a life should not be dependent on what facility the patient is in, and felt that at a minimum, an objective court hearing should be required. **Vote 11-3.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This bill revises a section of the statutes which was initially adopted to protect persons with disabilities. Currently, medically administered nutrition and hydration and other life-sustaining treatment from a mentally incompetent or developmentally disabled person unless the person has a validly executed advance directive, or a court order is obtained, or unless such action is taken in accordance with the facility's standard protocol as applicable to its general patient population. The change from "mentally incompetent or developmentally delayed" to "legally incapacitated person" and the removal of the provision about the general patient population causes the minority to be concerned that this provision now applies to every patient who is without legal capacity to make their own health care decisions, whether or not the patient has been adjudged to be incompetent or not. As such, all families could be forced to seek a guardianship and further court order before withdrawing any life-sustaining treatment such as kidney dialysis. Passage of the bill would interfere with both the current abilities of families to make the most difficult and personal of decisions for their loved ones, and would also interfere with medical standards of care. Finally, the minority believes that to make reference to the Republican Party Platform in the statement of intent of a bill that will apply to all New Hampshire citizens is entirely inappropriate.

HB 1217, relative to the form for executing advance directives for health care decisions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: This bill expands the rights of New Hampshire citizens to be treated in accordance with their wishes at the end of their life. Currently, New Hampshire has a very restrictive New Hampshire Advance Directive form that consists of a Living Will and a Durable Power of Attorney for Healthcare. All other forms are considered invalid, no matter how clear the form or its intentions. For example, if someone presents a New Hampshire hospital with a very clear directive from another state, that directive is considered invalid and ignored. This bill allows any form to be used, so long as it still complies with other aspects of current law, such as the validation procedure of two disassociated witnesses and a notary public. The committee felt that a person's right to have their wishes followed should not depend on what form they happened to use, as long as their intentions on the form of their choice were clear **Vote 13-4.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: Members of the minority believe that every person has the right to make their own health care decisions and want to make expressing those desires in advance as simple as possible. The current form for advance directives does that. Supporters of this bill assert that the language of the bill simply allows advance directives from other states to be honored in New Hampshire. If that were the case, a simple one-sentence savings clause would be all that would be necessary. As drafted, the bill allows for an ill-defined assortment of "other forms" to be honored. The lack of clarity is sure to lead to further litigation to determine which other forms are acceptable.

Furthermore, when another form is used, the bill dispenses with the current requirement of a disclosure form. This would lead to less informed decision-making, not more informed decision-making. Finally, the current standardization of form and language makes it more likely that a patient's wishes will be followed in a prompt and timely manner, with less likelihood of litigation over the appropriateness of the form.

HB 1263, repealing the law requiring landlords of restricted residential property provide service of process information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: The bill as submitted repeals the law enacted two years ago that instituted the burdensome requirement that all landlords provide service of process information to their municipalities. This requirement was overbroad because it was instituted to address alleged problems with out-of-state landlords, but it applied to every landlord in New Hampshire also. This requirement was also unnecessary because municipalities can easily obtain service of process information by obtaining the information from the tax collector. Last year, the House passed this bill but an agreement was reached in committee of conference to only eliminate the \$1000 fine imposed on landlords and to bring this back as a standalone bill due to concerns about hearing notification on a portion of the bill. The committee amendment to this business friendly bill simply clarifies that landlord/tenant contracts are to be treated as all other contracts, such that expiration or termination of a lease is considered to be a ground for termination of that lease. **Vote 8-6.**

Rep. Lucy M Weber for the **Minority** of Judiciary: This bill began as a reintroduction of a measure passed by the House last year to repeal the requirement in RSA 540:1-b that landlords appoint an agent for service of process. Last year, this provision was added as a non-germane amendment to a different landlord tenant bill. The Senate declined to pass the measure, in part citing the lack of a public hearing in the House. The minority is persuaded by testimony that requiring landlords to designate an agent for service of process has worked to level the playing field between landlords who have always played by the rules and landlords, usually from out of state, who try to evade building code compliance by whatever means possible. The minority therefore opposes the repeal of RSA 540:1-b. In addition, the majority has once again chosen this bill as a vehicle for a non-germane amendment. A new ground for the termination of tenancy was tacked on to the bill without adequate notice to the public that such a measure would be considered. The minority continues to believe such a measure should not be passed without adequate opportunity for public comment.

HB 1264, establishing a religious exemption for individuals who do not wish to provide accommodations, goods, or services for marriages. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barry J. Palmer for the **Majority** of Judiciary: This bill would allow individuals and businesses the right not to accommodate customers when the accommodation would violate the person's conscience or religious faith. Although the purpose of the bill is well-intentioned, it was believed to be too far-reaching and probably unconstitutional. The bill would also run afoul of federal and New Hampshire anti-discrimination laws. **Vote 9-5.**

Rep. Gary S. Hopper for the **Minority** of Judiciary: Fundamental to our constitutional rights is the free exercise of religion. For many that worship is not confined to the Sabbath or a place of worship, but extends into their day-to-day life. Compelling people to violate their beliefs in order to conduct business is a violation of their right of conscience.

HB 1300, relative to removing public officials for cause. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: Currently, the attorney general, the governor, any member of the executive council, and the appointing authority may petition the governor and council for the discharge or removal of non-classified state officials for malfeasance, misfeasance, inefficiency in office, incapacity, or unfitness to perform assigned duties. This bill simply helps make government more accountable to the citizens by adding "a standing committee of the house of representatives or senate" to the list of who can petition for discharge or removal, and also adding "failure to perform assigned duties" as a reason such an official can be discharged or removed. New Hampshire's citizen legislature is the conduit for citizens to voice their concerns. As the voice of the citizens and as the lawmaking body in New Hampshire, it is only fitting that committees dealing with these issues be able to petition the governor and executive council in such cases. **Vote 13-4.**

Rep. Lucy M Weber for the **Minority** of Judiciary: The minority fully agrees that public officials not doing their job should be removed from office. The concern the minority has is with allowing the majority of any standing committee of the House or of the Senate to be able to petition the governor and council for the removal of non-classified officials. The House currently has 26 standing committee; 29 if you count the three separate divisions of Finance. Nine or ten members count as a majority of most committees. In the Senate, as few as three members make up the majority of a committee. The bill does not require that the petition comes from a committee with actual knowledge of the duties of the particular official or the workings of that official's department. Members of the minority believe that too much latitude is being given, and that the petition process as drafted has the potential to be used to unduly harass or interfere with a particular official.

HB 1308, relative to the definition of "public body" under the right-to-know law.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Joseph M. Hagan for the **Majority** of Judiciary: Any nonprofit corporation created through the action of and primarily funded by any agency, authority, department or office of the state or of any county, town, municipality, school district, SAU or other political subdivision is a public body and, therefore subject to right-to-know. Public funding demands public scrutiny. **Vote 10-3.**

Rep. Lucy M Weber for the **Minority** of Judiciary: The minority agrees that certain quasi-governmental bodies set up as nonprofit corporations should probably fall under the provisions of RSA 91-A. Generally, though, nonprofits are not government, and should not have to comply with a law meant exclusively for government. The concern here is that the bill as drafted is both too broad and too narrow. Prior to the early 1900s, the only way a nonprofit could be established was through an act of the legislature. Therefore, all of the most venerable of our nonprofits were established through government action. Examples of institutions that would have to comply with the right-to-know law include private academies designated as receiving schools, such as Pinkerton Academy and Coe-Brown Academy. The bill as drafted will result in different treatment for the older nonprofits than those

established later and without any governmental action. Moreover, if the intent of the bill is to track the expenditure of public funds, why are for-profit entities primarily funded through tax dollars not included? For-profit entities are currently subject to far less scrutiny than are the nonprofits, which must report annually extensively and openly to the charitable trust Division of the attorney general's office.

HB 1463, relative to abandonment of the tenancy and relative to property abandoned by a tenant. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Frances D Potter for the **Majority** of Judiciary: This bill attempts to address the situation in which a landlord believes a tenant has abandoned his or her apartment and would prefer to avoid using the eviction process. The committee recognizes this might be a legitimate concern for a landlord. The committee believes the bill is well-intentioned. However, as written, the bill does not ensure that tenants are not suddenly locked out of their homes by honest mistake (for example, when the tenant was in hospital without the landlord's knowledge). Unscrupulous behavior might unintentionally be facilitated by the bill. This bill does not provide any remedy for a tenant in such a situation. This challenging issue needs more work. **Vote 8-6.**

Rep. Peter L Silva for the **Minority** of Judiciary: The minority feels that a problem exists with landlords being burdened with tenants leaving behind property and burdening the landlord with the responsibility of storing it. This can also delay the process of preparing the property for the next tenant causing loss of rental income.

HB 1659-FN, relative to the women's right to know act regarding abortion information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F Souza for the **Majority** of Judiciary: This bill will put New Hampshire in line with 31 states that have women's right to know laws. In 1992, the United States Supreme Court ruled that women have a right to all the information necessary to make informed choices regarding abortion. It found that informed consent laws reduce "the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed." In 2007 the Court reaffirmed the state's "interest in ensuring so grave a choice is well-informed." This bill provides that ensuring so grave a choice is well-informed." This bill provides that New Hampshire women have access to all the information needed to make a truly informed decision. They deserve no less. **Vote 13-4.**

Rep. Rick H Watrous for the **Minority** of Judiciary: This bill redefines the concept of informed consent in the context of one legal medical procedure. It is misleadingly titled; New Hampshire's right to know law, RSA 91-A, pertains to government transparency. This bill is model legislation from an organization that considers abortion to be murder. The Women's Right To Know Act is one of several pieces of model legislation that it distributes in its goal to ultimately outlaw the legal act of abortion. This is propaganda, posing as objective information. This lengthy bill is full of inaccurate information that is to be written into our law and be given to patients—disputed science that has no place in our RSAs or forced upon our citizens. The bill requires doctors to give medically unfounded information to patients who may not wish to see or hear it—a violation of patients' and physicians' rights. The costs detailed by the four page fiscal note—including the costs of new personnel and equipment—start at over \$107,000 per year. This does not include the cost of the required printed material and the production and streaming of the required video, or the anticipated judicial branch costs. The minority believes that this bill would needlessly increase state expenditures, micromanage physicians' practices and significantly burden a woman's ability to make her own decisions based on the best available medical advice.

HB 1679-FN, relative to partial-birth abortions and third trimester abortions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F Souza for the **Majority** of Judiciary: In 2007 the U. S. Supreme Court upheld the federal ban on the procedure known as partial birth abortion. With this bill, New Hampshire will join the growing list of states that likewise prohibit this procedure. In accordance with recent Court decisions recognizing a governmental interest in protecting the life of a child during the birth process, the majority urges passage of this bill. **Vote 13-4.**

Rep. Frances D Potter for the **Minority** of Judiciary: "Partial birth" is not a medically recognized term. Abortion poses less risk to a woman's health than a full-term delivery as attested by the Guttmacher Institute and other authorities. A chair of the OBGYN Department at Dartmouth, and representatives of the New Hampshire Medical Society totally opposed this bill. New Hampshire physicians should be free of legislative interference in the exercise of their best medical judgment and in their relationships with their patients. The bill is completely unnecessary and seeks to address a non-existent problem. It also includes conflicting language.

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

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Brian JX Murphy for the **Majority** of Judiciary: This bill makes two technical changes regarding the judicial process for approving a minor's petition for an abortion. The first change would expand the minor's access to courts by allowing her to petition a court in a community outside of her natural jurisdiction. The second change modifies the time period for a judge to rule on the petition from 48-hours to "two court business days." The majority of the committee felt the change would provide judicial flexibility without reducing the minor's access to the process. Specifically, this statute does not change the requirement that the judiciary provide judicial access to the minor to file or appeal her petition "24 hours a day, 7 days a week." **Vote 10-6.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This bill makes two changes to current law. The first is that currently, only the superior courts are hearing these petitions. The bill would allow the petitions to be heard by superior or circuit courts. Most who voted against the bill agree that broader court access is a step in the right direction. The second part of the bill changes the time frames for acting on petitions. Currently, the court must issue a ruling within 48 hours from the time the petition is filed, and in the case of an appeal from the decision, must issue a ruling within 48 hours of the filing of the appeal. The bill would extend the time frame in both cases to 2 court business days. Most who voted against the bill were concerned that the intervention of holidays and court furlough days could potentially extend the time frame up to about 5 days. Any delay in the abortion procedure brings with it added risk, and there is also the possibility that the time within which an abortion can be performed will pass before the process is complete. Proponents of this particular parental notification process relied on the very short time frame for decisions as one of the reasons to adopt this procedure. Given the small number of requests for judicial bypass, the minority does not think the 48 hour requirement puts an unreasonable burden on the court system.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1206, prohibiting the state from withholding union dues from the wages of state employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jack B Flanagan for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill as amended requires both a public employer and employees to pay for insurance increases if a contract expires or is at impasse. Any costs increases necessary to fulfill continuing obligations for employees shall be shared equally by both parties. The amendment totally replaced the original bill. **Vote 12-5.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority of the committee believes that this bill should be inexpedient to legislate and creates problems in the public employee collective bargaining processes, subverts local control, and is unfair to employees. Most existing contracts provide a ratio for splitting

health insurance costs, for instance 20% of the cost from the employee, 80% from the employer; or 25%/75%; etc. When a contract expires, continuing obligations have maintained the ratio previously negotiated in good faith in previous contracts. This negotiated ratio is neutral in effect to both employer and employee. Requiring the employee to bear 50% of the additional costs when a provider increases costs after expiration and while a contract is at impasse or was rejected by the legislative body provides a substantial additional cost burden to the employee and a substantial reduction in relative costs to the employer. It is not neutral, and provides perverse incentive to the employer to delay further negotiation for a successor agreement.

This bill, as amended, dramatically reduces local control. When a contract expires and a new contract cannot be reached, previous negotiation between public employers and employee unions determined the ratio of benefit cost-sharing until a successor contract is reached. With this bill, the state mandates the split in cost of these benefits at a 50-50 level, and preempts local solutions. Additionally, it tips the once relatively level playing field to one where management lowers its relative costs by not coming to a settlement. The increased burden of costs to the employees while compensation is frozen in the impasse process does not affect management, whose compensation is independent of the bargaining process. Their relative decline in costs and paying for health benefits may serve as an incentive not to settle.

HB 1574, relative to an employee's lunch or eating period. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kevin P Sullivan for the **Majority** of Labor, Industrial and Rehabilitative Services: The current statute states that an employer may not require an employee to work more than five hours without granting a one half hour lunch period. With the increase in part-time employment, we feel that changing the time to six hours makes it more conducive to the part-time work force. It also makes the statute more consistent with all of our bordering states, making it a level playing field. **Vote 11-4.**

Rep. Andrew A White for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority believes the testimony to the committee made it clear; there is no problem with our current legislation which requires a half-hour meal break after an employee works five consecutive hours. Every employee in this state can currently waive the meal break requirement by signing a simple half-page form one time. The current process is simple and allows employees to have discretion on how many hours they work in excess of five, making this bill unnecessary.

HB 1645-FN, prohibiting all public employees from participating in collective bargaining. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tammy A Simmons for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill as amended allows the board of the public employer to request a secret ballot election to determine whether or not certification will continue when the number of dues-paying members falls below ten and is less than half of the positions in the bargaining unit. **Vote 12-5.**

Rep. Andrew A White for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill as drafted sought to make illegal collective bargaining by public employees; as amended it will permit an employer to request a decertification election when certain thresholds of bargaining unit membership occur. There was no testimony at either of the two public hearings that indicated this provision was needed or necessary. The minority knows there is a process for decertification of bargaining units in place and has every confidence employees can make the decision to hold such an election.

HB 1663-FN-L, relative to payment of union fees by non-members. **REFER FOR INTERIM STUDY.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: The items in this bill are similar to those of another bill approved by the committee however there were a few

minor items that may still have merit. An ought to pass motion was not approved because the committee did not want to send a mixed message to the House regarding two bills that were on parallel paths. A second motion of interim study was approved. **Vote 12-5.**

SPECIAL ORDER

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill is about the employee's freedom to choose what, if any, groups to join in a work environment. Eliminating exclusive representation in favor of majority representation, the bill's intent is not to limit choices of the employee, but to enable them to choose which, if any, union they desire to establish an association. One union might serve the needs of the employee better than another, or for that matter, better than employer offered benefits. Policies can be easily established by the employer to deal with multiple unions and non-represented employees. It is not in the interest of the employee, employer, nor the state, for unions to be legalized monopolies. **Vote 11-6.**

Rep. Jeffrey P Goley for the **Minority** of Labor, Industrial and Rehabilitative Services: The first part of this bill is the exact same language as HB 474 "Right to Work" that was heard in the house last year. The only thing that has changed is the title, it is now called "Employee Freedom of Choice Act". Statistics show that the median household income in New Hampshire is higher than every single right to work state, that our poverty rate is lower than the 22 right to work states, and New Hampshire has an unemployment rate lower than all but one right to work state. New Hampshire's working families are far better off than those in right to work states. Making New Hampshire a right to work state will lower wages and reduce benefits for our workers. We do not want to become the Alabama or Mississippi of the northeast. Part two of this bill removes "exclusive" representation in collective bargaining. The minority believes this could increase the number of bargaining units in cities and towns, which would increase the number of contracts to negotiate, leading to increased costs. How is this possible? Take a city with a High School, Middle School, and Elementary School for example. The teachers are exclusively represented by one organization, such as NEA. This bill removes "exclusive" so now you could have separate bargaining units representing each of your schools. Your High School could be represented by one union, middle school by another, and your elementary school by a third. By removing "exclusive" you could have any group of ten or more employees forming a bargaining unit. For these reasons the minority believes HB 1677 should be ITL.

HB 1685-FN-L, relative to collective bargaining under the public employee labor relations statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for the **Majority** of Labor, Industrial and Rehabilitative Services: The bill as amended would allow public employees to opt out of belonging to a union or paying an agency fee, but it would recognize that in most cases the reality is that the collective bargaining process would be establishing the salary and benefit packages for non-union members. Employees who opt out, but whose positions are covered under a contract may be charged a negotiation fee, if the union requests the fee and submits certain information to the appropriate parties. If all of the employees in a particular classification opt out then the union would no longer bargain for that classification and they would not be subject to the fee. Any employee who had opted out would have his/her salary and benefits established through personnel policies. Such employee would no longer have the right to be represented by the union in any action and instead would fall under the personnel policies for any disciplinary action. Finally this act shall not take effect if HB 1677; the right to work bill, becomes law. **Vote 12-5.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority believes that this is a deceptive and unworkable bill. It suggests any public employee may opt out of joining, and paying membership dues or fees to a public employee union. However, if a labor organization elects to represent those employees who have opted out, those who have opted out must pay a negotiation fee. The costs of negotiation must be determined and certified, but each employee covered under the contract must pay the fee. This bill seems to establish three different membership groups where public employee unions are in the workplace; full dues paying members, agency fee payers, who will pay for negotiations, contract administration, and due process protections, and negotiations fee payers, who pay only for the costs of negotiations if the union wishes to include those workers in the agreement. This seems unworkable; while calculation of agency fees have been determined by case law, it may be very arbitrary to calculate only the costs of negotiation; and it is deceptive if those who have opted out still must pay the fee.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1282-FN-L, relative to workforce housing and the definition of community.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Stephen T DeStefano for the **Majority** of Municipal and County Government: This bill would require municipalities to “opt in” to the workforce housing law, making it a voluntary effort, yet it is precisely this sort of thinking that contributed to skyrocketing housing costs in the past decade. A decade of study by the legislature has demonstrated that workforce housing is a critical part of our state’s economy. The existing workforce housing statute, which has been in effect for a little over two years, supports the opportunity for the creation of modestly priced homes to help grow New Hampshire’s labor force. The existing law promotes the performance of the free market, which should not be unduly impeded by excessive governmental regulation such as exclusionary zoning that has the effect of prohibiting the construction of homes affordable to the middle class. For these reasons, the workforce housing law has the strong support of the NH Business and Industry Association, the greater Manchester Chamber of Commerce and the greater Nashua Chamber of Commerce, as well as many other leaders in business statewide. The existing law includes no quotas and no complex mathematical formulas, as it is designed to provide municipalities with flexibility, allowing each community to develop its own unique “homegrown” solution. The law does not mandate limitations on resale values, but allows municipalities to choose to adopt such provisions if they see fit. Already over fifty communities across the state have adopted workforce housing provisions in their zoning ordinances, and the law is working well. For example in the town of Amherst, a community with very high land costs, workforce housing is being built in a way that is consistent with historical and architectural concerns of local boards, yet is also affordable to lower and middle income residents. The only testimony the committee received from municipal officials was in support of the existing law, and against this bill. **Vote 15-2.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill was a compromise from the sponsor. The amendment attempted to outline what a town or municipality’s fair share of workforce housing is plus it maintained any existing workforce housing for future need. It was well written in light of the fact that it took into consideration the fact that there are a number of mathematical calculations and current law left any interpretations to the courts. This puts local control back in the process of this law and still allows workforce housing as a valid planning tool. This same bill was ITLed in committee last year and overturned by the full House.

HB 1303, amending certain requirements to obtain a local vendor license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D Copeland for the **Majority** of Municipal and County Government: Federal criminal record checks, also known as NCIC checks (national crime information center) are critical in ascertaining the true identity of a person. Employment fingerprint checks are a

regular way of doing business in today's society whether you are applying for a government or military position, child care, teacher, etc... A state name check is limited in accurately determining someone's criminal history, if any, and may be very misleading. Here's why: If one is arrested in another state under an assumed name, like John Jones, and one gives that name when fingerprinted, and then later a state name check is performed on the individual (without fingerprints) in New Hampshire under the true birth/legal name, Timothy Smith, the alias of John Jones will not surface. The NH entity performing that name check will never uncover a criminal history under that different name because fingerprints are unique to people not names. This legislation eliminates the federal fingerprint check which currently is an accurate vetting process, putting the general public in possible danger by not knowing the true criminal record of a person arrested under an assumed name. I submit to you, why would we want criminals to have the upper hand on our citizens? This is bad legislation which is a big step backward not only for our state but for the safety of our citizens. **Vote 16-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill would partially repeal an act of the previous legislature by removing the requirement that all vendors submit fingerprints, be subject to ten-year background checks and various investigations, all paid for by the merchant. There is no reason a free man or woman should be subjected to this level of scrutiny and invasion of privacy unless they have been charged with a crime. Our citizens should not be denied the ability to earn an honest living by government for reasons that are discriminatory, subjective, or arbitrary. There is no limit to the extent and cost of these many investigations, a different combination being required at each locality. If this is what is required of some, it should be applied to all other business people who may have the opportunity to enter homes and property or come in contact with children. With the current job crisis enterprising people should be rewarded for hard work, not punished before they can even start. Passage of this bill would put things back to the way they were when towns simply issued permits given some basic identification, address and contact information.

HB 1329, relative to the default budget in certain towns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E Coffey for the **Majority** of Municipal and County Government: The committee has had numerous bills designed to alter the definition of an SB 2 default budget, all of which have had flaws that would lead to greater confusion. This bill is not an exception. It proposes that the budgeting authority for the municipality remove from the default budget any reduction being made in the proposed operating budget. This leaves open questions such as; what if there was a maintenance project on the town hall in the prior year and now their was a proposal to overhaul a road grader. All of this part of a long term plan for diverse maintenance projects. It could be interpreted that the amount of the town hall project should be deducted while the road grader is new. This example is just meant to be an illustration of the chaos that would follow us if we tamper with the present statues regarding default budgets. What is needed is an in depth review of how SB 2 has worked and ways to improve it, not quick fixes to solve the quirks of a specific town or community. **Vote 12-4.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill gives the voting public the chance to vote on their budgets and not just the people that show up at the town or school district meetings. When this law was first debated, one of the arguments was what to do if the people were not in favor of the budget? What were the consequences of the people not approving the budget? Would the governing body have to start over and then have another vote? What was decided then is that there would be a default budget that the governing body would have to either live with or try one more time on another budget. But it didn't take governing bodies across the state to figure how to 'legally' make sure that their budget gets passed. Have the default budget higher than the operating budget. This clearly was not the intent of the law. HB 1329 will clear this up.

HB 1405, relative to refugee resettlement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kris E Roberts for the **Majority** of Municipal and County Government This is one of those well intentioned bills introduced to solve a problem where the sponsors see a problem but aren't really sure what they are trying to address is even a major factor. HB 1405 would allow local governing bodies to establish moratoriums on refugee resettlement in New Hampshire communities. HB 1405 would allow the local governing body to determine its "absorptive capacity." If the majority of the communities in New Hampshire have a hard time with the definition of "Work Force Housing" what would be the legally acceptable standard for "absorptive capacity?" It became very clear to the committee that many of the speakers on both sides of the issue often misclassified refugee, legal immigrant and illegal immigrant when it came to the issues in question. We were told that refugees, displaced people who are allowed to enter into the United States legally with green card status were having a very negative effect on the Manchester School System. But a review over the past 15 years of New Hampshire's involvement in the refugee programs would not account for the approximately 35-45 different languages spoken by English as a Second Language students in the Manchester school system; of the 1622 refugees who have been resettled in New Hampshire between 2009-2011 almost 78% or 1264 have come from Burundi. In 2010 there were refugees from 8 countries placed in NH. This was repeated in 2009 and 2011 with the majority coming from the same countries. Every state in the country except Wyoming takes part in the refugee resettlement program. There appears to be no federal requirement for a state to participate. New Hampshire takes part through the state government level not through social service organizations. The committee felt that Manchester, due to the size of both the current refugee, legal and illegal immigrant population should address those concerns with the New Hampshire Office of Energy and Planning Refugee Program which in FY 2009 received in excess of \$1,083,000 for refugee services. In FY 2010 another \$510,000 in voluntary agency matching grants funds. The 2009 UNH report on Refugees in New Hampshire show there is about a 50% out-of-state migration of refugees over a three period. This is due to the fact that all refugees are issued green cards and the freedom of movement nationwide. Allowing the local governing body to determine its "Absorptive Capacity" could create some very serious legal questions concerning refugees' freedom of movement. This matter needs to be pro-actively addressed at the city-state level with the state then addressing local concerns with the United States State Department and the Office of Homeland Security, not by New Hampshire enacting a law that could reflect negatively on the honest concerns of some local communities. **Vote 15-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill gives local control to refugee host communities. Municipal officials testified about the task of preparation of the unique assistance resources needed for new refugees and the communities' ability to meet the needs. HB 1405 requires a letter of agreement between state agencies and local governing bodies. If sufficient resources are not available, the host community may request a moratorium. HB 1405 protects both the host community and the resettled refugees.

HB 1453, relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments. **Majority: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for the **Majority** of Municipal and County Government: This bill requires subdivision regulations adopted by a municipality to require that the creation of a new subdivision not block other land from having access to a public way, by requiring subdivision regulations to require, at a minimum, a twenty foot deeded right of way to a public way. It is intended to reduce the number of landlocked properties, but does not force a sub divider to create a right of way that would accommodate a new road that might be necessary for additional subdivision. The bill also seeks to avoid creating landlocked parcels, especially where existing access may be by present use and not by deed. **Vote 9-8.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: Right-of-ways have been negotiated and laid out between private landowners since people have owned real estate. HB 1453 disrupts these agreements by requiring the planning board to force private landowners to negotiate a right-of-way if a land locked parcel is involved in a subdivision. Forcing the negotiation on a private property owner is an infringement of a fundamental right of private property ownership and constitutes a “taking” of private property. And, because HB 1453 mandates a right-of-way it tips the negotiating power towards the right-of-way purchaser. The minority of the committee does not believe that the Planning Board should become a mediator of right-of-way negotiations between private landowners. HB 1453 specifies a 20 foot right-of-way but is silent on its location or any landowner compensation. The minority urges a motion of Inexpedient to Legislate.

HB 1482, relative to the exemption from property taxation for hospitals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for the **Majority** of Municipal and County Government: This bill came to the committee as a seemingly minor bill. It just added one sentence to RSA 72:23 V concerning charitable organizations property tax exemption. But that one sentence singled out charitable nonprofit hospitals from all other charitable organizations and societies organized, incorporated, or legally doing business in New Hampshire. That one sentence stated that only the property located on the main campus of the hospital’s facility would be deemed tax-exempt even if charitable services are provided at the other locations. When the sponsor was asked if this would mean that if a hospital built a satellite hospital in another part of the city would HB 1482 require that hospital pay property tax like any other business despite its non-profit charitable status. The answer was a very clear yes. It became very clear to the committee that this was a Manchester problem not a state wide problem and that in the attempt to fix a self-imposed Manchester problem HB 1482 had the potential to create a very serious statewide problem. The sponsors told the committee that the city of Manchester was blinded-sided by Elliot Hospital. We were told that Manchester sold non-tax producing city own property to a developer based on the plan of raising about \$1.9 million annually in new property taxes. When pressed the sponsors told the committee that due to the downturn in the economy the developer’s financial resources dried up. It was stated that as a result of Elliot Hospital ability to attain certain low-interest and other financing the developer and Elliot Hospital went to the city of Manchester with the new proposal. The city of Manchester didn’t have the wool pulled over its eyes, the hospital and developer spend years working with the city planning and zoning offices, along with the required state office. Manchester wants it both ways, it wants all the benefits of a medical campus, with the additional good paying jobs, the increase property values, additional supporting businesses and the community status that comes with a first class hospital plus all the “lost property taxes” on what was non-tax producing property. Right now Manchester not only has a high quality medical facility, it is collecting property taxes on parts of the projects with a projected \$900K in additional yearly property taxes at project completion. Manchester has the ability as does every other community in the state to determine whether or not a non-profit or charitable organization are deserving of a tax-exemption. There are hospitals around the state where the main campus is granted tax exemption status and their “off campus” offices and clinics pay property taxes. If the city has a problem with Elliot Hospital and how it is treated under session law, then it should address that with a bill going forward; Not with HB 1482. If New Hampshire wants to be business friendly to both non-profit and for profit we don’t change the rules after the building is built. The right way to do so is to do it going forward so that businesses can base their business decisions on the certainty of current law. **Vote 16-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: The minority can recognize there is a disparity in the “charitable” assertion of the twenty-two non-profit hospitals in the state of NH. This bill would put all twenty-two of said hospitals on equal footing when it comes to developing their real estate portfolio. The bill is designed to ensure

our “non-profit” hospitals who can somehow afford to build \$100,000,000 satellite facilities from “retained earnings” under guise of tax-exempt status, cannot do so without first having to come to some agreement with the town or municipality they would be depriving of tax dollars. From the twenty-two “non-profit” hospitals only one, the Elliot Hospital, came to testify against this legislation. This is because of the twenty-two “non-profit” hospitals, they alone have autonomy in exempting everything they own from taxation due to session law from 1881 and forward. When Mrs. Mary Elliot made provisions in her will to establish the hospital, it was done solely as a charity with local clergy as the trustees. She specifically entrusted that “in furtherance of the charitable, humane and pious objects of the institution...said trustees will faithfully and wisely administer the trust and thereby induce others to largely contribute to the funds of the hospital.” Last year the Elliot Hospital took in nearly half a billion dollars with less than 10% of that amount going to “charitable” services. From the time of its creation, the Elliot Hospital has gone from a genuine “charity” to now providing only some charity.

HB 1522-FN, reducing the penalty for violating a local vendor ordinance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D Copeland for the **Majority** of Municipal and County Government: This proposed bill reduces the penalty phase from a class B misdemeanor to a violation offence. The original intent of the existing law was to allow local towns to help protect their residents from nefarious vendors who use door-to-door sales as a ploy to commit crimes. The protection lies in the ability of towns to develop a local ordinance for vendors that requires a criminal record check. Presently, a vendor who has class B misdemeanor conviction would be found out through this licensing process. If this same illegitimate vendor then attempted to ply his trade in another community and that community conducted a record check as part of the licensing process, that community would learn of his criminality and deny the license. By changing this law as proposed in this bill, violation level convictions would not be tracked and therefore, communities would not be able to learn of a criminal history by a vendor applicant. Further, this proposed change is contrary to the most recent change for RSA 31:102-a, which was adopted on Sept 11, 2010, that now allows local communities to work with the State to conduct more stringent criminal record checks on vendors protecting its citizens from preying criminals. Shouldn't that take precedence here, why would we want criminals to have the upper hand on our citizens? To some there was confusion about enforcement of the local hawkers and peddler ordinances and whether the current exemptions in RSA 320:3 applied to the ordinances adopted by cities and towns. There should be no confusion as the last sentence in RSA 31:102-a states that “provisions adopted under this section shall be in addition to any requirements imposed by the state under RSA 320 or 321.” **Vote 14-3.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill would partially repeal an act of the previous legislature by returning the penalty for violating local Hawkers & Peddlers ordinances from a misdemeanor to a violation. Supporters of harsh penalties included some local police who said they are a deterrent to swindlers, crooks, and other riff-raff that compete with local business and pay no property taxes. The committee heard testimony that these local ordinances were selectively enforced and therefore not a problem for legitimate local business. Evident in the discussion and pervasive at every level was confusion about exceptions to the state license in Chapter 320. To further muddy debate, claims were made by committee members that exceptions for charities and farm stands in Chapter 320 apply to this chapter (Chapter 31:102a) because RSA 320:8 mentions both. Not true. “Itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other people who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place” can become a criminal if they forget to purchase or renew their local Peddlers license. The problem with this severe penalty is that it creates as many ways to criminalize vendor activity across New Hampshire as there are towns and cities in New Hampshire. The

definition of what is or is not a criminal act ought to be uniform across New Hampshire and never subject to the whim of boards of selectmen, town councils or aldermen. For this reason if for no other, the penalty for violating any hawker's and peddlers license under the present statute should never be anything greater than a violation.

HB 1588, recodifying the laws relative to sheriffs, constables, and police officers.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Betsey L Patten for the **Majority** of Municipal and County Government: There were several issues in HB 1588 that caused concern for the committee members. The testimony regarding the fee increases indicated that the amounts put forth were arbitrary. The fees would be levied on sheriffs and constables which could increase budgets at the county levels. The committee felt that increasing fees was not a good public policy that the House should be supporting. Also the bill expanded the specific Hillsborough sheriff's ability to hire an assistant or clerk to all the county sheriffs. There was no input from any of the county delegations about whether they agreed with this expansion. For these reasons the committee voted Inexpedient to Legislate. **Vote 15-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill is one of the results of summer work by a subcommittee of Constitutional Review and Statutory Recodification. Working with current and former members of Criminal Justice and Public Safety, they reviewed Title 7, beginning a long process of recodification of all of our statutes, a major long term goal of the Recodification committee as a whole. The recodification bills generated over the summer were meant to involve other members of existing committees far more knowledgeable in the particular subject matter of each bill. The prime sponsor explained that this bill was intended to go to Criminal Justice, for a second review. After a review process with some long time members of the House far more experienced with Title 7, experts in the subject matter, who knew what was obsolete, what was easily updated to current standards and practices, and what sections were currently heavily in use or recently updated, the bill was written. Sadly, despite the prime sponsor's explanations and obvious willingness to work to amend the bill to address any potential concerns that might have been raised, the majority wasn't interested in participating in the recodification process, especially on a section of the RSAs not usually handled by this committee. The minority believes that sending the bill to Criminal Justice as originally intended will allow for the House to continue this important process.

HB 1674-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for the **Majority** of Municipal and County Government: The sponsors told the committee that the local governments were taking advantage of local property owners by making money from their bad situations. It was stated that last year New Hampshire taxpayers paid about \$18,000,000 in interest on late or unpaid taxes. As anyone should know that there has to be a moral hazard in every financial decision made. If the tax penalty for failing to play by the rules is too low then more people will engage in riskier behavior resulting in the community having to absorb the losses.

While 18% may appear to be a high penalty, it isn't when compared to 24-29% interest rates on credit card and up to additional \$49 a month fee for a late payment to Bank of America. Reducing the penalty rate down to 9% would result in more people considering paying off high interest credit cards and other debt first. This would result in the tax payers who paid on time having to occur additional taxes as local communities would have to incur additional borrowing expenses to cover cash flow requirements.

It was repeated over and over again by numerous towns and cities that they have no desire to be in the real estate business and that they have bent over backwards to help property owners resolve back tax issues. Numerous communities have repeatedly waived interest penalties to help bring the property owner current.

New Hampshire law allows communities to enter into legal agreements with the elderly and others who can't afford to pay their property taxes allowing them to not only stay in their homes but to avoid mounting interest penalty. The current system seem to be working very well, HB 1674 if passed would change that negatively. **Vote 14-3.**

Rep. Philip L Munck for the **Minority** of Municipal and County Government: This bill as amended by 2012-0569h provides an optional way for local governments to reduce the interest rate on delinquent property tax and other tax bills from the current rates of 12% and 18%. Municipalities legislative bodies must vote the change in and can vote it out. A change in the interest rate will take place for taxes levied in the tax year that begins April 1 of the year in which the change is adopted. April 1 is the date on which assessed valuations for property tax are set. The procedure does not change the interest rates for obligations from years prior to the change so adjustments will not have to be made for liens already recorded. Property tax billing programs presently in use in New Hampshire typically include setting the tax interest rates as part of the set-up for each year's tax levy. A municipality can revert to the statutory interest rates the same way it adopts the optional rate. Municipalities can determine for themselves whether the presently high interest rates are needed to insure prompt tax collections.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1416-L, relative to the introduction of substances into the New Hampshire public water supply. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlene M Lovett for Resources, Recreation and Development: This bill would require those communities that fluoridate their public water supply to post a notice on their residential water system billing statements. The notice is a quote from the Centers for Disease Control and Prevention and warns parents of the danger of giving infants, six months or younger, formula mixed with fluoridated water. The fluoridation of water is a controversial topic. However, those on both sides of the issue agree that there is scientific evidence that supports infants should not be given fluoride. The original bill would have prohibited the introduction of fluoride to any public water supply. The committee amendment replaces the entire bill with the aforementioned warning. **Vote 13-2.**

HB 1636, relative to the extension of fill and dredge in wetlands permits. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas J Howard for the **Majority** of Resources, Recreation and Development: This bill eliminates bureaucratic red tape individuals have to go through to get a permit to repair or shore up property that is regularly affected by storms and ice. This bill provides that certain permits for repair would no longer expire and require renewal after five years. **Vote 10-6.**

Rep. Marcia G Moody for the **Minority** of Resources, Recreation and Development: The sponsor of this bill wanted to allow his waterfront dredge and fill permit to be extended in perpetuity, if the work must be frequently repeated as storms and ice cause damage to recur. Now a state permit is valid for five years, and a simple form can be filed to extend it for another five. This ten-year period mirrors the Army Corps of Engineers permits required for almost all of the same types of projects. On shifting river systems and fragile shorelands, a five-year renewal allows DES to determine that the original permit is still appropriate. The bill had little support, and the minority feels it may unnecessarily allow damage to some properties, while preventing only a minor inconvenience to the property owner.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1239, requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R Holden for Science, Technology and Energy: This bill would have expanded the list of considerations the Energy Facility Site Evaluation Committee (SEC) would examine before issuing a certificate for an energy facility to include economic impacts to affected communities. The majority feels that the change in the law is unnecessary because the SEC

already considers the views of municipal and regional planning commissions and municipal governing bodies in their decisions. The Site Evaluation Committee follows a very comprehensive process, uses checks and balances, does exhaustive research in all of its cases, reaches out to and involves many stakeholder groups with interest in each specific case, and serves New Hampshire well. The concerns expressed by the bill sponsors can already be addressed under current practices and procedures of the Site Evaluation Committee and as a result, this bill is not needed. **Vote 12-1.**

HB 1346, relative to the construction of power line extensions. **OUGHT TO PASS.**

Rep. Laurence M Rappaport for Science, Technology and Energy: This bill allows customers to contract directly with power-line utility sub-contractors approved by Public Service Company of New Hampshire (PSNH) for the construction of power line extensions. This has the potential of saving customers thousands of dollars in build-out costs compared to paying PSNH to do the work. In many cases, PSNH actually hires these same sub-contractors to perform their work. The sub-contractors must be qualified and approved by PSNH, perform the work according to PSNH specifications and be final inspected by PSNH. The committee is comfortable that the potential economic benefits and strict safety standards are well balanced in this bill. **Vote 11-2.**

HB 1391, relative to transmission and distribution utility line extension construction and relative to pole attachments. **REFER FOR INTERIM STUDY.**

Rep. Frank R Holden for Science, Technology and Energy: This bill would have established standards governing transmission and distribution utility line extension practices, including standards for charges for line extensions, limits on cost recovery, standards for charges for make-ready work, customer service requirements, and requirements for accounting of line extension construction costs. This bill also would have changed standards for boxing lines or cables. The committee appreciates the sponsor's exhaustive research and desire to stimulate the further expansion of high speed broadband throughout the state. But given the complexity of the issues raised in this bill, the majority would like to refer the bill for interim study by the committee, and in addition, has asked the standing Telecommunications Oversight Committee to work with the sponsor and industry to investigate some of the innovative ideas presented in this bill and make recommendations to the legislature. **Vote 10-3.**

HB 1401, relative to site evaluations and certificates for energy facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A Cataldo for Science, Technology and Energy: This bill would have required additional hurdles for the New Hampshire site evaluation committee to take before it could approve the siting of a new energy facility. The additional requirements were subjective and not defined (and thus would be open to multiple interpretations and possible lawsuits). The committee believes that the site evaluation committee follows a very comprehensive process, uses checks and balances, does exhaustive research in all of its cases, reaches out to and involves many stakeholder groups with interest in each specific case, and serves New Hampshire well. The concerns expressed by the bill sponsors can already be addressed under current practices and procedures of the site evaluation committee and as a result, this bill is not needed. **Vote 9-4.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 1649-FN-A-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Lynne M Ober for the **Majority** of Special Committee on Education Funding Reform: Although a good idea, this legislation would cause dual property tax payment, and in many towns twice annually, requiring payment to your municipality and to the state. Delinquent taxpayers and those being paid by escrow would generate problems. There is similar

legislation, HB 447 in interim study in Ways and Means Committee, with the current IS bill and noted concerns. Majority of committee recommends ITL. **Vote 10-1.**

Rep. Gary B Richardson for the **Minority** of Special Committee on Education Funding Reform: HB 1649 would require the Statewide Education Property Tax to be paid to the state rather than to municipalities. The bill would not change the amount of money collected or the distribution of that money. Making payment of a state tax to the state would increase transparency and allow taxpayers to know where their tax dollars are being spent.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

HB 1483-FN, repealing the retirement system special account. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the **Majority** of Special Committee on Public Employee Pensions Reform: This bill removes all references to the Special Account from RSA-100, the New Hampshire Retirement RSA. Last year we transferred the monies in the Special Account back into the corpus, but did not remove the language in the RSA. The amendment addresses 3 other places in the RSA where it is mentioned, but were not included in the original bill.

Vote 11-3.

Rep. Daniel J Sullivan for the **Minority** of Special Committee on Public Employee Pensions Reform: Part I Article 36A of the New Hampshire Constitution provides all assets, proceeds and income of the New Hampshire Retirement System shall be held in trust for the exclusive purpose of providing benefits, and shall not be diverted to any other purpose. Raiding and depleting the Special Account in order to artificially lower employer rates is such an “other purpose” forbidden by the constitution.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

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

Rep. Steven L Cunningham for State-Federal Relations and Veterans Affairs: This bill designates a veteran's status, when appropriate, on drivers' licenses and state identification cards. This facilitates the process for many veterans when they are asked to verify their status. The committee feels that the small cost associated with this bill is worth the benefit to our veterans. **Vote 13-1.**

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification. **OUGHT TO PASS.**

Rep. Robert L Theberge for State-Federal Relations and Veterans Affairs: The majority believes that Congress, over the years, has lost touch with the basic needs of its citizens. As a result of foreign aid, wars, congressional perks, uncontrolled programs, over spending by all U.S. departments and agencies, the U.S. budget is out of control. The fiscal irresponsibility at the federal level is one of the greatest threats which face this nation today, a threat which will exacerbate with time. **Vote 11-3.**

HCR 42, supporting the preservation of the electoral college. **OUGHT TO PASS.**

Rep. Jeanine M Notter for State-Federal Relations and Veterans Affairs: Whereas in the United States Constitution, Article 2, Section 1, Item 2, the Electoral College was created to elect the President “majority rules” could be an angry mob. **Vote 9-3.**

HJR 20, urging Congress to propose an amendment to the United States Constitution to abolish the electoral college. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert P Kingsbury for the **Majority** of State-Federal Relations and Veterans Affairs: The electoral college supports the rights of the people far better than a popular election

would. The rights of the people are better protected when they can be personally acquainted with the candidates for electors and the electors can be personally acquainted with each presidential candidate. Being personally acquainted is far superior to only knowing candidates from news media accounts. **Vote 10-3.**

Rep. John R Cloutier for the **Minority** of State-Federal Relations and Veterans Affairs: Abolishing the electoral college in favor of electing the president and vice president by popular vote is an idea whose time has come. The electoral college may have been a good idea in past ages when travel and communication was slower than it is today. Also, citizens weren't as well-informed about political affairs as they are today. However, times have changed and it is time for our two most important elected officials to be chosen by the majority vote of our citizens in a secret ballot. The assertion that abolishing the electoral college would hurt New Hampshire is not true so long as we maintain our first in the nation presidential primary. Also, going to a popular presidential vote could inject more competition into our national political process by allowing third party candidates a more viable chance of winning the presidency and vice presidency.

HR 21, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Lucien A Vita for the **Majority** of State-Federal Relations and Veterans Affairs: Since 1974 Congress has opted to ignore the congressional oversight requirement in Article 21, Section 2 of the U.S. Constitution, when approving many of the existing treaties and agreements with countries and supranational organizations. This resolution places our representatives of the government on notice that the citizens of New Hampshire require the government to follow the wording and intent of the constitution understood by the authors of that document. **Vote 10-4.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: The minority believes that the current resolution is again one of a myriad of bills or resolutions attempting to reaffirm states' rights as already provided by Article 10 of the U.S. Constitution. The resolution is not warranted.

HR 22, urging recognition of the facts regarding the USS Liberty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert P Kingsbury for the **Majority** of State-Federal Relations and Veterans Affairs: The attack on the USS Liberty was investigated by a board of Navy admirals. The crew of the USS Liberty was recognized by the award of two Congressional medals of honor plus dozens of lesser ranking medals, so the USS Liberty has the record as being the most decorated ship in the U.S. Navy. **Vote 9-4.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: Out of respect for the men who died and those wounded during an assault by Israel in 1967 on the USS Liberty, the minority respectfully request a further naval inquiry regarding the assault by a friendly nation. The U.S. government has recognized the heroic actions taken by the men of the USS Liberty. Nonetheless, the crew believes that the overwhelming medals earned cannot correct a wrong.

TRANSPORTATION

HB 1440, relative to driver education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for the **Majority** of Transportation: This bill, as introduced, would have caused the closure of numerous driving schools by allowing drivers' education to be taken online with the parents teaching the student how to drive, thus eliminating the 10 hours of training provided by a certified driving instructor. This is contrary to the House pro-business stand. The amendment allows the use of online instruction in lieu of classroom hours but requires 10 hours of training (hands on) with a certified driving instructor. This

reduces the cost to the student while still meeting the safety needs of the public. The majority of the committee feels strongly that this is a safety issue while still allowing innovative use of technology which the committee fully embraces. **Vote 14-2.**

Rep. Kyle D Jones for the **Minority** of Transportation: The majority amendment does nothing to solve the major problem with New Hampshire's driver education system. The purpose of HB 1440 was to keep low-income teens from falling through the cracks. Currently, these teens cannot afford \$500 to \$700 driving school courses, therefore, they are waiting until age 18 to obtain their license, completely forgoing driver education instruction. The original bill allowed for an online option where NH-DOS-approved online driver education courses would replace classroom instruction at a driving school. To keep the option affordable, the teen's parent, or grandparent, would provide behind-the-wheel training instead of a driving school instructor. The majority amendment keeps the online course but requires that a driving school instructor provide 10 hours of behind-the-wheel training. With online courses costing \$75, and estimates for the cost of instructor-provided behind-the-wheel training ranging \$350 to \$700, the total cost under the majority amendment is \$425 to \$775; the same as attending a driving school course. If we want all teens to choose to receive driver education, we need to allow an affordable option. The minority amendment does this by allowing a superior, convenient, and secure online driver education option that costs only \$75. By allowing a truly affordable option, the minority amendment encourages low-income teens to become educated. Under the minority amendment's online option, parents must provide 20 hours of behind-the-wheel training, in addition to 40 hours of supervised driving, for a total of 60 hours. In addition, these parents must complete their own separate online course. This comprehensive course will teach these parents the most up-to-date information, and the most effective methods, for providing behind-the-wheel training. Teens who choose the minority amendment's online option and fail either their written or road test, and want to try again prior to age 18, must complete a driving school course. This provision will motivate parents to do an excellent job providing behind-the-wheel training, since they will want to make sure their teen passes both tests the first time. The most recent study out of Texas reveals that parent-directed driver education produces teen drivers that have fewer crashes than commercial driving school students. It makes sense that parent-taught behind-the-wheel training would produce safer drivers since parents know their teens best, and that knowledge gives parents an inherent teaching advantage. Also, parents have the most to lose if they don't train their teens properly. Lastly, the charge that the minority amendment will put driving schools out of business is overblown. It may put a few bad driving schools out of business, however, the better driving schools will certainly always be in demand since parents who have money love the convenience of having someone else teach their teen to drive.

HB 1478, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Sherman A Packard for the **Majority** of Transportation: This bill clarifies the meaning of resident for both voting and motor vehicle law purposes. It states that once you declare your residence for the purpose of voting, you also are declaring your residence for observing motor vehicle laws. This bill in no way discourages or prevents anyone who is a legal resident of New Hampshire from voting in the ward or town they claim residency.

Vote 10-5.

Rep. John R Cloutier for the **Minority** of Transportation: This bill should have gone to House Election Law first, rather than being referred to Transportation, whose main responsibility is examining legislation relating to motor vehicles and boats. In any case, our state should not pass laws through motor vehicle statutes to enforce election laws. Current law defines domicile for the sole purpose of insuring that voting, our most fundamental Constitutional right, is equally protected for all citizens. The voting requirements are that an individual be a citizen, at least age 18, and that citizen lives (is domiciled) in the voting

district. It is essential that we have a single, unambiguous definition of where a person lives in order to ensure that no qualified citizen be turned away through confusion. This bill threatens our most basic democratic principles. The right to vote is one of the most fundamental rights in our nation. In our democratic republic, elections are won by those with the best ideas – not those who would block opponents from exercising their right to vote. The minority believes the sponsors are trying to take away the rights of citizens they think might vote differently than they would.

HB 1635, relative to motor vehicle inspections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Samuel L Hawkes for the **Majority** of Transportation: This bill cleans up the language of RSA 259 requiring a vehicle to be both inspected and show a valid inspection sticker on the vehicle. Previous language only required a vehicle to be inspected. It did not require a vehicle pass the inspection. **Vote 13-2.**

Rep. Kyle D Jones for the **Minority** of Transportation: This bill seems to try and fix a problem that isn't there. The only person who came to speak to this bill was an attorney who said that there was a loophole in the law that made it so that a person's car didn't have to pass inspection in order to be driven on public roadways. There was some confusion to how this bill would solve this problem. The minority feels that this bill is unnecessary or needs to be put into interim study.

HB 1695-FN, increasing certain speed limits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas W Laware for the **Majority** of Transportation: This bill would raise speed limits on the interstate highways in New Hampshire. In particular, limits would be changed from 65 mph to 70 mph, 55 mph to 60 mph, and the minimum speed would go from 45 mph to 50 mph. This bill is attractive to the libertarian in some of us but the committee reasoned that the negatives outweighed the benefits in several areas. New Hampshire highways, even in the more open areas, are too congested to safely move traffic at 70 mph, plus the extra speed, above that, that many drivers would maintain. The hilly and windy roads in New Hampshire are vastly different from the open stretches of highway in the flatter western states that do have the higher limits. The only other New England state that allows speeds above 65 is Maine and that is in a rural section of extreme northern parts from Old Town to Holton. When gasoline savings are considered and original design speed and traffic volume are factored in, it became clear that New Hampshire is simply incompatible with the higher allowable speed limits. **Vote 15-1.**

Rep. Kyle D Jones for the **Minority** of Transportation: One of the reasons why this bill was introduced was because laws should reflect the consent of the governed. Quite obviously, the current law does not reflect the consent of New Hampshire's citizens as the vast majority of them break the speed limit every day. It was brought to the committee's attention that the majority of drivers feel most comfortable driving around 70 mph on the highway and this bill brings the speed limit up to that. We feel that this bill is a very reasonable change to the current system and that this will make our citizens have more respect for the law.

WAYS AND MEANS

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Frank V Sapareto for the **Majority** of Ways and Means: This bill is very similar to a bill passed by the House last year, but remained on the table OTP, that increased the business enterprise tax threshold from \$150,000 to \$200,000 and the enterprise value tax base from \$75,000 to \$100,000. This bill also adjusts for inflation as tied into the Northeast Region Consumer Price Index. The amount each year is rounded to the nearest \$1,000. The majority of the committee recognizes that \$18,000 to \$20,000 business tax filers have literally no tax due. This bill eliminates thousands of unnecessary returns at a very low cost

to the state and most certainly a tremendous savings to small businesses. The bill is in effect for taxable periods ending on or after 2013 and has no impact on this biennium's budget.

Vote 17-3.

Rep. Susan W Almy for the **Minority** of Ways and Means: This bill increasing the threshold amounts for taxation under the BET The minority recognizes that the threshold amounts for the business enterprise tax BET) should be raised because the floor was set a decade ago, no provision was made for inflation, and New Hampshire's small businesses and workers would benefit from the relief. However, if this bill had been in effect in 2010, it would have cost our budget somewhere around \$4 million, based on returns from the depths of the recession. Since the economy is slowly improving, the real revenue loss in the next biennium will be even more. The bill is silent on how this money will be made up. The minority thinks this cut will be added to those mandated by bills already passed last year, and make it more difficult to repair the damage done to our economy and citizens by this biennium's budget. It is the opinion of the minority that this is likely to hurt many small businesses more than the relief it provides. We would like to send it to summer study to consider revenue-neutral solutions.

BILLS REMOVED FROM CONSENT CALENDAR MARCH 7

CHILDREN AND FAMILY LAW

HB 1267, relative to adjustments to the child support guidelines based on child support expenses documented by the parties. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M Gargas for Children and Family Law: This bill would allow a request for modification of child support if there is an indication that expenses incurred by the obligee, based on child support guidelines, varies by at least 10 percent of the actual expenses of the court ordered amount that the obligee incurred on behalf of the children. It would require the obligee to provide evidence of child support expenses for at least 6 months. The committee believes that this change is unnecessary because there is a thorough, in-depth sharing of financial data before a child support determination is made. The mandatory self-discovery rule currently in place in the Family Division requires the parties to exchange financial information before a child support order is determined and includes 1) current financial affidavit including monthly expenses, 2) past 3 years' personal and business tax forms and forms indicating income, 3) four most recent pay-stubs and year end pay stub; 4) for business owners and self employed, monthly, quarterly and year to date financial statements; 5) medical and dental insurance coverage; 6) loans, mortgages, statement of assets or liabilities; 7) employee benefits; 8) statements for all bank accounts; 9) financial assets such as investments accounts; 10) life insurance; 11) statements for all credit cards, 12) written pre-nuptial or postnuptial agreements. Current law also allows the court to deviate from the child support guidelines due to special circumstances either when the child support amount is initially determined or at modification. Further, current law permits either party to seek a modification of child support at any time when there is a substantial change in circumstances and parties are granted an automatic review of child support every three years if either party requests it. Finally, the committee notes that there is no fiscal note attached to this bill; however, it has the potential to increase litigation and court costs, as well as to increase the adversarial nature of an already very emotional and difficult situation which is antithetical to the purpose of current law. **Vote 14-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1262, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction. **REFER FOR INTERIM STUDY.**

Rep. Andrew J Manuse for Commerce and Consumer Affairs: This bill would declare blood samples, fingerprints or DNA samples a form of unreasonable identification, which banks could not use to verify a person's identity prior to cashing a non customer check. Some

members of the committee expressed concern that this bill would place undue burdens on bankers' use of technology to ensure the security of their customers, and that customers who did not like such practices could bank somewhere else. The bank is liable if they cash a stolen check and check fraud is increasing in recent years. However, some other members of the committee said that some uses of technology are unethical, and it is the job of the state to protect the rights of all citizens from these unethical uses, particularly when the technological incursion involves a person's own biometric data, which is widely considered in Natural Law to be his or her own property. Ultimately, however, the committee recalled its action earlier this year to Interim Study HB 244, which would restrict the collection of biometric data by state agencies and private entities, and provide a private right of action for the misuse or unlawful collection of biometric data. The committee felt that since the bankers' use of biometric data had come up again, it would only be right to study it alongside HB 244 as an issue of higher urgency among potential issues with the use of biometric data. The committee has pledged to truly study this issue and make a recommendation to the next Legislature, so this bill's Interim Study is not so-called "death with dignity," but a true effort to search for the right answers. **Vote 16-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1220, repealing the criminal history record and protective order check for the sale of firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill would have repealed the criminal history and protective order check for the sale of firearms. In 2010 New Hampshire had sixteen homicides, half of these were domestic violence related. This bill would have removed the protection afforded to those individuals who have obtained a domestic violence or stalking order from the court. Also in 2010 the department of safety's gunline stopped 370 individuals, who could not legally possess a firearm in New Hampshire, from making firearm purchases as a result of gunline checks. It was also pointed out that these protective orders are not fully filled out making identification of the defendant difficult. These protective orders, more than 200 of them, cannot be forwarded to the federal system. This bill was opposed by advocates on behalf of New Hampshire gun rights organizations as well as domestic violence support groups. **Vote 15-2.**

HB 1438, relative to confidentiality of police personnel files. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: Personnel files for police or anyone else should be confidential. The committee was told there are already laws on the books that address this issue. This bill is not necessary. **Vote 16-0.**

HB 1523-FN-L, relative to the return of personal property seized by law enforcement agencies from a person charged with a crime. **REFER FOR INTERIM STUDY.**

Rep. Robbie L Parsons for Criminal Justice and Public Safety: This bill establishes procedures for the return of personal property. The House passed HB 225 to the Senate. The Senate has passed HB 225 with amendment and we will have another chance to vote on this issue. We feel that HB 1523 should be sent to interim study waiting on HB 225. **Vote 13-3.**

HB 1528-FN, requiring criminal penalties for attorneys in the attorney general's office and the county attorneys' office for failing to prosecute offenses related to falsification in official matters. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: The bill establishes a penalty against attorneys in the Attorney Generals Office and the county attorney's office for failing to prosecute a person who has committed an offense related to falsification in official matters. The committee feels that this bill is too broad in interpretation. **Vote 16-0.**

HB 1531-FN, relative to prosecution for victimless crimes. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill creates an affirmative defense to any felons or misdemeanors if there was no victim of the crime. The committee has no definition of “victimless” crime and became too broad in incorporating corporations as “persons”. **Vote 14-2.**

HB 1562-FN, establishing a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: The fallout of having a compromising photograph be widely spread through a school or educational setting is severe enough to teach a lesson to the individual and their peers without involving the justice system. The application of harsh penalties in these situations is not productive and an educational approach should be pursued. **Vote 14-2.**

EDUCATION

HB 1148, requiring the teaching of evolution as a theory in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A Pitre for Education: Pursuant to RSA 189:1-a II, elected school boards are responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. This bill is contrary to this statute and would affect local control of school districts and make this bill unnecessary.

Vote 16-0.

HB 1712, relative to the teaching of the Bible in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J Gorman for Education: This bill requires the state board of education to establish an elective Bible literacy course for pupils in grades 9-12. The committee realizes school districts have the authority to create comparative religion courses incorporating a review of the Bible without violating our constitution. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1265, relative to criteria for the government regulation of occupations and professions. **REFER FOR INTERIM STUDY.**

Rep. Spec Bowers for Executive Departments and Administration: HB1265 would establish that anyone has the right to perform any occupation without a government license, unless and until the legislature establishes a compelling interest in protecting the public health and safety and that licensing is the least restrictive way to accomplish that protection. The committee was unwilling to accept that pronouncement for all professions, and accepts that review of appropriate levels of regulation for the various professions is a proper function of ED&A. Interim Study of HB1265 will provide the overall framework for evaluating professional licensing this session. **Vote 9-3.**

HB 1631, allowing persons licensed to provide emergency medical services to work public gatherings and events. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B Schmidt for Executive Departments and Administration: The intent of this bill is to give clear legal status to EMTs serving as emergency medical personnel at public events where there is no other provision of coverage and where they are not present as part of their usual unit. After hearing from both the bill's sponsor and the EMT oversight board, the committee concluded that the bill is at best premature and very likely unnecessary. This is because the committee believes the existing statute and rules give the requisite authority for a resolution of the problem, which the EMT community has recognized for some time and is working to address. **Vote 12-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1492-FN, requiring employers to verify an employee's eligibility to work in the United States. **INEXPEDIENT TO LEGISLATE.**

Rep. G. Brian Seaworth for Labor, Industrial and Rehabilitative Services: While the majority of the committee is concerned that New Hampshire workers are, in fact, eligible to work and that employers verify that eligibility, we cannot support the bill. This mandates participation at several levels by all public employers, contractors and subcontractors in a status verification system. Testimony from the representatives of county and local government, as well as businesses were uniformly opposed to a requirement that they participate in a flawed federal program resulting in additional costs and regulations. **Vote 14-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SPECIAL ORDER

HB 1549, prohibiting the adoption of a requirement that employers participate in the E-Verify system and the use of motor vehicle records for the E-Verify system. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: HB1549 prohibits the state to require the use of the federal E-Verify system, and also bans supplying information from the driver's license database to that system. E-Verify is a federal database system that is used to verify citizenship and/or legal residence status for employers, but it is being expanded into a de facto national ID card system without the card. Since New Hampshire has firmly declined to participate in REAL ID, pass cards, and other national ID systems, it should stay out of the E-Verify system as well. Keeping driver's license data separate from federal databases of this sort is necessary to protect the privacy of our residents. Employers that find E-Verify useful are free to use it to determine that employees are legally entitled to work in this country, but New Hampshire will not mandate it. **Vote 11-1.**

PUBLIC WORKS AND HIGHWAYS

HB 1437, relative to display of certain historical items in the state house. **INEXPEDIENT TO LEGISLATE.**

Rep. David B Campbell for Public Works and Highways: A subcommittee was formed and extensively researched the history and current status of these treasures, which belong to past, present and future generations of New Hampshire citizens. In 1978, during a renovation of the secretary of state's vault, secretary of state Bill Gardner discovered a tube containing an engraved 1823 copy made from the original Declaration of Independence, which was sent to New Hampshire by President John Quincy Adams and one of 15 "original" hand copies of the United States Bill of Rights, which was sent to the 15 states in existence in 1793. (The Bill of Rights was adopted in 1791). The latter vellum document (one of 12 known to still exist) was appraised by experts as literally "priceless," and to be in better condition than the original in the national archives. The documents were displayed in the State House visitors center for nearly twenty years. In 1996, because of extensive fading, they were moved by the state archivist and the director of the visitors center to the state archives building, where both documents now reside. The committee is unanimous in its recommendation that these documents remain in the archives at present. In 2006, under a Republican controlled legislature, and again in 2007 under a Democratic legislature, the joint facilities committee fully vetted the issues of when, where and how these valuable documents be displayed. Both times the consensus was to keep the documents at the archive building. Under RSA 5:4-a, the secretary of state is responsible for the care of these documents and has the discretion of when to display them; taking into account their security and protection from theft, damage or destruction. The secretary of state also believes that the Archives building is the best home for these documents presently and the committee concurs. The committee does unanimously recommend, after consultations with the secretary of state, that the joint facilities committee make new digital high resolution copies of these documents and put them on display in the State House visitor's center. This can be

accomplished for a few hundred dollars, without legislation, and within the current budget of the joint facilities committee. **Vote 15-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 23, urging the federal government to reduce the federal deficit in proportion to federal aid. **OUGHT TO PASS.**

Rep. Jeanine M Notter for State-Federal Relations and Veterans Affairs: This bill is a resolution to send our voice to Congress that we want a balanced budget. We have a similar HCR, but this one does not call for a constitutional convention, and it brings out the \$68 million we are sending overseas **Vote 9-3.**

CONSENT CALENDAR

WEDNESDAY, MARCH 14

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: This bill preserves the Part I, Article 15 rights of the accused, by ensuring that any parent, whose access to their children is restricted or limited due to alleged abuse or neglect investigations, will have access to all of the information in any and all records related to the case. The committee heard a variety of testimony and extensively discussed this concern, and finally found amended language that was acceptable to the entire committee to address all concerns raised, maintaining the fundamental constitutional right to know the nature of any offenses so accused, fully and plainly, substantially and formally. **Vote 12-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1537-FN, relative to violations of privacy occurring outside a private place. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill was amended by the House on recommendation of the Constitutional Review and Statutory Recodification Committee (RSA 644:9, I(c)). The existing amendment for this section is currently a Class A misdemeanor. We are only authorized to change or confirm the penalty. The committee voted to confirm the existing penalty. **Vote 15-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 188-FN, establishing a committee to study establishing an office of the inspector general. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill sets up a study committee to investigate and possibly develop a plan for an inspector general in N.H. There is wide spread belief that if there had been a position like this, FRM may have been prevented. It is also the belief that there are many other areas that could stand investigation regarding cross agency jurisdiction. The amendment simply establishes a quorum for the committee that was left out of the original bill. **Vote 10-0.**

WEDNESDAY, MARCH 14

REGULAR CALENDAR

PUBLIC WORKS AND HIGHWAYS

HB 1716, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G Chandler for Public Works and Highways: This bill is the Ten-Year Transportation Improvement Plan for the State of New Hampshire, covering the period from 2013-2022. The plan contains projects in the following categories and estimated total figures: highway funding - \$1.87 billion; turnpike improvements - \$431 million; airports- \$269 million; and federal transit funding - \$212 million. Many of these projects were submitted by municipalities, via regional planning offices and went through a five month series of 31 statewide public hearings by GACIT (Governor's Advisory Commission on Intermodal Transportation), which consists of the Governor and Council and the Commissioner of Transportation. Their final proposal was submitted by the Governor to the Public Works and Highways Committee, which held several hearings and numerous work sessions, resulting in a number of amendments, which are summarized below. This plan, as in the previous two Ten Year Plans, includes an assumed inflation factor of 3% for projects in the plan. The highway funded projects totaling \$1.87 billion dollars include federal highway aid, betterment and state aid to municipal bridges and highways. The project to improve and widen I-93 up to Exit 3 in Windham is funded through federal funds and state issued GARVEE bonds (bonds in anticipation of federal funds). However, the remainder of the I-93 project between Exit 3 and I-293 in Manchester remains under-funded by \$250 million. The plan meets its state match obligations for federal projects by utilizing turnpike toll credits for the state fund share instead of a cash contribution. This results in approximately \$30 million per year less in actual road and bridge projects and maintenance. Several turnpike projects in the plan, which are funded by toll revenue and federal funds, include the rehabilitation of the Millyard bridges at Exit 4 off I-293 in Manchester and the Newington interchange south of the Little Bay Bridge on the Spaulding Turnpike. Additionally, many highway, turnpike, aeronautic, mass transit and congestion mitigation projects are partially or exclusively funded by federal dollars. Most importantly, this plan assumes continued near-level federal highway transportation funding of \$143 million dollars per year, so if there is any reduction in NH's federal aid, then some projects listed in this Ten-Year Plan will not be funded, resulting in their eventual delay or elimination.

Section 2 reiterates the General Court's position, adopted in the 2010 session, that no capital or operation expenses for passenger rail may be expended or committed without prior legislative approval.

Section 3-This amendment deals with the Public Works Employee Memorial project approved last session. This language is necessary to allow the committee to raise and approve expenditure of funds and accepted donated materials for the project.

Section 6 provides that the Commissioner of Transportation be a non-voting member of GACIT. By doing so it leaves the final decisions concerning the adoption of future Ten-Year Plans solely in the hands of elected officials. The current Commissioner agrees with this change.

Section 7 removes the Jennison Road Bridge project, in Milford, from the Plan. This project was added at the final GACIT session to be funded from the State Aid Bridge Program. This program is a competitive process in which all municipalities may participate. Placing this project into the Plan, no matter how worthy, short circuits the entire process, and forces those communities currently awaiting funding from the program to wait even longer.

Section 8- This portion advances sections of Route 106 in Belmont and Laconia 2 years contingent upon 100% private funding and permits the Department of Transportation to accept private donations towards the design or construction of all or a portion of Route 106 from Concord to the New Hampshire Motor Speedway.

Section 9- This section deals with the Sarah Mildred Long Bridge between Portsmouth and Kittery, Maine. It has come to the attention of the committee that merely rehabilitating the bridge will not provide a sufficient river channel width to allow future sized vessels to navigate the river. It makes no sense to spend millions of dollars when in just a few years

modern vessels would not be able to access existing up-river ports in New Hampshire. NHDOT and Maine DOT have agreed to look at this issue.

Section 10 removes the Sutton-Bradford (Route 114 road improvements) project from the Plan. This project was placed in the Plan at the final GACIT session, to be funded with Betterment Funds. The Committee believes that it is inappropriate to begin designating projects within the Plan be paid solely from the Betterment Fund. The Committee recommends that the communities along this corridor, in conjunction with the Regional Planning Commission, coordinate with the DOT for use of Betterment Funds and/or the State Aid for Highways program to facilitate needed improvements in alleviating the worst of the problems along the corridor over time.

Section 11 provides the DOT authorization to acquire land and relocate high transmission lines, within existing funding authority, to facilitate the redevelopment of the Hooksett rest areas located on I-93 North and Southbound. This redevelopment was authorized in 2009, and one of the major impediments to moving forward with the project has been the inability to fund the relocation of transmission lines.

Section 12 – This section removes the project named Walpole-Charlestown, which is the reconstruction of Main Street in Walpole to NH Route 12A in Charlestown, from the deferred projects list and remain in its original place in the Ten-Year Plan.

Section 13-This portion removes the I-93 widening project from the Massachusetts border to Exit 3 from the deferred projects list and adds the project to the Ten-Year Plan, with the premise that funding will come from the use of GARVEE bonds. The committee proposes this amendment with the idea that the state will receive at least level funding of its allotment of federal highway funds.

Section 14 allows the Department of Transportation to accept any federal or other funds that might fall from the sky or any other source for the purposes of funding the I-93 widening project from Salem to Manchester. **Vote 16-0.**

THURSDAY, MARCH 15

EDUCATION SPECIAL ORDER

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Balboni for the **Majority** of Education: CACR 8 restores the people's right to local control of education and the authority of the Legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to strike out certain specific sectarian references ...". The ballot question included this summary of the original Article 6: "Article 6 authorizes local public taxation for the support of 'Protestant' clergymen only, and promises equal protection of the law solely to 'every denomination of Christians'." The ballot question provided voters with the following explanation of the effect of the proposed amendment: "If the amendment is adopted, ... the above-described sectarian references will be stricken from the state constitution, putting all religious denominations on a basis of equality and removing the present conflict with the U.S. Constitution." Though the voters were told that only the sectarian references were to be removed, the actual amendment changes went far beyond this. The amendment also removed and altered several non-religious phrases in the Article, and these changes were not explained to the voters. CACR 8 would give the people the opportunity to restore to their Constitution the non-religious aspects that were removed in 1968. These restorations include the following: the purpose of education as being to teach the fundamental principles of the Constitution so that the people are better able to control their government; empowering the legislature to authorize schools, to create and regulate public schools;

providing school districts the exclusive control over the selection of their teachers and their compensation; the school districts control over curriculum which is inherent in the original Article's exclusive control over the selection of teachers; and each school district's responsibility as the first payers of education expense consistent with the exclusive control over teacher selection and compensation and curriculum selection. CACR 8 then proposes two further changes: it ratifies judicial rulings which enable the state to pay for non-religious education at religious schools; and it clarifies the legislature's power to supplement local funding of public education. The first change makes clearly and permanently constitutional the state's current practices such as funding the non-religious education component for special needs students as required, for example, under federal special ed regulations, and the giving of scholarships to nursing students for the non-religious part of their education at religious schools. The second part ensures that the state funding of education will be consistent with the coordinating Articles of the Constitution of New Hampshire, specifically Part I, Articles 12, 28 and 29 and Part II, Articles 2 and 5 which make the legislature the supreme policy body of the state, and the only body capable of determining state spending. CACR 8 can be summed up as restoring the local control of education and the authority of the legislature in regard to education and education funding; thereby returning the people firmly in control of public education. **Vote 12-5.**

Rep. June M Frazer for the **Minority** of Education: This constitutional amendment opens the door to local funding of schools without any supplement from the state. Note the word "may" in the following sentence: "The several political subdivisions ... shall make adequate provision at their own expense for their schools, provided that the legislature may supplement that provision in the manner and degree that the legislature finds most beneficial to the general good." Should a future legislature choose to unfund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools. Moreover, CACR 8, in this same language, has already been rejected by the House. The reason why it was recommitted to the education committee was to hold it in case other related bills did not materialize. Since CACR 12 is still in process, passing CACR 8, already rejected once, would be in opposition to the reason it was recommitted.

LAID ON TABLE

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. (Pending question: adoption of the minority committee report of inexpedient to legislate.)

HB 162-FN, relative to capital murder for purposely causing the death of another. (Pending question: adoption of committee report of ought to pass.)

HB 448-FN, relative to spice incense products. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 475-FN, relative to penalties under the consumer protection act. (Pending question: adoption of committee report of ought to pass.)

HB 494-FN, relative to tipped employees who deal card and table games at games of chance venues. (Pending question: adoption of majority committee report of ought to pass with amendment.)

HB 591, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. (Pending question: adoption of majority committee report of inexpedient to legislate.)

HB 1147, proclaiming March 31 of each year as a day to remember Terri Schiavo. (Pending question: adoption of the committee report of inexpedient to legislate.)

HB 1318, relative to carrying firearms. (Pending question – adoption of the committee report of inexpedient to legislate.)

HB 1368, relative to real property held as a joint tenancy with rights of survivorship.

(Pending question – adoption of the majority committee report of ought to pass with amendment.)

HB 1413-FN, directing New Hampshire to withdraw from the No Child Left Behind Act.

(Pending question – adoption of the majority committee report of ought to pass.)

HB 1517-FN-L, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court. (Pending question – adoption of the majority committee report of ought to pass.)

HB 1709-FN, establishing a criminal offense for failure to report a missing or deceased child. (Pending question - adoption of the committee report of refer for interim study.)

HCO 1, relative to implementing an election pursuant to representative districts established in the order.

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Pending question: adoption of the majority committee report of ought to pass with amendment.)

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following interpretive ruling, which is printed below in its entirety.

INTERPRETIVE RULING 2012-#1 (February 9, 2012)

Request of Rep. Steve Vaillancourt for Interpretation of Ethics Guidelines
Section 1 Principles of Public Service, Paragraphs II and III

Rep. Vaillancourt has asked the Committee to determine whether the alleged use of certain methods and procedures by House leadership to persuade legislators to support its positions (characterized in his letter as “bullying”), and non-public activities pursued on the part of leadership in the development of legislation (characterized as “secrecy”), are violative of the Ethics Guidelines, specifically Section 1 Principles of Public Service, Paragraphs II and III.

Those paragraphs state:

“II. Principle Of Independent Objective Judgment

Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

“III. Principle Of Accountability

Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.”

RSA 14-B:3, I(b) authorizes the Ethics Committee to:

“Issue interpretative *[sic]* rulings explaining and *clarifying* any law, guideline, rule or regulation within the jurisdiction of the committee” (emphasis added).

We treat the request as asking for clarification of the cited Principles through an Interpretive Ruling.

Committee Analysis

The issue is whether the types of conduct alleged in the request fall within the scope of the Guidelines as they presently exist. In that regard, in a series of previous decisions dismissing certain Complaints on a confidential basis as required by law, we have recognized that there are substantial limitations on the scope of the Guidelines. More particularly, we have ruled that the Guidelines do not create an opportunity to raise every asserted grievance against legislators' behavior. Specifically:

In a Complaint which alleged repeated uncivil or abusive conduct toward another legislator, we said:

"The Ethics Guidelines are not intended to provide a general grievance procedure for legislators to complain about uncivil or other inappropriate activity by their colleagues, but rather are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office."

In another Complaint, which alleged false or offensive testimony by a legislator before a committee, we said:

"The Ethics Guidelines are not intended to provide a general grievance procedure to complain against legislators for making untrue or other inappropriate presentations to their colleagues. Rather, they are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office."

In yet another Complaint, which alleged failure on the part of a legislator to adopt the complainant's view toward specific legislation, we said:

"The Ethics Committee's complaint procedure is not intended as a mechanism to challenge a legislator's position on a matter of policy, or to enforce a complainant's position regarding such policy. Rather, the Guidelines are designed as standards to guide legislators toward conduct which is in the public interest, objective, and open, and to guide them away from conduct infected by conflict of interest or abuse of office."

As these decisions demonstrate, the Committee has repeatedly rejected efforts to use its processes as a general grievance mechanism for challenging offensive or abusive conduct by legislators toward each other, or for challenging how matters of policy are developed or resolved.

As in its previous decisions, the Committee does not believe that the purpose of the Guidelines covers the conduct in question. Our previous rulings have suggested that as the governing law presently stands, the Committee's role is more limited. Based on those rulings, we perceive no basis for us now to become judges of the political conduct of legislative leadership, through clarification of the Guidelines.

In addition, the conduct described in Rep. Vaillancourt's request would not fall within the definition of "conflict of interest," as presently provided in the Guidelines. That definition narrowly defines the term only as "the condition in which a legislator has a financial interest in any official activity." See Ethics Guidelines, Section 2 Definitions, Paragraph II.

The issues Rep. Vaillancourt has raised, while important, are fundamentally political, rather than questions of ethics we are currently charged with deciding. For better or worse, the conduct Rep. Vaillancourt describes has, in widely varying degrees, always been part of

the legislative process. To accept Rep. Vaillancourt's contentions would thrust the Committee into the middle of the House's political processes.

Such political questions must be determined by legislators themselves in the selection of their leadership, or adopting appropriate legislation or rules, or ultimately by the voters, but not by us under the present state of the Guidelines. It is for the legislature, rather than the Committee, to further define and articulate what should be the functional line between permissible and impermissible efforts to influence fellow legislators' votes (apart from use or threats of physical force, bribery or other offers of economic advantage, which we believe are prohibited by present law, but which Rep. Vaillancourt's request does not allege). Similarly, it is for the legislature, rather than the Committee, to determine the line between permissible and impermissible methods for shaping policy in the development of legislation.

If the legislature were to articulate such limits through statute, rule or otherwise, to govern legislators in the performance of their duties, actions in violation of such limits would fall within the Committee's statutory jurisdiction. See RSA 14-B:1, I. However, under present law, they do not.

Accordingly, the Committee respectfully declines to interpret the Guidelines, as they presently stand, to prohibit the conduct alleged by Rep. Vaillancourt.

For the Committee,
Martin L. Gross
Chairman

HOUSE BILLS AMENDED BY THE SENATE

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (House Nonconcurrent; C of C 3/7/12)

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (SJ 2/15/12)

HB 102, 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. (House Nonconcurrent; C of C 2/22/12)

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. (House Concurred 2/1/12)

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (House Nonconcurrent; C of C 3/7/12)

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (House Nonconcurrent; C of C 3/7/12)

HB 158, relative to the misuse of social security numbers. (House Nonconcurrent; C of C 3/7/12)

HB 186-FN, relative to the definition of political communication. (House Nonconcurrent 2/1/12)

HB 418-FN, 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. (House Concurred 2/1/12)

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

HB 508-FN, establishing a performance measurement for State agencies. (House

Nonconcurrent; C of C 2/1/12)

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (House Nonconcurrent; C of C 3/7/12)

HB 627-FN, relative to “essential benefits” under federal health care reform. (House Nonconcurrent; C of C 2/22/12)

HB 648, relative to eminent domain petitions by public utilities. (House Concurred 2/8/12)

COMMITTEE OF CONFERENCE

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (Reps. Stepanek, Sanborn, Ulery and Azarian - Subject to Senate agreement.)

HB 102, 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. (Reps. Hunt, Mauro, McGuinness and Gidge - Subject to Senate agreement.)

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (Reps. Welch, Warden, Parsons and Ginsberg - Subject to Senate agreement.)

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (Reps. Giuda, LaCasse, McClarren and Wall - Subject to Senate agreement.)

HB 158, relative to the misuse of social security numbers. (Reps. Murphy, Hagan, Palmer and Watrous - Subject to Senate agreement.)

HB 508-FN, establishing a performance measurement for State agencies. (Reps. Bowers, Moran, Cebrowski and Winter - Subject to Senate agreement.)

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (Reps. Moran, Edith Hogan, Soucy and Lovejoy - Subject to Senate agreement.)

HB 627-FN, relative to “essential benefits” under federal health care reform. (Reps. Hunt, Manuse, Flanders and Schlachman - Subject to Senate agreement.)

COMMITTEE MEETINGS

FRIDAY, MARCH 9

FINANCE – (DIVISION II), Room 209, LOB

1:00 p.m. Work session on **HB 1274-FN**, transferring the McAuliffe-Shepard discovery center to a private operator and making a supplemental appropriation therefor.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

10:30 a.m. Regular business.

11:00 a.m. Audits: State of New Hampshire, comprehensive financial report for the fiscal year ended June 30, 2011.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. Executive session on **HB 1716**, relative to the state 10-year transportation improvement program, if needed

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306-308, LOB

10:00 a.m. Presentation on defined contribution plans.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, MARCH 12

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 100, State House

3:00 p.m. Regular meeting.

EDUCATION, Room 207, LOB

2:00 p.m. Subcommittee work session on **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.

ECONOMIC STRATEGIC COMMISSION TO STUDY THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2), Rooms 206-208, LOB

10:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

9:00 a.m. Subcommittee work session on **HB 1260-FN**, relative to poker games and charitable gaming.

10:00 a.m. Rescheduled public hearing on **SB 332**, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

10:45 a.m. Rescheduled public hearing on **SB 177**, relative to training of directors and officers of nonprofit corporations.

11:30 a.m. Rescheduled public hearing on **HB 1436**, establishing a committee to oversee the management of natural resources by the department of resources and economic development.

1:15 p.m. Rescheduled public hearing on **HB 1435**, establishing a committee to oversee the department of environmental services.
Executive session may follow.

1:45 p.m. Subcommittee work session on **HB 1508**, relative to procedures of the board of mental health practice.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Rescheduled public hearing on **HB 1692-FN**, making changes to the administration of the university system of New Hampshire.
Executive session may follow.

FINANCE – (DIVISION I), Room 212, LOB

1:00 p.m. Or immediately following the Finance public hearing, rescheduled work session on **HB 1285-FN**, repealing the state art fund. and **HB 1521-FN**, relative to retired state employees group insurance participation.

FINANCE – (DIVISION II), Room 209, LOB

1:00 p.m. Or immediately following the Finance public hearing, rescheduled work session **HB 1692-FN**, making changes to the administration of the university system of New Hampshire.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. **SB 223**, to make technical revisions relative to the health information organization corporation.

- 10:30 a.m. **SB 346**, extending the committee to study the laws relating to electronic prescriptions.
- 11:00 a.m. **SB 319**, changing the membership of and extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.
- 11:30 a.m. **SB 363**, relative to criminal background checks for volunteers and employees at youth skill camps.
- 1:00 p.m. **SB 348-FN**, relative to the pulse oximetry test for newborns.
Executive session may follow.

RESOURCES, RECREATION AND DEVELOPMENT, Room 303, LOB

- 9:30 a.m. **SB 142-FN**, relative to reorganizing the permitting process within the department of environmental services.
- 11:15 a.m. **SB 237-FN**, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation.
- 1:00 p.m. **SB 247-FN-L**, relative to certifying municipal culvert installers.
- 2:00 p.m. **SB 358-FN**, expanding eligibility for free admission to the state park system to certain members and their families and retired members of the armed forces.
Executive session may follow.

SHORELAND ADVISORY COMMITTEE (RSA 483-B:21), Department of Environmental Services, Room 214, 29 Hazen Drive, Concord

- 9:30 a.m. Lakes subcommittee meeting.

SPECIAL COMMITTEE ON REDISTRICTING, Room 308, LOB

- 1:00 p.m. Continued public hearing on **HB 1671**, apportioning congressional districts.
Executive session may follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:00 a.m. Rescheduled public hearing on **HB 1140**, relative to the care of war memorials in Franconia Notch state park.
- 9:30 a.m. Rescheduled public hearing on **SCR 1**, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States.
- 10:00 a.m. Rescheduled public hearing on **SB 302**, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

- 11:00 a.m. Subcommittee work session on **HB 1607-FN-L**, establishing an education credit against the business profits tax.
- 1:00 p.m. **HB 1701-FN**, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.
Executive session may follow.

THURSDAY, MARCH 15

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Room 203, LOB

- 2:30 p.m. Regular meeting.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13),
Department of Health and Human Services, Room 312, 29 Hazen Drive, Concord**
2:00 p.m. Subcommittee on public health services improvement.

**SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Third Floor
Conference Room, State House**

12:00 p.m. Or during the lunch break from session, executive session on **HB 1225**,
permitting a charter school to incur long-term debt.

FRIDAY, MARCH 16

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

1:00 p.m. Regular meeting.

RULES COMMITTEE, Room 303, LOB

9:00 a.m. Regular meeting.
Executive session to follow.

SUNDAY, MARCH 18

**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community
College, Room 235 Student Center, Crocker Wellness Center Building, Concord**

1:00 p.m. Regular meeting.

MONDAY, MARCH 19

**COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), Room
305, LOB**

10:00 a.m. Regular meeting.

**COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY
FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House**

1:00 p.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Rescheduled full committee work session on **HB 1658-FN**, limiting financial
assistance for mothers who have additional children while receiving
Temporary Assistance to Needy Families (TANF), **HB 1652-FN-A**, requiring
the transfer of insurance premium tax revenue to the revenue stabilization
reserve account.

**SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306-
308, LOB**

10:00 a.m. Public hearing on proposed amendment to **HB 1460**, establishing a
committee to study additional public employee pension reforms. Copies of
the proposed amendment are available from the Sergeant-at-Arms office.
Executive session may follow.

TUESDAY, MARCH 20

**CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206,
LOB**

10:00 a.m. **HB 1227**, relative to disqualification of certain members of the general court.

10:30 a.m. **HB 1350**, relative to the style and form of new articles and amendments to
articles proposed by constitutional amendment concurrent resolutions.

11:00 a.m. **HB 1395**, revoking amendments to supreme court rules 50 and 50-A.
Executive session may follow.

EDUCATION, Room 207, LOB

10:30 a.m. Rescheduled public hearing on **HB 1331**, relative to the grounds for termination of employment of a school administrative unit or school district employee.

11:00 a.m. Rescheduled public hearing on **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.
Executive session may follow.

1:30 p.m. Rescheduled executive session on **HB 1331**, relative to the grounds for termination of employment of a school administrative unit or school district employee, **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on **HB 1726**, exempting the transport of certain electronic waste and universal waste from the hazardous waste transporter registration program.

11:00 a.m. **SB 370-FN**, relative to the powers of law enforcement and animal control officers.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

11:00 a.m. Executive session on **HB 1274-FN**, transferring the McAuliffe-Shepard discovery center to a private operator and making a supplemental appropriation therefor, **HB 1285-FN**, repealing the state art fund, **HB 1521-FN**, relative to retired state employees group insurance participation, rescheduled executive session on **HB 234-FN-A**, relative to food service licensure and establishing a committee to study the regulation of food service establishments, **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year, executive session on **HB 1692-FN**, making changes to the administration of the university system of New Hampshire, **HB 1552-FN**, relative to the reporting of funds, **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account, rescheduled executive session on **HB 1658-FN**, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF), **HB 604**, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation, **HB 1727-FN**, to return certain insurance exchange moneys to the federal government.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

2:00 p.m. Mental health subcommittee meeting.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

10:30 a.m. Executive session on **HB 1361**, relative to fiscal notes on bills and **HB 1623**, relative to records of the legislative ethics committee.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Rescheduled public hearing on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.
Executive session may follow.

10:30 a.m. Rescheduled full committee work session on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.
Immediately following the work session, executive session on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.
Executive session to follow.

REDRESS OF GRIEVANCES, Room 307, LOB

10:00 a.m. Rescheduled public hearing on **PETITION 11**, grievance of David D. Vandenberg.
10:05 a.m. Rescheduled public hearing on **PETITION 20**, grievance of Carl E. Dow.
10:10 a.m. Rescheduled public hearing on **PETITION 21**, grievance of Arthur Ginsberg, Nashua, New Hampshire.
10:15 a.m. Rescheduled public hearing on **PETITION 22**, grievance of Joseph Haas.
10:20 a.m. Rescheduled public hearing on **PETITION 23**, grievance of Bill and Mary Cloutier, Epping, New Hampshire.
10:25 a.m. **PETITION 26**, grievance of Joshua Youssef.
10:30 a.m. Rescheduled public hearing on **PETITION 25**, grievance of the Community Action Group to Save CMC Again.
10:35 a.m. Rescheduled public hearing on **PETITION 27**, grievance of Monique Prince.
10:40 a.m. Rescheduled public hearing on **PETITION 28**, grievance of Ghislain Breton.
10:45 a.m. Rescheduled public hearing on **PETITION 30**, grievance of Bethany Capen.
10:50 a.m. Rescheduled public hearing on **PETITION 31**, grievance of Wade Henry.
10:55 a.m. **PETITION 32**, grievance of Randall Bowen, Shona Bowen, Jerry DeLemus, Robert Gates, Thomas Kaczynski, Jr., and 308 additional petitioners, all of Rochester, New Hampshire.
Work session may follow.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:15 a.m. **SB 324-FN**, relative to the use of funds generated by the Hampton Beach parking facilities.
1:00 p.m. **SB 330-FN**, requiring an independent financial opinion prior to the leasing of any state park property to a private entity.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Rescheduled public hearing on **HB 1724-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.
11:00 a.m. Rescheduled public hearing on **SB 48**, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Executive session on **HB 1701-FN**, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state, **HB 1607-FN-L**, establishing an education credit against the business profits tax.

THURSDAY, MARCH 22

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB

3:00 p.m. Regular meeting.

REDRESS OF GRIEVANCES, Room 303, LOB

10:00 a.m. *PETITION 33*, grievance of Nicholas Haas.
Work session may follow

FRIDAY, MARCH 23

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 305, LOB

9:30 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 26

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 308, LOB

9:00 a.m. Regular meeting.

TUESDAY, MARCH 27

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Rescheduled public hearing on *SB 239-FN*, relative to the membership and duties of the installation standards board.
10:45 a.m. *SB 331*, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty.
11:30 a.m. *SB 339*, establishing Loon Appreciation Day.
1:15 p.m. *SB 308*, proclaiming January 24, 2013 as Granny D. Day.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

11:00 a.m. Rescheduled public hearing on *SB 362-FN*, relative to benefits related to service of certain part-time judges of probate retiring because of permanent disability.
1:00 p.m. Rescheduled public hearing on *SB 369-FN-L*, relative to aid to assisted persons.
Executive session may follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. *SB 83-FN*, enabling municipalities to create other post-employment benefits (OPEB) trusts.
Executive session may follow.

TRANSPORTATION, Room 203, LOB

10:00 a.m. *SB 313-FN*, relative to state photographic identification indicating veteran's status.
10:30 a.m. *SB 366-FN*, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.
11:30 a.m. *SB 296*, relative to including next-of-kin contact information on a driver's license.
1:00 p.m. *SB 315*, requiring motorists to give wide berth to highway maintenance vehicles.
1:15 p.m. *SB 285*, authorizing suspension or revocation of a driver's license for serious

boating offenses and relative to loss of motorboat privileges for aggravated driving while intoxicated.
2:15 p.m. **SB 282**, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.
Executive session may follow.

FRIDAY, MARCH 30

ADMINISTRATIVE RULES (RSA 541-A:2), Room 103, State House

9:00 a.m. Regular meeting.

MONDAY, APRIL 2

STATE COMMITTEE ON AGING (RSA161-F:7), Department of Health and Human Services, Brown Building, Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, APRIL 3

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

3:30 p.m. Regular business.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Full committee work session on **SB 83-FN**, enabling municipalities to create other post-employment benefits (OPEB) trusts.

10:30 a.m. Executive session to follow.

WEDNESDAY, APRIL 4

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Room 15 Londergan Hall 101 Pleasant Street, Concord

4:30 p.m. Regular meeting.

FRIDAY, APRIL 6

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), Employment Security, 32 South Main Street, Concord

9:00 a.m. Regular meeting.

MONDAY, APRIL 9

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 308, LOB

10:30 a.m. Regular meeting.

TUESDAY, APRIL 10

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 255**, relative to liens for land use change tax assessments.

10:45 a.m. **SB 233-L**, relative to special elections of the charter commission.

11:15 a.m. **SB 254**, relative to funding and expenditures from certain municipal special revenue funds.
Executive session may follow.

THURSDAY, APRIL 12

CHILDREN AND FAMILY LAW JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 306-308, LOB

10:00 a.m. Performance audit of the GAL Board.

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB

3:00 p.m. Subcommittee meeting.

Room 307, LOB

3:00 p.m. Subcommittee meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH CHILDREN AND FAMILY LAW, Rooms 306-308, LOB

10:00 a.m. Performance audit of the GAL Board.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

1:00 p.m. Medical sharps subcommittee meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 306**, relative to the commercial and industrial construction property tax exemption.

10:45 a.m. **SB 238**, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.
Executive session may follow.

NH INNOVATION RESEARCH CENTER OVERSIGHT COMMITTEE (RSA 187-A:32), UNH Law School. Room 175, The Franklin Center Board Room, Concord

2:00 p.m. Regular meeting.

MONDAY, APRIL 16

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Regular meeting.

TUESDAY, APRIL 17

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Full committee work session on **SB 306**, relative to the commercial and industrial construction property tax exemption.

10:10 a.m. Full committee work session on **SB 238**, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.

10:45 a.m. Executive session to follow.

FRIDAY, APRIL 20

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

1:00 p.m. Regular meeting.

MONDAY, APRIL 23

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

TUESDAY, APRIL 24

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Full committee work session on **SB 233-L**, relative to special elections of the charter commission.
- 10:10 a.m. Full committee work session on **SB 254**, relative to funding and expenditures from certain municipal special revenue funds.
- 10:20 a.m. Full committee work session on **SB 255**, relative to liens for land use change tax assessments.
- 11:00 a.m. Executive session on **SB 233-L**, relative to special elections of the charter commission, **SB 254**, relative to funding and expenditures from certain municipal special revenue funds, **SB 255**, relative to liens for land use change tax assessments.

THURSDAY, APRIL 26

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB

3:00 p.m. Full committee meeting.

FRIDAY, APRIL 27

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet Monday, **March 12** at 4:00 p.m. at the Belknap County Complex for the purpose of a 2012 budget work session.

Rep. Alida I Millham, Chairman
Belknap County Delegation

Belknap County Delegation will meet on Tuesday, **March 20** at 7:00 p.m. at the Belknap County Complex for a public hearing on the budget and possible vote by the delegation.

Rep. Alida I Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Coos County Delegation committee to explore the feasibility of constructing a centralized facility for all county functions will meet on Wednesday, **March 14** in Room 202, LOB at the end of the House session for a short organizational meeting.

Rep. Duffy Daugherty, Subcommittee Chairman
Coos County Delegation

COUNTY DELEGATION NOTICE

Grafton County Executive Committee will meet on **March 19** at 9:00 a.m. at the County

Administration Building. In addition to regular agenda items, the county commissioners will be presenting a conceptual plan for a biomass-fueled plant to provide heat and domestic hot water to several county buildings.

Rep. Lyle E. Bulis, Chairman
Grafton County Executive Committee

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Friday, **March 9th**, 2012 at 9:00 a.m. in the Lower Level Conference Room located at the McDonnell Building 4 Court Street, Concord, NH. The purpose of the meeting is as follows: 1. 2012 Budget Review/Approval. 2. Any other business that may appropriately come before them.

Rep. David Kidder, Chairman
Merrimack County Executive Committee

COUNTY DELEGATION NOTICES

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at 6:00 p.m. on Tuesday, **March 20**, 2012 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: To consider 2012 Budget Appropriations for Merrimack County and to consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2012 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. David Palfrey, Chairman
Merrimack County Delegation

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on Tuesday, **March 20**, 2012 at 6:00p.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: Approval of the 2012 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. David Palfrey, Chairman
Merrimack County Delegation

REVISED FISCAL NOTES

The following House Bills and Senate bills have a revised fiscal note: HBs 102, 110, 186, 222, 234, 242, 247, 325, 351, 418, 420,445, 449, 494, 508, 518, 533, 602, 627, 1155, 1274, 1302,1383, 1473, 1496, 1505, 1521, 1529, 1534,1547, 1552, 1576, 1597, 1607, 1611, 1666, 1673, 1677, 1678, 1679, 1680, 1682, 1685, 1686, 1687, 1688, 1691, 1692, 1695, 1696, 1698, 1713. SBs 48, 83, 153, 239, 247, 258, 285, 330, 338, 358, 350, 366.

Karen O. Wadsworth, Clerk of the House

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested. Rep. Frank G. Case, 44 Beach Head Road, Nottingham, New Hampshire 03290-4921. Rep. Karen K. Hutchinson, 11 Buttrick Road, Londonderry, New Hampshire 03053-3305. Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

The components of the NH Dental Society will be inviting legislators to events in their area in order to share information regarding oral health issues in New Hampshire. Please watch for invitations in the mail.

Reps. D.J. Bettencourt and Terie Norelli

The NH House Business Coalition will meet on Monday, **March 12** at 2:0 p.m. in Room 202, LOB. All current pro-business State Representatives are welcome. For more information, please contact Representative Laurie Sanborn at RepSanborn@gmail.com

Rep. Laurie Sanborn

All legislators and staff are invited to attend the 10th Annual NH Capital St. Patrick's Day Corned Beef and Cabbage lunch to benefit Children's Hospital at Dartmouth on Thursday, **March 15** at noon at the Courtyard Marriott-Grappone Center in Concord with a special comedy performance by Juston McKinney star of Comedy Central, The Tonight Show with Jay Leno and Conan O'Brien. For your complimentary reservation, please RSVP to James.Demers@Demers-Blaisdell.com.

Reps. DJ Bettencourt and Terie Norelli

The Sullivan County Republican Committee will meet at 9:00 a.m. on Saturday, **March 17**, at 12 Main Street, Newport. Gubernatorial Candidate Kevin Smith will speak that morning.

Rep. Steven Cunningham

Bobby Stephen's 34th annual St. Patrick's Day Celebration, will be held on **March 17th**, at the Executive Court Banquet Facility, in Manchester Time 5:00 p.m. Dinner and entertainment, donation \$50.00 per person. To benefit NH JAG & financial aid to other NH students.

William L. O'Brien, Speaker

All legislative members and staff are encouraged to participate in the annual American Red Cross State House Complex Blood Drive. The blood drive will take place on Tuesday, **March 20** from 9:00 a.m. to 3:00 p.m. The American Red Cross state of the art self-contained coach will be parked out in front of the State House for this event. Appointments are strongly encouraged. To schedule an appointment, please call the State House Health Services, Ext. 2757. In the past the Blood Drive has had overwhelming support – please help make this year the best ever.

Rep. Peter L. Silva

All House members are invited to a briefing on the newly amended version of HB 593 relating to expanded gambling on Wednesday, **March 21**, at noon or when the House breaks for lunch in Rooms 210-211, LOB. A brown bag lunch will be available courtesy of the Cannery Casinos, Rockingham Venture, Inc., Yankee Greyhound Racing Inc., and Greenmeadow Golf Club, Inc. Hosted by Reps. Bettencourt, Stepanek, Weyler, Hamm, Campbell and Bouchard.

Reps. Kenneth L. Weyler and Stephen B. Stepanek

The Merrimack County Farm Bureau invites the Merrimack County Delegation and the Environment and Agriculture Committee to a luncheon on Wednesday, **March 21** at the Department of Agriculture, Markets and Food conference room, second floor of the State House Annex, at noon or when the House recesses for lunch.

Rep. David J. Palfrey

The New Hampshire Order of Women Legislators (OWLS) will hold a bake sale in the anteroom of Representatives Hall on Wednesday, **March 21**. All proceeds are to benefit MooreMart. Anyone wishing to donate may do so.

Rep. Laura Pantelakos

All are welcome to the Dover Democratic Committee Annual FDR Dinner on Saturday, **March 24** at Niles Community Center Niles Street, Dover. Tickets \$15 at the door or contact Bill Dudley, wdudley235@comcast.net or 749-3899.

Rep. David Watters

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on Wednesday, **March 28** from 7:30 a.m. to 9:00 a.m. at the State House Cafeteria. Please join Breathe New Hampshire staff, board members and volunteers for breakfast, conversation and door prizes. Please RSVP by March 16 at info@breathenh.org or by calling 669-2411.

Rep. Moe Villeneuve

The New Hampshire Order of Women Legislators (OWLS) will meet during the lunch break from session in the third floor conference room at the State House on Wednesday, **March 28**. Please bring your lunch.

Rep. Laura Pantelakos

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Crossover Reception on Wednesday, **March 28** at 3:00 p.m. or following the House session, whichever is later, at the Concord Holiday

Inn, 172 North Main Street. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering. This year in particular we want to recognize all of you for your support of New Hampshire automotive members and their 14,000 employees.

Reps. DJ Bettencourt and Terie Norelli

The Greater Manchester Federated Republican Women are hosting a meeting at the Brady Sullivan Building, 1000 Elm Street, Manchester from 6:30 to 9:00 p.m. on Wednesday, **March 28**. Guest speaker is Rep. Pam Tucker, Deputy Speaker. All Republicans are welcome.

Rep. J. Gail Barry

All members of the House are invited to the fourth annual Local Energy Solutions Conference set for Saturday, **March 31**, 2012, from 8:30 a.m. to 4:15 p.m., at the Merrimack Valley High School in Penacook. Registration is free to members of the NH General Court. Keynote speaker is Mike Breen, vice president with The Truman National Security Project. Originally from New Hampshire, Mr. Breen is an expert voice on America's security challenges and has appeared in numerous national and regional media outlets on a wide range of issues, particularly energy security, counterinsurgency and counterterrorism. Mr. Breen will speak about energy use in the United States and at a local level and how that has direct and serious impact on the national security challenges we face abroad. In addition, more than 250 attendees, instructional workshops on energy solutions for local governments, and peer-to-peer networking make this conference a "don't miss" event. For a complete listing of workshop sessions and speakers, go to www.cleanair-coolplanet.org/les2012. An RSVP would be appreciated.

Rep. James M. Garrity

The City and Town Clerks Association would like to invite all representatives to breakfast on Thursday, **April 12** from 8:00 to 9:30 a.m. in the State House Cafeteria. Come and meet your clerk.

Rep. James E. Coffey

Discover WILD New Hampshire Day is set for Saturday, **April 21**. This family friendly event takes place from 10:00 a.m. to 3:00 p.m. on the grounds of the NH Fish and Game Department at 11 Hazen Drive in Concord. Admission is free. Come enjoy dozens of exhibits presented by New Hampshire environmental, conservation and outdoor organizations. See live animals, big fish and trained falcons. The kids can try archery, casting and making arts and crafts. Explore new trends in recycling, environmental protection and energy-efficient hybrid vehicles. This is a great place to discover how you can connect with life outdoors. Co-sponsored by the New Hampshire Fish and Game Department and the New Hampshire Department of Environmental Services - now celebrating its 25th anniversary - with support from the Wildlife Heritage Foundation of New Hampshire. Visit <http://www.wildnh.com>.

Rep. Dennis Reed

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet Tuesdays at 8:30 a.m. in Room 308 LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

The Natural Rights Council will hold its weekly meeting at 8:00 a.m. Wednesdays at Caffenio, 84 North Main Street. All House members are welcome. NRC is a bi-partisan group dedicated to upholding principles outlined in Article 2, Part I of the NH Constitution.

Reps. Kevin Avard and John Burt

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **2012**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
March 9	10:15/11:30 SH/SC	Sandown Central School	88/4
March 12	9:00	Bow Elementary School	50/4
March 12	10:30/12:00 SH/HM	Milford School @ Heron Pond	100/4
March 12	1:30	World Affairs Council- Venezuela	15
March 13	9:00	Bow Elementary School	48/4
March 13	10:00	Lamprey River School – Raymond	40/4
March 13	11:00	Northwood Elementary School	60/4
March 13	1:30	World Affairs Council – Europe	
March 14	9:00	Bow Elementary School	24/4
March 14	9:45/11:00 SH/HM	Pembroke Hill School	95/4
March 14	12:45	Sant Bani School – Sanbornton	15/6
March 15	9:00	Dover Alternative High School	12/HS
March 15	10:00	Lamprey River School – Raymond	60/4
March 15	10:30/12:00 SH/HM	Allenstown Elementary School	65/4
March 15	1:15	Vesta Roy Series Class	12
March 16	10:15/11:30 SH/HM	Charlotte Ave. School – Nashua	115/4
March 16	1:00	Hipke Home School – Brentwood	14+
March 19	10:45/12:15 SH/HM	Appleton Elementary School – New Ipswich	100/4
March 19	1:30	World Affairs Council – Republic of Georgia	
March 20	9:30	Greenland Central School	44/4
March 20	10:00/11:30 SH/Manse	Dondero School – Portsmouth	60/4
March 21	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4

March 22	9:30/11:00 SH/HM	Jaffrey Grade School	69/4
March 22	11:00	Wells Memorial School Harrisville	7/4&5
March 22	12:00	Bible Baptist Christian Soldiers- Nashua	13
March 23	9:30/11:00 SH/HM	Henry Wilson School – Farmington	120/4
March 23	12:00	Presentation of Mary School – Hudson	42/4
March 26	10:30/12:00 SH/HM	Milford Elementary School @Heron Pond	100/4
March 26	1:00	Gilford Parks & Recreation	
March 27	10:00	Maplewood School – Somersworth	48/4
March 27	11:00/12:30	Beaver Meadow School – Concord	74/4
March 28	9:00/10:30 SH/HM	Barnstead Elementary School	63/4
March 28	9:15	Breathe NH student group	
March 28	10:15	Pollard School – Plaistow	40/4
March 29	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4
March 29	10:30	Pollard School – Plaistow	40/4
March 30	9:30	Trinity Christian School – Keene	10/4
March 30	9:30/11:00 SH/F&G	Symonds School – Keene	60/4
April 2	9:30	Maple Ave. School – Goffstown	50/4
April 2	11:00	Paul School – Sanbornville/Wakefield	45/4
April 2	1:00	Brain Injury Assoc. of NH	25
April 3	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	75/4
April 4	10:00/11:30	Newmarket Elementary School	80/4
April 4	1:30	Active Outdoor Adults – Wolfeboro	30/Srs
April 5	9:00	Stevens High School German Exchange students - Claremont	25/HS
April 5	10:00	East Kingston Elementary School	40/4

WEDNESDAY, MARCH 7

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 415 (2012-1115h)

Proposed by the Committee on Constitutional Review and Statutory Recodification - C

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

1 New Paragraph; Department of Health and Human Services; Access to Case Records.
Amend RSA 170-G:8 by inserting after paragraph VI the following new paragraph:

VII. If, in a proceeding under RSA 461-A, either parent's access to his or her children has been restricted or limited as the result of an investigation of abuse or neglect under RSA 169-C, either parent shall have access to the case record in accordance with subparagraph II(a)(2), a list of case records not produced, and a list of any related third-party records in the possession of the department. The list of case records not produced and the list of third-party records shall identify the source, date, subject matter, and involved parties for each record. A parent who believes that the commissioner has failed to properly exercise his or

her discretion to release records under this section shall have the right to appeal the determination to the superior court.

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

AMENDED ANALYSIS

This bill provides that any parent who believes that the department of health and human services has abused its discretion by refusing to release certain records may appeal the decision to the superior court

Floor Amendment to HB 1148 (2012-1035h)

Proposed by Rep. Bergevin

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

AN ACT establishing a committee to study the educational benefits of a course on the historical ideas and events generated by Charles Darwin's book "On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life."

1 Committee Established. There is established a committee to study the educational benefits of a course on the ideas, hypotheses, and theories generated by Charles Darwin's book "On the Origin of Species."

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study:

I. The educational benefits to New Hampshire students from a humanities or social studies course on the historical ideas and events generated by Charles Darwin's book "On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life." Such course shall include a study of the historical ideas, hypotheses, and theories which have resulted from Darwin's theory of evolution.

II. The effects of evolution on the nations of the world as those nations accepted and implemented evolution into their legal documents and how the theory of evolution influenced those nations' political and national ideologies.

III. The positive and negative historical events that occurred as a result of domestic and international political decisions made by nations which have accepted and implemented the theory of evolution into their political ideology.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the educational benefits of a course on the historical ideas and events generated by Charles Darwin's book "On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life."

Amendment to HB 1206 (2012-0823h)

**Proposed by the Majority of the Committee on Labor, Industrial and
Rehabilitative Services - R**

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

AN ACT relative to continuing obligations under expired public employee labor agreements.

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

1 New Section; Public Employee Labor Relations; Continuing Obligations. Amend RSA 273-A by inserting after section 12 the following new section:

273-A:12-a Continuing Obligations. When no successor agreement has been accepted by the legislative body of the public employer at the time of the expiration of the prior contract, any cost increase necessary to fulfill continuing obligations for employee insurance benefits under such contract shall be shared equally by the public employer and the employee.

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

AMENDED ANALYSIS

This bill requires public employers and employees to share equally any cost increase caused by the fulfillment of continuing obligations for employee insurance benefits under an expired contract.

**Amendment to HB 1216
(2012-0952h)**

Proposed by the Majority of the Committee on Judiciary - R

Amend RSA 137-J:10, IV(b) as inserted by section 2 of the bill by replacing it with the following:

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

AMENDED ANALYSIS

This bill clarifies the protocol of the facility regarding authority for withholding or withdrawal of life-sustaining treatment from a legally incapacitated person.

**Floor Amendment to HB 1220
(2012-1071h)**

Proposed by Rep. D. McGuire

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

AN ACT repealing the criminal history record and protective order check for the sale of firearms, relative to information regarding persons subject to a protective order, and relative to assistance to residents who are prohibited from obtaining or transferring a firearm.

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

2 Protection of Persons From Domestic Violence; Relief. Amend RSA 173-B:5, IX(b) to read as follows:

(b) The administrative office of the courts shall enter information regarding the protective orders into the state database which shall be made available to police and sheriff departments statewide. ***Prior to transmitting the protective order information to the department of safety, the issuing court shall make every reasonable effort to determine the date of birth of the individual against whom the protective order is sought and transmit this information as part of the protective order so that the order may be entered into the Federal Bureau of Investigation's National Instant***

Criminal Background Check System (NICS) database. Any peace officer serving an individual with a protective order which has no date of birth listed on the order shall require the individual on whom the order is being served to identify himself or herself, including date of birth, and the officer shall make a report of service including the individual's date of birth to the state police who shall transmit the information to the Federal Bureau of Investigation so that it may be used in the NICS database. The department of safety shall make available information regarding emergency protective orders issued telephonically to police and sheriff departments statewide.

3 New Section; State Police; Assistance to Residents Prohibited From Obtaining or Transferring a Firearm. Amend RSA 106-B by inserting after section 14-b the following new section:

106-B:14-c Assistance to Residents Prohibited From Obtaining or Transferring a Firearm. The division of state police, criminal records unit, shall provide assistance to New Hampshire residents who are prohibited from obtaining or transferring a firearm by state or federal law, by providing a detailed explanation of the reason for the prohibition, and assistance in correcting errors in a state or federal database.

AMENDED ANALYSIS

This bill:

I. Repeals the criminal history record and protective order check for the sale of firearms.

II. Requires the court issuing a protective order to make reasonable efforts to determine the date of birth of the individual on whom the order is being served, and requires a peace officer serving a protective order to verify the identity of the individual on whom a protective order is being served, including the individual's date of birth, and to transmit such information to the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System.

III. Requires the division of state police to provide assistance to residents who are prohibited from obtaining or transferring a firearm.

Amendment to HB 1263 (2012-0189h)

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 the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.

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

1 New Subparagraph; Grounds for Termination of Tenancy; Expiration of Lease Term.

Amend RSA 540:2, II by inserting after subparagraph (f) the following new subparagraph:

(g) Expiration or rightful termination of the term of a lease or other agreement of tenancy, or the rescission of any such lease or agreement.

2 Repeal. RSA 540:1-b, relative to the requirement that landlords of restricted residential property provide service of process information to the municipality, is repealed.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill:

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

II. Repeals the requirement that landlords of restricted residential property provide service of process information to the municipality in which the property is located.

**Floor Amendment to HB 1267
(2012-1161h)**

Proposed by Oligny

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

1 New Paragraph; Adjustments to the Child Support Guidelines; Child Support Monthly Expense Reporting. Amend RSA 458-C:5 by inserting after paragraph II the following new paragraph:

III. At the request of either party, the court shall order child support monthly expense reporting for a period of between 6 and 12 months. If the reported expenses indicate a variance of at least 10 percent between the child support order amount and the actual expenses incurred by the parties on behalf of the children, the court shall revise the child support order based on the actual expenses incurred by the parties. A request for modification under this paragraph shall include evidence of all child support expenses incurred by both parties for a period of at least 6 months. Unless special circumstances exist, subsequent requests for monthly expense reporting shall not be granted less than 3 years after the last monthly report.

2 Review of Child Support Guidelines. In conducting the 4-year review of the child support guidelines required under RSA 458-C:6, the department of health and human services shall consider any orders issued under RSA 458-C:5, III, as inserted by section 1 of this act, as part of the state's assessment of whether the guidelines accurately reflect child rearing costs and result in appropriate child support orders.

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

AMENDED ANALYSIS

This bill permits a party to invoke child support expense reporting and requires the court to revise the child support order if there is a difference of 10 percent or more between the amount of the child support order and the actual expenses incurred by the parties on behalf of the children.

**Amendment to HB 1282-FN-LOCAL
(2012-0722h)**

**Proposed by the Minority of the Committee on Municipal and County Government
- R**

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

1 Workforce Housing Opportunities. Amend RSA 674:59, I to read as follows:

I. In every municipality that exercises the power to adopt land use ordinances and regulations, such ordinances and regulations shall provide reasonable and realistic opportunities for the development of workforce housing, including rental multi-family housing. ***No less than 5 percent of the dwelling units in such municipality shall be allocated as workforce housing.*** In order to provide such opportunities, lot size and overall density requirements for workforce housing shall be reasonable. A municipality that adopts land use ordinances and regulations shall allow workforce housing to be located in a majority, but not necessarily all, of the land area that is zoned to permit residential uses within the municipality. Such a municipality shall have the discretion to determine what land areas are appropriate to meet this obligation. This obligation may be satisfied by the adoption of inclusionary zoning as defined in RSA 674:21, IV(a). This paragraph shall not be construed to require a municipality to allow for the development of multifamily housing in a majority of its land zoned to permit residential uses.

2 Procedure. Amend RSA 674:60, IV to read as follows:

IV. A municipality ~~may~~ ***shall*** require that an applicant record restrictive covenants acceptable to the land use board that the workforce housing may not be rented to or sold to any household whose income is greater than that specified in RSA 674:58, IV. The covenant shall be for the term specified in the regulations of the land use board. The municipality may adopt regulations to insure compliance with the covenants, which

regulations may include requirements for the monitoring of the project by the municipality or by a suitable third party agency qualified to carry out such requirements, including but not limited to requiring the production of annual income verification for renters and non-owner occupiers. The land use board may consider the existence of recorded covenants or income qualification and occupancy criteria as satisfying the purpose of this paragraph if such covenants or criteria are administered by a state or federal entity.

3 New Section; Planning and Zoning; Words and Phrases Defined; Community. Amend RSA 672 by inserting after section 3 the following new section:

672:3-a Community. "Community" means the area within the boundaries of any municipality.

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

AMENDED ANALYSIS

This bill:

I. Requires municipalities to designate no less than 5 percent of dwelling units in the municipality as workforce housing.

II. Requires certain restrictive covenants relative to workforce housing.

III. Defines "community" for purposes of planning and zoning laws.

Amendment to HB 1416-LOCAL (2012-0961h)

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

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

AN ACT relative to a required fluoride statement.

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

1 New Section; Water Systems; Fluoride Statement Required. Amend RSA 485 by inserting after section 14-a the following new section:

485:14-b Fluoride Statement Required.

I. If a public water supply is fluoridated, the following notice shall be posted on all residential water system billing statements: "Your public water supply is fluoridated. According to the Centers for Disease Control and Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information."

II. The notice shall be located in a conspicuous place on all residential billing statements and the font size of the notice shall be equal to the font size of the billing statement.

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

AMENDED ANALYSIS

This bill requires a fluoride statement to be posted on all residential water system billing statements if the water supply is fluoridated.

Amendment to HB 1418-FN-A (2012-0939h)

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

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

1 Business Enterprise Tax; Returns. Amend RSA 77-E:5 to read as follows:

77-E:5 Returns.

I. Every business enterprise having gross business receipts in excess of ~~[\$150,000]~~ ***\$200,000 as adjusted biennially for inflation and rounded to the nearest \$1,000 by the commissioner using the Consumer Price Index, Northeast Region*** as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than ~~[\$75,000]~~ ***\$100,000 as adjusted biennially for inflation and rounded to the nearest \$1,000 by the commissioner using the Consumer Price Index, Northeast***

Region, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

II. Every business enterprise shall in addition file a declaration of its estimated business enterprise tax for its subsequent taxable period; provided, however, if the estimated tax is less than [~~\$200~~] **\$260**, a declaration need not be filed; and provided further that a declaration shall be filed at the end of any quarter thereafter in which estimated tax exceeds [~~\$200~~] **\$260**. The declaration shall be filed when payments are due under RSA 77-E:6.

2 Effective Date. This act shall be in effect for taxable periods ending on or after December 31, 2013.

**Floor Amendment to HB 1438
(2012-1098h)**

Proposed by Reps. Giuda and LaCasse

Amend RSA 105:13-b as inserted by section 1 of the bill by replacing it with the following:

105:13-b Confidentiality of Personnel Files. ~~[No personnel file on a police officer who is serving as a witness or prosecutor in a criminal case shall be opened for the purposes of that criminal case, unless]~~ ***All exculpatory evidence in a personnel file on a police officer who is serving as a witness or prosecutor shall be provided to the prosecutor by the police department employing the officer and shall be released by the prosecutor to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. Non-exculpatory evidence shall only be released in that criminal case if*** the sitting judge makes a specific ruling that probable cause exists to believe that the file contains evidence relevant to that criminal case. If the judge rules that probable cause exists, the judge shall order the police department employing the officer to deliver the file to the judge. The judge shall examine the file in camera and make a determination whether it contains evidence relevant to the criminal case. Only those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential and shall be returned to the police department employing the officer.

AMENDED ANALYSIS

This bill clarifies the confidentiality provisions regarding use of police personnel files as evidence in criminal cases.

**Amendment to HB 1440
(2012-0968h)**

Proposed by the Majority of the Committee on Transportation - R

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

1 Statement of Purpose. The general court finds that a number of teenagers postpone obtaining their driver's license until the age of 18 because of the cost of driver education courses offered by driving schools. By providing the option of a more affordable online driver education course, with behind-the-wheel instruction provided by the parent or guardian, a larger number of teenagers may elect to be educated.

2 Conditions and Requirements for a License; Driver Education. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in

cooperation with the department of safety, or given by a motor vehicle drivers' school licensed under the provisions of this chapter, **or available from an approved online driver education course provider pursuant to paragraph I-a and approved by the department of safety.** An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published ~~jointly~~ by the ~~commissioner of education and the~~ commissioner of safety, such standards to be not less than those presently required. **An approved online driver education course provider shall comply with the provisions of paragraph I-a.** The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over ~~both~~ secondary school courses ~~and~~, private motor vehicle drivers' school courses, **and approved online driver education courses.**

3 New Paragraph; Driver Education; Online Driver Education Course. Amend RSA 263:19 by inserting after paragraph I the following new paragraph:

I-a.(a)(1) A person who has attained the age 15 and 1/2 years may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person electing the online driver education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person electing the online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 10 hours of supervised driving time under the supervision of a driver education course instructor. The commissioner shall adopt rules relative to the method of certification.

(2) A person under 18 years of age who successfully completes the online driver education course but fails either the written test or road test portion of the licensing examination required under RSA 263:6 shall successfully complete a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter before being eligible to retake the licensing examination required under RSA 263:6.

(b)(1) No later than 30 days after the effective date of this paragraph, the director of the division of motor vehicles, with approval of the commissioner of safety, shall issue a request for proposals to license online driver education course providers to applicants for youth operator and adult operator licenses at no cost to the state.

(2) Online driver education course providers shall be required to customize their online programs to comply with New Hampshire laws and administrative rules; to promptly revise the curriculum to reflect changes to the laws and regulations in order to ensure that students always are exposed to current information; to include approved additions or deletions to the curriculum and tests regarding any areas the director has determined, based on accident, climatic, highway configuration, and traffic conditions data within the state which may require particular emphasis; and a provision that the state be held harmless to the satisfaction of the attorney general from liability regarding the content and delivery of the program. Online driver education course providers shall be required to include a system of study and test taking that is designed to ensure, to the satisfaction of the

director, the identity of the person completing the course and the identity of the person taking the test; to provide random delivery of multiple versions of the test to ensure that the test taker cannot easily predict the questions that will be asked; a system of recordkeeping and transmittal of individual student records and statistics to the division of motor vehicles to eliminate fraud and facilitate evaluation of the success of the program; and such other provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

(c) In choosing a provider, the director shall evaluate the proposed cost of the program to the student, the extent to which the proposed curriculum reflects current best practices and any relevant national standards and unique state requirements, the ease of delivery, fraud prevention safeguards, the capabilities, experience, and financial stability of the license applicant, the extent to which the curriculum provides for streaming video including lecture segments and video illustrations of actual driving situations, the degree of interactivity, the means for individual students to ask clarifying questions of an instructor or obtain assistance with technical problems, the extent to which the program is delivered in a manner that is compatible with a wide range of electronic devices, the speed of loading and delivery of program segments, and such other criteria as the director deems appropriate and necessary.

(d) The director, with approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A relative to the licensing of online driver education course providers, the delivery of online driver education programs, standards, and requirements for data collection and auditing of the programs, the establishment of a license fee sufficient to cover any additional costs to the state in order to provide the program, and provisions for the suspension or revocation of a provider's license for unsatisfactory performance.

(e) The department of safety shall collect data comparing the rate of passing the road and written test for licensing of applicants who successfully completed an online driver education course with applicants that successfully completed a traditional driver education course and those over the age of 18 years that did not complete driver education courses, and data comparing the accident records of these disparate groups and such other data as it deems of value in determining the successes or failure of online driver training. On or before November 1, 2015, the commissioner of safety shall submit a report with the governor and the chairmen of the house and senate transportation committees evaluating the online driver education course program including any relevant statistics and shall include a recommendation as to whether the program should be continued, amended, or canceled.

(f) In this section, "approved online driver education course provider" means an entity which is licensed by the commissioner of the department of safety to provide an online driver education course and provide reports as required by law.

4 Conditions and Requirements for a License; Driver Education; Version Effective July 1, 2016. RSA 263:19, I is repealed and reenacted to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published by the commissioner of safety, such standards to be not less than those presently required. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining

the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

5 Repeal. RSA 263:19, I-a, relative to online driver education course providers, is repealed.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect July 1, 2016.

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

AMENDED ANALYSIS

This bill permits a person who has attained the age of 15 and 1/2 years to fulfill the driver education requirement by enrolling in an approved online driver education course.

Amendment to HB 1440

(2012-0645h)

Proposed by the Minority of the Committee on Transportation - R

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

1 Statement of Purpose. The general court finds that a number of teenagers postpone obtaining their driver's license until the age of 18 because of the cost of driver education courses offered by driving schools. By providing the option of a more affordable online driver education course, with behind-the-wheel instruction provided by the parent or guardian, a larger number of teenagers may elect to be educated.

2 Conditions and Requirements for a License; Driver Education. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety, or given by a motor vehicle drivers' school licensed under the provisions of this chapter, ***or available from an approved online driver education course provider pursuant to paragraph I-a and approved by the department of safety.*** An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published ~~jointly~~ by the ~~commissioner of education and the~~ commissioner of safety, such standards to be not less than those presently required. ***An approved online driver education course provider shall comply with the provisions of paragraph I-a.*** The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over ~~both~~ secondary school courses ~~and~~, private motor vehicle drivers' school courses, ***and approved online driver education courses.***

3 New Paragraph; Driver Education; Online Driver Education Course. Amend RSA 263:19 by inserting after paragraph I the following new paragraph:

I-a.(a)(1) A person who has attained the age 15 and 1/2 years may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person electing the online driver

education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person electing the online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 20 hours of supervised driving time under the supervision of a licensed parent, guardian, foster parent, stepparent, or grandparent who shall have no convictions in the past 10 years for reckless driving under RSA 265:79, driving or operating under the influence of drugs or liquor under RSA 265-A:2, or aggravated driving while intoxicated under RSA 265-A:3. The commissioner shall adopt rules relative to the method of certification. This additional supervised driving time shall replace the supervised driving time performed by the driver education course instructor as part of a driver education course.

(2) A person under 18 years of age who successfully completes the online driver education course but fails either the written test or road test portion of the licensing examination required under RSA 263:6 shall successfully complete a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter before being eligible to retake the licensing examination required under RSA 263:6.

(b)(1) No later than 30 days after the effective date of this paragraph, the director of the division of motor vehicles, with approval of the commissioner of safety, shall issue a request for proposals to license online driver education course providers to applicants for youth operator and adult operator licenses at no cost to the state.

(2) Online driver education course providers shall be required to customize their online programs to comply with New Hampshire laws and administrative rules; to promptly revise the curriculum to reflect changes to the laws and regulations in order to ensure that students always are exposed to current information; to include approved additions or deletions to the curriculum and tests regarding any areas the director has determined, based on accident, climatic, highway configuration, and traffic conditions data within the state which may require particular emphasis; and a provision that the state be held harmless to the satisfaction of the attorney general from liability regarding the content and delivery of the program. Online driver education course providers shall be required to include a system of study and test taking that is designed to ensure, to the satisfaction of the director, the identity of the person completing the course and the identity of the person taking the test; to provide random delivery of multiple versions of the test to ensure that the test taker cannot easily predict the questions that will be asked; a module to educate parents, guardians, or other licensed adults over the age of 30 regarding how to supervise student drivers in their required road driving experience; a system of recordkeeping and transmittal of individual student records and statistics to the division of motor vehicles to eliminate fraud and facilitate evaluation of the success of the program; and such other provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

(c) In choosing a provider, the director shall evaluate the proposed cost of the program to the student, the extent to which the proposed curriculum reflects current best practices and any relevant national standards and unique state requirements, the ease of delivery, fraud prevention safeguards, the capabilities, experience, and financial stability of the license applicant, the extent to which the curriculum provides for streaming video including lecture segments and video illustrations of actual driving situations, the degree of interactivity, the means for individual students to ask clarifying questions of an instructor or obtain assistance with technical problems, the extent to which the program is delivered in a manner that is compatible with a wide range of electronic devices, the speed of loading and delivery of program segments, and such other criteria as the director deems appropriate and necessary.

(d) The director, with approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A relative to the licensing of online driver education course providers, the delivery of online driver education programs, standards, and requirements for data collection and auditing of the programs, the establishment of a license fee sufficient to cover any additional costs to the state in order to provide the program, and provisions for the suspension or revocation of a provider's license for unsatisfactory performance.

(e) The department of safety shall collect data comparing the rate of passing the road and written test for licensing of applicants who successfully completed an online driver education course with applicants that successfully completed a traditional driver education course and those over the age of 18 years that did not complete driver education courses, and data comparing the accident records of these disparate groups and such other data as it deems of value in determining the successes or failure of online driver training. On or before November 1, 2015, the commissioner of safety shall submit a report with the governor and the chairmen of the house and senate transportation committees evaluating the online driver education course program including any relevant statistics and shall include a recommendation as to whether the program should be continued, amended, or canceled.

(f) In this section, "approved online driver education course provider" means an entity which is licensed by the commissioner of the department of safety to provide an online driver education course and provide reports as required by law.

4 Conditions and Requirements for a License; Driver Education; Version Effective July 1, 2016. RSA 263:19, I is repealed and reenacted to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published by the commissioner of safety, such standards to be not less than those presently required. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

5 Repeal. RSA 263:19, I-a, relative to online driver education course providers, is repealed.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect July 1, 2016.

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

AMENDED ANALYSIS

This bill permits a person who has attained the age of 15 and 1/2 years to fulfill the driver education requirement by enrolling in an approved online driver education course.

Floor Amendment to HB 1440 (2012-1021h)

Proposed by Reps. Tholl and Hinch

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

1 Statement of Purpose. The general court finds that a number of teenagers postpone obtaining their driver's license until the age of 18 because of the cost of driver education

courses offered by driving schools. By providing the option of a more affordable online driver education course, with behind-the-wheel instruction provided by the parent or guardian, a larger number of teenagers may elect to be educated.

2 Conditions and Requirements for a License; Driver Education. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety, or given by a motor vehicle drivers' school licensed under the provisions of this chapter, ***or available from an approved online driver education course provider pursuant to paragraph I-a and approved by the department of safety.*** An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published ~~jointly~~ by the ~~commissioner of education and the~~ commissioner of safety, such standards to be not less than those presently required. ***An approved online driver education course provider shall comply with the provisions of paragraph I-a.*** The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over ~~both~~ secondary school courses ~~and~~, private motor vehicle drivers' school courses, ***and approved online driver education courses.***

3 New Paragraph; Driver Education; Online Driver Education Course. Amend RSA 263:19 by inserting after paragraph I the following new paragraph:

I-a.(a) A person who has attained the age 15 and 1/2 years may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person electing the online driver education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person electing the online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 10 hours of supervised driving time under the supervision of a driver education course instructor. The commissioner shall adopt rules relative to the method of certification.

(b)(1) No later than 30 days after the effective date of this paragraph, the director of the division of motor vehicles, with approval of the commissioner of safety, shall issue a request for proposals to license online driver education course providers to applicants for youth operator and adult operator licenses at no cost to the state.

(2) Online driver education course providers shall be required to customize their online programs to comply with New Hampshire laws and administrative rules; to promptly revise the curriculum to reflect changes to the laws and regulations in order to ensure that students always are exposed to current information; to include approved additions or deletions to the curriculum and tests regarding any areas the director has determined, based on accident, climatic, highway configuration, and traffic conditions data within the state which may require particular emphasis; and a provision that the state be held harmless to the satisfaction of the attorney general from liability regarding the content

and delivery of the program. Online driver education course providers shall be required to include a system of study and test taking that is designed to ensure, to the satisfaction of the director, the identity of the person completing the course and the identity of the person taking the test; to provide random delivery of multiple versions of the test to ensure that the test taker cannot easily predict the questions that will be asked; a system of recordkeeping and transmittal of individual student records and statistics to the division of motor vehicles to eliminate fraud and facilitate evaluation of the success of the program; and such other provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

(c) In choosing a provider, the director shall evaluate the proposed cost of the program to the student, the extent to which the proposed curriculum reflects current best practices and any relevant national standards and unique state requirements, the ease of delivery, fraud prevention safeguards, the capabilities, experience, and financial stability of the license applicant, the extent to which the curriculum provides for streaming video including lecture segments and video illustrations of actual driving situations, the degree of interactivity, the means for individual students to ask clarifying questions of an instructor or obtain assistance with technical problems, the extent to which the program is delivered in a manner that is compatible with a wide range of electronic devices, the speed of loading and delivery of program segments, and such other criteria as the director deems appropriate and necessary.

(d) The director, with approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A relative to the licensing of online driver education course providers, the delivery of online driver education programs, standards, and requirements for data collection and auditing of the programs, the establishment of a license fee sufficient to cover any additional costs to the state in order to provide the program, and provisions for the suspension or revocation of a provider's license for unsatisfactory performance.

(e) The department of safety shall collect data comparing the rate of passing the road and written test for licensing of applicants who successfully completed an online driver education course with applicants that successfully completed a traditional driver education course and those over the age of 18 years that did not complete driver education courses, and data comparing the accident records of these disparate groups and such other data as it deems of value in determining the successes or failure of online driver training. On or before November 1, 2015, the commissioner of safety shall submit a report with the governor and the chairmen of the house and senate transportation committees evaluating the online driver education course program including any relevant statistics and shall include a recommendation as to whether the program should be continued, amended, or canceled.

(f) In this section, "approved online driver education course provider" means an entity which is licensed by the commissioner of the department of safety to provide an online driver education course and provide reports as required by law.

4 Conditions and Requirements for a License; Driver Education; Version Effective July 1, 2016. RSA 263:19, I is repealed and reenacted to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published by the commissioner of safety, such standards to be not less than those presently required. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer

safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

5 Repeal. RSA 263:19, I-a, relative to online driver education course providers, is repealed.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect July 1, 2016.

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

AMENDED ANALYSIS

This bill permits a person who has attained the age of 15 and 1/2 years to fulfill the driver education requirement by enrolling in an approved online driver education course.

Floor Amendment to HB 1440 (2012-1044h)

Proposed by Reps. Ingbreton, Parison, K. Jones and L. Jones

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

1 Statement of Purpose. The general court finds that a number of home educated teenagers postpone obtaining their driver's license until the age of 18 because of the cost of driver education courses offered by driving schools. By providing the option of a more affordable online driver education course to home educated teenagers, with behind-the-wheel instruction provided by the parent or guardian, a larger number of home educated teenagers may elect to be educated.

2 Conditions and Requirements for a License; Driver Education. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety, or given by a motor vehicle drivers' school licensed under the provisions of this chapter, ***or available from an approved online driver education course provider pursuant to paragraph I-a and approved by the department of safety.*** An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published ~~jointly~~ by the ~~commissioner of education and the~~ commissioner of safety, such standards to be not less than those presently required. ***An approved online driver education course provider shall comply with the provisions of paragraph I-a.*** The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over ~~both~~ secondary school courses ~~and~~, private motor vehicle drivers' school courses, ***and approved online driver education courses.***

3 New Paragraph; Driver Education; Online Driver Education Course. Amend RSA 263:19 by inserting after paragraph I the following new paragraph:

I-a.(a)(1) A person who has attained the age 15 and 1/2 years and who is enrolled in a home education program pursuant to RSA 193-A may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New

Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person eligible to enroll in an online driver education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person eligible to enroll in an online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 20 hours of supervised driving time under the supervision of a licensed parent, guardian, foster parent, stepparent, or grandparent who shall have no convictions in the past 10 years for reckless driving under RSA 265:79, driving or operating under the influence of drugs or liquor under RSA 265-A:2, or aggravated driving while intoxicated under RSA 265-A:3. The commissioner shall adopt rules relative to the method of certification. This additional supervised driving time shall replace the supervised driving time performed by the driver education course instructor as part of a driver education course.

(2) A person under 18 years of age who successfully completes the online driver education course but fails either the written test or road test portion of the licensing examination required under RSA 263:6 shall successfully complete a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter before being eligible to retake the licensing examination required under RSA 263:6.

(b)(1) No later than 30 days after the effective date of this paragraph, the director of the division of motor vehicles, with approval of the commissioner of safety, shall issue a request for proposals to license online driver education course providers to applicants for youth operator and adult operator licenses at no cost to the state.

(2) Online driver education course providers shall be required to customize their online programs to comply with New Hampshire laws and administrative rules; to promptly revise the curriculum to reflect changes to the laws and regulations in order to ensure that students always are exposed to current information; to include approved additions or deletions to the curriculum and tests regarding any areas the director has determined, based on accident, climatic, highway configuration, and traffic conditions data within the state which may require particular emphasis; and a provision that the state be held harmless to the satisfaction of the attorney general from liability regarding the content and delivery of the program. Online driver education course providers shall be required to include a system of study and test taking that is designed to ensure, to the satisfaction of the director, the identity of the person completing the course and the identity of the person taking the test; to provide random delivery of multiple versions of the test to ensure that the test taker cannot easily predict the questions that will be asked; a module to educate persons designated to provide the additional 20 hours of supervised driving time regarding how to supervise student drivers in their required road driving experience; a system of recordkeeping and transmittal of individual student records and statistics to the division of motor vehicles to eliminate fraud and facilitate evaluation of the success of the program; and such other provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

(c) In choosing a provider, the director shall evaluate the proposed cost of the program to the student, the extent to which the proposed curriculum reflects current best practices and any relevant national standards and unique state requirements, the ease of delivery, fraud prevention safeguards, the capabilities, experience, and financial stability of the license applicant, the extent to which the curriculum provides for streaming video including lecture segments and video illustrations of actual driving situations, the degree of interactivity, the means for individual students to ask clarifying questions of an instructor or obtain assistance with technical problems, the extent to which the program is delivered in a

manner that is compatible with a wide range of electronic devices, the speed of loading and delivery of program segments, and such other criteria as the director deems appropriate and necessary.

(d) The director, with approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A relative to the licensing of online driver education course providers, the delivery of online driver education programs, standards, and requirements for data collection and auditing of the programs, the establishment of a license fee sufficient to cover any additional costs to the state in order to provide the program, and provisions for the suspension or revocation of a provider's license for unsatisfactory performance.

(e) The department of safety shall collect data comparing the rate of passing the road and written test for licensing of applicants who successfully completed an online driver education course with applicants that successfully completed a traditional driver education course and those over the age of 18 years that did not complete driver education courses, and data comparing the accident records of these disparate groups and such other data as it deems of value in determining the successes or failure of online driver training. On or before November 1, 2015, the commissioner of safety shall submit a report with the governor and the chairmen of the house and senate transportation committees evaluating the online driver education course program including any relevant statistics and shall include a recommendation as to whether the program should be continued, amended, or canceled.

(f) In this section, "approved online driver education course provider" means an entity which is licensed by the commissioner of the department of safety to provide an online driver education course and provide reports as required by law.

4 Conditions and Requirements for a License; Driver Education; Version Effective July 1, 2016. RSA 263:19, I is repealed and reenacted to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published by the commissioner of safety, such standards to be not less than those presently required. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

5 Repeal. RSA 263:19, I-a, relative to online driver education course providers, is repealed.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect July 1, 2016.

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

AMENDED ANALYSIS

This bill permits a person who has attained the age of 15 and 1/2 years and who is enrolled in a home education program pursuant to RSA 193-A to fulfill the driver education requirement by enrolling in an approved online driver education course.

**Amendment to HB 1482
(2012-0729h)**

**Proposed by the Minority of the Committee on Municipal and County Government
- R**

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

AN ACT relative to the exemption from property taxation for hospitals, and relative to the charter of the Elliot Hospital in Manchester.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 Nonprofit Corporations; Limitation on Assets. Amend RSA 292:8-1 to read as follows:

292:8-1 Powers Extended. Any non-profit corporation heretofore organized by special act of the legislature for purposes as set forth by RSA 292:1 may:

I. Change its name, ~~[eliminate any limitation on the assets it is authorized to hold,]~~ provide for distribution of its assets upon dissolution of the said corporation, by a majority vote of such corporation, unless otherwise provided by any such special act or the bylaws of any such corporation, at a meeting duly called for that purpose, and by recording a certified copy of such vote in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$25.

II. Change its purpose by a majority vote of said corporation. A written notice of the proposed change shall be provided to the director of charitable trusts, department of justice and the notice of proposed changes shall be published in a newspaper of general circulation by the trustees at least 30 days before the vote is taken. The proposed change shall also be submitted for review by the probate court. If legal cause exists which would prevent the proposed change in purpose, the director of charitable trusts shall have 30 days to notify the corporation of any additional requirements. A certified copy of the vote shall be filed in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$25. Nothing in this paragraph shall be construed to ~~[supersede]~~ **supersede** the intent of RSA 7:19-RSA 7:32-a.

3 Elliot Hospital in Manchester; Exemption from Taxation. Amend 1881, 178:2 to read as follows:

SECTION 2. Said corporation is hereby authorized to establish and maintain in the city of Manchester an institution for such nursing, care, support, and medical and surgical treatment of sick and disabled people, as are usually provided and furnished by similar institutions; and for such purposes acquire and hold by lease, purchase, donation, deed, will, or otherwise, real and personal estate ~~[not exceeding in value five hundred thousand dollars];~~ and said institution being in the nature of a public charity, its property **at the hospital's main campus in the city of Manchester** shall be exempted from taxation.

4 Repeals. The following are repealed:

I. 1909, 309, relative to exempting Elliot Hospital of the city of Manchester from taxation.

II. 1941, 270, relative to amending the limitation on assets in the charter of Elliot Hospital of the city of Manchester.

AMENDED ANALYSIS

This bill limits the exemption from property taxation granted to charitable nonprofit hospitals to apply only to the main campus of the hospital. The bill also amends provisions of the charter for the Elliot Hospital in Manchester relating to its exemption from taxation.

**Floor Amendment to HB 1482
(2012-1134h)**

Proposed by Rep. Greazzo

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

AN ACT relative to the exemption from property taxation for hospitals, and relative to the charter of the Elliot Hospital in Manchester.

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

1 Property Tax Exemption; Charitable Organizations; Limitation Added. Amend RSA 72:23, V to read as follows:

V.**(a)** The buildings, lands, and personal property of charitable organizations and societies organized, incorporated, or legally doing business in this state, owned, used, and occupied by them directly for the purposes for which they are established, provided that none of the income or profits thereof is used for any other purpose than the purpose for which they are established.

(b) The application of the exemption in subparagraph (a) to charitable nonprofit hospitals shall be limited to the building, land associated with such building, and personal property contained therein which is the main campus of the hospital's facility and shall be extended to property of such hospital not located at the main campus only if, in lieu of taxes, the nonprofit hospital makes payments annually to the municipality in which the property is located for its just share of the public expense.

2 Nonprofit Corporations; Limitation on Assets. Amend RSA 292:8-1 to read as follows:

292:8-1 Powers Extended. Any non-profit corporation heretofore organized by special act of the legislature for purposes as set forth by RSA 292:1 may:

I. Change its name, ~~[eliminate any limitation on the assets it is authorized to hold,]~~ provide for distribution of its assets upon dissolution of the said corporation, by a majority vote of such corporation, unless otherwise provided by any such special act or the bylaws of any such corporation, at a meeting duly called for that purpose, and by recording a certified copy of such vote in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$25.

II. Change its purpose by a majority vote of said corporation. A written notice of the proposed change shall be provided to the director of charitable trusts, department of justice and the notice of proposed changes shall be published in a newspaper of general circulation by the trustees at least 30 days before the vote is taken. The proposed change shall also be submitted for review by the probate court. If legal cause exists which would prevent the proposed change in purpose, the director of charitable trusts shall have 30 days to notify the corporation of any additional requirements. A certified copy of the vote shall be filed in the office of the secretary of state. The fee for recording said certified copy in the office of the secretary of state shall be \$25. Nothing in this paragraph shall be construed to ~~[supersede]~~ **supersede** the intent of RSA 7:19-RSA 7:32-a.

3 Elliot Hospital in Manchester; Exemption from Taxation. Amend 1881, 178:2 to read as follows:

SECTION 2. Said corporation is hereby authorized to establish and maintain in the city of Manchester an institution for such nursing, care, support, and medical and surgical treatment of sick and disabled people, as are usually provided and furnished by similar institutions; and for such purposes acquire and hold by lease, purchase, donation, deed, will, or otherwise, real and personal estate ~~[not exceeding in value five hundred thousand dollars];~~ and said institution being in the nature of a public charity, its property ***at the hospital's main campus in the city of Manchester*** shall be exempted from taxation.

4 Repeals. The following are repealed:

I. 1909, 309, relative to exempting Elliot Hospital of the city of Manchester from taxation.

II. 1941, 270, relative to amending the limitation on assets in the charter of Elliot Hospital of the city of Manchester.

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

AMENDED ANALYSIS

This bill limits the exemption from property taxation granted to charitable nonprofit hospitals to apply only to the main campus of the hospital. The bill also amends provisions of the charter for the Elliot Hospital in Manchester relating to its exemption from taxation.

**Amendment to HB 1483-FN
(2012-0091h)**

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

Amend the bill by inserting after section 10 the following and renumbering the original sections 11-12 to read as 14-15, respectively:

11 Reference Removed; Return of Group I Member Contributions. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. A group I member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 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 of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

12 Reference Removed; Return of Group II Member Contributions. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. A group II member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 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 of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that

member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

13 Reference Removed; Method of Financing. Amend RSA 100-A:16, II(c) to read as follows:

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution," provided that beginning with state fiscal year 2013 and for each state fiscal year thereafter, any employer shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in ~~[subparagraphs (h) and]~~ **subparagraph (i)**.

**Floor Amendment to HB 1492-FN
(2012-1075h)**

Proposed by Rep. Duarte

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

AN ACT requiring public employers to verify an employee's eligibility to work in the United States.

Amend RSA 283-A:1 and RSA 283-A:2 as inserted by section 1 of the bill by replacing them with the following:

283-A:1 Definitions. In this chapter:

I. "Status verification system" means an electronic system operated by the federal government, through which a person or entity may make an inquiry to verify or ascertain the citizenship or immigration status of any employee. The status verification system shall include:

(a) The electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L. 104-208, Division C, section 403(a), 8 U.S.C. section 1324a, and operated by the United States Department of Homeland Security, known as the Basic Pilot Program or E-Verify;

(b) Any equivalent federal program designated by the United States Department of Homeland Security or any other federal agency authorized to verify the work eligibility status of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603;

II. "Public employer" means every department and agency of the state.

283-A:2 Participation in Status Verification Program Required.

I. Every public employer shall register and participate in the Basic Pilot Program or E-Verify, or an equivalent status verification system, to verify the work eligibility status of all new employees.

II. Every contractor and subcontractor that enters into a contract with a public employer shall register and participate in the Basic Pilot Program or E-Verify, or an equivalent status verification system, to verify the work eligibility status of all new employees.

AMENDED ANALYSIS

This bill requires public employers to verify new employees' eligibility to work in the United States by using a status verification system.

**Floor Amendment to HB 1528-FN
(2012-1153h)**

Proposed by Rep. Oligny

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

AN ACT establishing the crime of abuse of prosecutorial discretion in cases before the circuit court family division.

Amend the bill by replacing section 1 with the following:

1 New Section; Abuse of Prosecutorial Discretion in Cases Before the Circuit Court Family Division. Amend RSA 641 by inserting after section 8 the following new section:

641:9 Abuse of Prosecutorial Discretion in Cases Before the Circuit Court Family Division. Any attorney in the attorney general's office or a county attorney's office who has knowledge that a person has committed an act prohibited under RSA 641:1 through RSA 641:8 in a case before the circuit court family division, and fails to prosecute such person for the offense committed, shall be guilty of a class B felony if the offense not prosecuted was a class B felony, or shall be guilty of a misdemeanor if the offense not prosecuted was a misdemeanor.

AMENDED ANALYSIS

This bill establishes a criminal penalty against attorneys in the attorney general's office and the county attorney's office for failing to prosecute a person who has committed an offense related to falsification in official matters in a case before the circuit court family division.

Floor Amendment to HB 1549 (2012-1084h)

Proposed by Reps. C. McGuire and Renzullo

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

AN ACT prohibiting the use of motor vehicle records for any federal identification database.

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

1 Motor Vehicle Records. Amend RSA 260:14, III to read as follows:

III. Motor vehicle records may be made available pursuant to a court order or in response to a request from a state, a political subdivision of a state, the federal government, or a law enforcement agency for use in official business. The request shall be on a case-by-case basis. Any records received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph. ***No records made available under this section shall be used, directly or indirectly, for any federal identification database.***

2 Employment of Illegal Aliens Prohibited. Amend RSA 275-A:4-a to read as follows:

275-A:4-a Employment of Illegal Aliens Prohibited. No employer may employ an alien whom the employer knows is not a citizen of the United States and not in possession of Form ~~[I-551]~~ ***I-551***, Alien Registration Receipt Card or any other document issued by the United States ***Citizenship and*** Immigration ~~[and Naturalization Service]~~ ***Services*** or the Attorney General of the United States which authorizes him ***or her*** to work.

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

AMENDED ANALYSIS

This bill prohibits the use of motor vehicle records for any federal identification database. This bill also updates references in an employment statute.

Floor Amendment to HB 1562-FN (2012-1107h)

Proposed by Rep. Gandia

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

AN ACT relative to minors sending or receiving sexually explicit images by using a cell phone or other mobile device.

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

1 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 17 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, ***or who has violated the provisions of RSA 169-B:48***, and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof.

2 New Subdivision; Delinquent Children; Sexting. Amend RSA 169-B by inserting after section 47 the following new subdivision:

Sexting

169-B:48 Sexting.

I. In this subdivision:

(a) "Minor" means a person under the age of 17.

(b) "Telecommunication device" means a device which possesses data, telephonic, video, or sound transmission capabilities apart from any system to which such device may be connected for the sending or receiving of voice, sound, data, or video transmissions.

(c) "Transmit" means to send, distribute, transfer, or disseminate by use of a computer or telecommunication device.

(d) "Indecent visual depiction" means any digital image of a person engaged in sexually explicit conduct, and includes data stored on any telecommunication device, computer or other electronic storage media which is capable of conversion into a visual image.

(e) "Sexually explicit conduct" means actual masturbation or graphic focus on or exhibition of the nude genitals or pubic area of the minor or the nude breasts of the minor, if the minor is female.

II.(a) No minor shall knowingly and voluntarily use a computer or telecommunication device to transmit an indecent visual depiction of himself or herself to another person.

(b) No minor shall knowingly possess an indecent visual depiction of a minor that was transmitted in violation of subparagraph (a) by another minor.

III. Paragraph II shall not apply to a minor if all of the following conditions apply:

(a) The minor did not solicit the indecent visual depiction;

(b) The minor took reasonable steps to report the indecent visual depiction to the school principal or his or her designee, or a law enforcement officer; and

(c) The minor who received the indecent visual depiction did not transmit it to another person.

IV. A minor who violates the provisions of paragraph II shall be subject to the provisions of this chapter.

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

AMENDED ANALYSIS

This bill provides that a minor who uses a cell phone to transmit or receive sexually explicit images shall be subject to juvenile delinquency proceedings.

Amendment to HB 1574 (2012-0842h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - R

Amend the bill by replacing section 1 with the following:

1 Protective Legislation; Lunch or Eating Period. Amend RSA 275:30-a to read as follows:

275:30-a Lunch or Eating Period. An employer may not require an employee to work more than [5] **6** consecutive hours without granting ~~[him]~~ **the employee** a 1/2 hour lunch or eating period, except if it is feasible for the employee to eat during the performance of his **or her** work, and the employer permits ~~[him]~~ **the employee** to do so.

AMENDED ANALYSIS

This bill increases the time an employee may be required to work before being granted a lunch or eating period.

**Amendment to HB 1617-FN
(2012-0955h)**

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 relative to the certificate of need board.

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

1 Health Services Planning and Review Board. RSA 151-C:3 is repealed and reenacted to read as follows:

151-C:3 Health Services Planning and Review Board.

I.(a) There is hereby established a health services planning and review board composed of the following members:

(1) The commissioner of the department of health and human services, or designee.

(2) The remaining members, appointed by the governor and council:

(A) A representative of health care insurers.

(B) Three persons, each from a different region of the state whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in his or her immediate family to anyone who is involved in the delivery of health care services or health insurance.

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve 3-year terms, provided that of the initial members, one person appointed pursuant to subparagraph I(a)(2)(B) shall serve for one year, one person appointed pursuant to subparagraph I(a)(2)(B) shall serve for 2 years, and one person appointed pursuant to subparagraph I(a)(2)(B) and the representative of health care consumers shall serve for 3 years. Members of the board shall not serve more than 2 full consecutive terms.

II. A member of the board may resign upon written notice to the governor. The governor shall appoint a replacement to fulfill the unexpired term. A member of the board may be discharged pursuant to RSA 4:1.

III. The governor shall appoint a chairman of the board, who shall serve at the pleasure of the governor, from among its members.

IV. Members of the board shall be reimbursed for reasonable expenses incurred in carrying out their duties under this chapter.

V. The board shall be administratively attached, pursuant to RSA 21-G:10, to the department of health and human services and shall exercise its powers, duties, functions, and responsibilities independently of the department, except as specifically provided by law. The board shall submit its budget requests and such reports required of it by law through the department of health and human services.

VI. The commissioner of the department of health and human services shall provide staff as the board directs. The board may also hire consultants and other staff; provided that such expenses shall not exceed \$500,000 annually. The commissioner shall also provide space for the board and staff and other assistance and materials as necessary.

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

III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, ~~2012~~ **2014**. This moratorium shall also apply to new certificates of need regarding any rehabilitation bed in any type of facility, including

rehabilitation hospitals and facilities offering comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need may be issued for construction or renovation as necessary to repair or refurbish an existing facility, or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair, refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds. If the application is approved, it shall be deemed that the board has agreed with the indicated reason for such application.

3 Certificate of Need; Standard Development. Amend RSA 151-C:5, II(d)-(f) to read as follows:

(d)(1) The purchase, lease, ***by either capital, operating or any other kind of lease***, donation, transfer, or other ~~[comparable]~~ arrangement by or on behalf of a health care provider ***to obtain the use*** of diagnostic or therapeutic equipment for which ~~[the cost or, in the case of donation,]~~ the value is in excess of \$400,000, including standards for one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions as determined by the board.

(2) The board shall not develop standards for the purchase of ***replacement*** equipment which is substantially similar to equipment owned by the provider within the preceding 12 months, provided the ***replacement*** equipment will ***be used in the same facility as the replaced equipment, will*** not result in a substantial increase in ***total annual*** operating costs ***to the health care provider*** above that of the ~~[existing or]~~ replaced equipment, ***and the replaced equipment will be removed from service by the health care provider or any of its affiliates. Regardless of any other criteria for determining if equipment is substantially similar, replacement equipment shall not be substantially similar if its value exceeds the original value of the replaced equipment by more than 15 percent plus inflation since the acquisition of the replaced equipment;***

(e) The increase or conversion of inpatient beds;

(f)(1) Except as provided in subparagraph (2) ***and RSA 151-C:13, I(a)***, the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than ~~[\$1,173,000]~~ ***\$1,853,341***. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) The threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be ~~[\$500,000]~~ ***\$789,995***, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of such hospitals.

(g) ***The utilization and the financial impact of increased utilization, the effect on the average cost of a procedure, whether total health care costs of the state will be increased, not just whether unit costs will be decreased, and health outcomes. The board shall not consider the effect on existing providers as a factor.***

4 New Section; Additional Reports Required. Amend RSA 151-C by inserting after section 12 the following new section:

151-C:12-a Additional Reports Required.

I. In addition to the reports required under RSA 151-C:12, an applicant receiving a certificate of need shall make periodic reports to the board relative to capital costs as compared to approved amounts.

II. The department of health and human services shall make periodic reports to the board relative to the operating costs of a particular project and the overall costs to the state using the all-payer claims data base.

III. The board shall submit an annual report, beginning November 1, 2013, for the entire state and for each hospital services area containing the following information to the speaker of the house of representatives, the president of the senate, and the governor:

(a) Per-capita supply of health care resources, including, at least, acute care hospitals, rehabilitation and post-acute beds, and licensed physicians; and

(b) Per-capita rates of utilization, spending, and relative prices for major categories of care for at least commercial payers and the Medicare program.

5 Certificate of Need; Definitions. Amend RSA 151-C:2, VI to read as follows:

VI. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by **capital, operating or any other type of** lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

6 Repeal. RSA 151-C, relative to the certificate of need law, is repealed.

7 Certificate of Need; Standard Development. RSA 151-C:5, II(f)(1) is repealed and reenacted to read as follows:

(f)(1) Except as provided in subparagraph (2) and RSA 151-C:13, I(a), the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, private offices or private clinics of physicians, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis, or other health care facility requiring a capital expenditure of more than \$1,853,341. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

8 Certificate of Need; Exemptions. Amend RSA 151-C:13(I(a) to read as follows:

(a) Private offices or private clinics of ~~[physicians,]~~ dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis;

9 Exemption Added. Amend RSA 151-C:13, I(h) and (i) to read as follows:

(h) Notwithstanding any other provision of this chapter, a skilled nursing facility distinct part unit established by Androscoggin Valley Hospital or Franklin Regional Hospital in order to qualify as a critical access hospital under 42 U.S.C. section 1395i-4 and 42 CFR Part 485, Subpart F; provided, that the number of beds in the skilled nursing facility distinct part unit shall not exceed the hospital's existing skilled nursing patient capacity. For purposes of this subparagraph, the term "existing skilled nursing patient capacity" means with respect to each month, the number of skilled nursing patient days for such month divided by the number of days in such month, and shall be the highest such number from the 12-month period ending immediately prior to the filing of the federal request for approval of the distinct part unit; provided, however, that the number determined under this subparagraph shall not exceed 10 beds; ~~and~~

(i) Acute care centers established, operated, or designated by the department pursuant to RSA 141-C:26; **and**

(j) Federally qualified health centers as defined in section 330 of the Public Health Service Act (42 U.S.C. section 2546).

10 Effective Date.

I. Section 6 of this act shall take effect June 30, 2017.

II. Sections 7 and 8 of this act shall take effect January 1, 2014.

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

AMENDED ANALYSIS

This bill:

I. Changes the membership of the health services planning and review board.

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

III. Clarifies standard development under the certificate of need law.

IV. Requires certain periodic reports.

Floor Amendment to HB 1629-FN

(2012-1028h)

Proposed by Rep. Baldasaro

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

AN ACT relative to state photographic identification indicating honorable veteran's status.

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

1 Nondriver's Picture Identification Cards; Honorable Veteran's Status Designation.

Amend RSA 260:21, III to read as follows:

III. The identification card shall bear the name, address, social security number, date of birth, blood type (optional), ***honorable veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional)***, picture and signature of the applicant, and in the case of a card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."

2 Driver's License; Form of License. Amend RSA 263:40 to read as follows:

263:40 Form of License. The commissioner shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the commissioner may deem expedient and in such form as the commissioner may prescribe. Licenses issued to persons under the age of 21 shall be designed so that their horizontal and vertical axes are opposite the horizontal and vertical axes of licenses issued to other persons, and said licenses shall prominently display the date on which the licensee shall attain the age of 21 years. Consistent with RSA 263:14, the youth operator license shall expire on the 21st anniversary of the applicant's date of birth, at which time the applicant shall be issued a traditional license. The license shall bear thereon a distinguishing number assigned to the licensee and an instant full-face color photograph, image, or likeness of the licensee. There shall also be provided a space wherein the licensee may enter his or her blood type ***and a space wherein the licensee may indicate his or her honorable veteran's status for purposes of identification for receiving benefits and services under New Hampshire law*** if the licensee so desires. ***The license shall bear a special designation or symbol indicating honorable veteran's status for licensees who indicate such veteran status.***

3 Implementation. The amendment to RSA 260:21, III and 263:40 by sections 1 and 2 of this act shall not be implemented by the department of safety until 18 months following the passage of this act.

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

AMENDED ANALYSIS

This bill requires a designation on driver's licenses and nondriver's picture identification cards issued by the division of motor vehicles which indicate honorable veteran's status for purposes of identification for receiving state veterans' benefits and services.

Floor Amendment to HB 1629-FN

(2012-1175h)

Proposed by Rep. Baldasaro

Amend the bill by replacing section 1 with the following:

1 Nondriver's Picture Identification Cards; Veteran Status Designation. Amend RSA 260:21, III to read as follows:

III. The identification card shall bear the name, address, ~~[social security number,]~~ date of birth, blood type (optional), ***veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional)***, picture and signature of the applicant, and in the case of a card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."

**Floor Amendment to HB 1631
(2012-1127h)**

Proposed by Rep. White

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

AN ACT allowing persons licensed to provide emergency medical services to work at social or sporting events.

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

1 New Subparagraph; Plan Required. Amend RSA 21-P:12-b, II by inserting after subparagraph (m) the following new subparagraph:

(n) Develop recommendations relative to a plan to allow New Hampshire emergency medical services providers to provide emergency care at a social or sporting event in New Hampshire without the requirement of being affiliated with any medical services unit or police or fire department if he or she provides care only at the level of his or her certification and follows the New Hampshire bureau of emergency medical services patient care protocols.

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

AMENDED ANALYSIS

This bill allows New Hampshire emergency medical services providers to provide emergency medical services at a social or sporting event under certain circumstances.

**Amendment to HB 1635
(2012-0792h)**

Proposed by the Majority of the Committee on Transportation - R

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

1 New Section; Words and Phrases Defined; Inspect. Amend RSA 259 by inserting after section 44 the following new section:

259:44-a Inspect. "Inspect" in all its moods and tenses shall mean to successfully pass all the requirements of a motor vehicle safety inspection as contained in RSA 266, or as otherwise established by the director.

2 Penalty for Failing to Obey Inspection Requirements. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The ***driver on a way of a motor vehicle required to be inspected under RSA 266:1 that does not bear a valid inspection sticker and the*** driver or owner of any motor vehicle ***otherwise*** failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer, or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 10 days has elapsed from the date the inspection was due. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. The fine for a violation of this section shall be \$60.

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

AMENDED ANALYSIS

This bill clarifies the requirement that motor vehicles driven on a way have valid inspection stickers.

**Amendment to HB 1645-FN
(2012-0969h)**

**Proposed by the Majority of the Committee on Labor, Industrial and
Rehabilitative Services - R**

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

AN ACT relative to decertification of a bargaining unit.

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

1 New Subparagraph; Decertification. Amend RSA 273-A:10, VI by inserting after subparagraph (c) the following new subparagraph:

(d) If the dues-paying membership of an employee organization is less than the number of employees needed to certify a bargaining unit, and such number is less than 50 percent of the number of positions comprising the bargaining unit, a secret ballot election may be requested by the board of the public employer to determine whether or not certification of the employee organization shall remain in effect. If such request is made, the cost of holding the secret ballot election shall be borne by the public employer, though the cost of promotional materials shall be borne by the respective parties. If the result of the secret ballot election results in the continuation of certification of the employee organization, no subsequent request shall be made by the board of the public employer for one year.

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

AMENDED ANALYSIS

This bill permits the board of certain public employers to require a secret ballot election to determine whether certification of an employee organization shall remain in effect.

**Amendment to HB 1659-FN
(2012-0089h)**

Proposed by the Majority of the Committee on Judiciary - R

Amend RSA 132-B:4 and RSA 132-B:5 as inserted by section 1 of the bill by replacing them with the following:

132-B:4 Informed Consent Requirement. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

I. At least 24 hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, of the following:

(a) The name of the physician who will perform the abortion;

(b) Medically-accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including (1) a description of the proposed abortion method; (2) the immediate and long-term medical risks associated with the proposed abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation, danger to subsequent pregnancies, and increased risk of breast cancer; and (3) alternatives to the abortion;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed;

(d) The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed;

(e) The medical risks associated with carrying her child to term; and

(f) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.

II. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman, orally and in person, that:

(a) Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and the streaming video as described in RSA 132-B:5.

(b) The printed materials and streaming video in RSA 132-B:5 describe the unborn child and list agencies that offer alternatives to abortion.

(c) The father of the unborn child is liable to assist in the support of this child, even in instances where he has offered to pay for the abortion. In the case of rape or incest, this information may be omitted.

(d) She is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled.

(e) The information contained in the printed materials given to her under RSA 132-B:5 and the streaming video are available on a state-maintained website.

III. The information required in paragraphs I and II is provided to the woman individually and in a private room to protect her privacy, to maintain the confidentiality of her decision, and to ensure that the information focuses on her individual circumstances and that she has an adequate opportunity to ask questions.

IV. At least 24 hours before the abortion, the woman is given a copy of the printed materials and permitted to view the streaming video described in RSA 132-B:5. If the woman is unable to read the materials, they shall be read to her. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in a language she can understand.

V. Prior to the abortion, the woman certifies in writing on a checklist form provided or approved by the department that the information required to be provided under RSA 132-B:5 has been provided. All physicians who perform abortions shall report the total number of certifications received monthly to the department. The department shall make the number of certifications received available to the public on an annual basis.

VI. Except in the case of a medical emergency, the physician who is to perform the abortion shall receive and sign a copy of the written certification prescribed in paragraph V of this section prior to performing the abortion. The physician shall retain a copy of the checklist certification form in the woman's medical record.

VII. In the event of a medical emergency requiring an immediate termination of pregnancy, the physician who performed the abortion shall clearly certify in writing the nature of the medical emergency and the circumstances which necessitated the waiving of the informed consent requirements of this chapter. This certification shall be signed by the physician who performed the emergency abortion, and shall be permanently filed in both the records of the physician performing the abortion and the records of the facility where the abortion takes place.

VIII. A physician shall not require or obtain payment for a service provided in relation to abortion to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the 24-hour reflection period required in this section.

132-B:5 Publication of Materials.

I. The department shall cause to be published printed materials and provide the streaming video on the website in English and Spanish and other appropriate language within 90 days after this chapter becomes law. The department shall develop and maintain a secure Internet website, which may be part of an existing website, to provide the information described in this section. No information regarding persons using the website shall be collected or maintained. The department shall monitor the website on a weekly basis to prevent and correct tampering.

II. On an annual basis, the department shall review and update, if necessary, the following easily comprehensible printed materials and streaming video:

(a) Geographically indexed materials that inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while her child is dependent, including but not limited to adoption agencies.

(1) The materials shall include a comprehensive list of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies, and shall inform the woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care.

(2) The department shall ensure that the materials described in this section are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service described in this section. The materials shall also contain a toll-free, 24-hour-a-day telephone number which may be called to obtain information about the agencies in the locality of the caller and of the services they offer.

(3) The materials shall state that it is unlawful for any individual to coerce a woman to undergo an abortion. The materials shall also state that any physician who performs an abortion upon a woman without her informed consent may be liable to her for damages in a civil action at law and that the law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal care. The materials shall also include the following statement:

“There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place her or him for adoption. The state of New Hampshire strongly urges you to contact one or more of these agencies before making a final decision about abortion. The law requires that your physician or his or her agent give you the opportunity to call agencies like these before you undergo an abortion.”

(b) Materials that include information on the support obligations of the father of a child who is born alive, including but not limited to the father’s legal duty to support his child, which may include child support payments and health insurance, and the fact that paternity may be established by the father’s signature on a birth certificate, by a statement of paternity, or by court action. The printed material shall also state that more information concerning establishment of paternity and child support services and enforcement may be obtained by calling state or county public assistance agencies.

(c) Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the unborn child at 2 week gestational increments from fertilization to full term, including color photographs of the developing unborn child at 2 week gestational increments. The descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development, and any relevant information on the possibility of the unborn child’s survival. If a photograph is not available, a picture must contain the dimensions of the unborn child and must be realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

(d) Materials which contain objective information describing the various surgical and drug induced methods of abortion, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation or rupture, danger to subsequent pregnancies, increased risk of breast cancer, the possible adverse psychological effects associated with an abortion, and the medical risks associated with carrying a child to term.

(e) Materials that inform the pregnant woman that there is evidence of a direct link between abortion and breast cancer. It is scientifically undisputed that full-term pregnancy reduces a woman’s lifetime risk of breast cancer. It is also undisputed that the earlier a woman has a first full-term pregnancy, the lower her risk of breast cancer becomes,

because following a full-term pregnancy the breast tissue exposed to estrogen through the menstrual cycle is more mature and cancer resistant. In fact, for each year that a woman's first full-term pregnancy is delayed, her risk of breast cancer rises 3.5 percent. The theory that there is a direct link between abortion and breast cancer builds upon this undisputed foundation. During the first and second trimesters of pregnancy the breasts develop merely by duplicating immature tissues. Once a woman passes the thirty-second week of pregnancy (third trimester), the immature cells develop into mature cancer resistant cells. When an abortion ends a normal pregnancy, the woman is left with more immature breast tissue than she had before she was pregnant. In short, the amount of immature breast tissue is increased and this tissue is exposed to significantly greater amounts of estrogen—a known cause of breast cancer. Women facing an abortion decision have a right to know that such medical data exists. At the very least, women must be informed that it is undisputed that pregnancy provides a protective effect against the later development of breast cancer.

(f) A uniform resource locator (URL) for the state-maintained website where the materials described in this section and the streaming video can be found.

(g) A checklist certification form to be used by the physician or a qualified person under RSA 132-B:4, V, which will list all the items of information which are to be given to the woman by a physician or the agent under this chapter.

(h) The department shall produce a streaming video on the Internet website that may be used statewide, presenting the information described in this section. In preparing the video, the department may summarize and make reference to the printed comprehensive list of geographically indexed names and services described in subparagraph II(a). The video shall, in addition to the information described in this section, show an ultrasound of the heartbeat of an unborn child at 4 to 5 weeks gestational age, at 6 to 8 weeks gestational age, and each month thereafter, until viability. That information shall be presented in an objective, unbiased manner designed to convey only accurate scientific information.

(i) The materials required under this section and the video described in subparagraph (h) shall be available for viewing on the Internet website required by this section.

**Amendment to HB 1674-FN
(2012-0569h)**

**Proposed by the Minority of the Committee on Municipal and County Government
- R**

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

AN ACT establishing a local option to authorize the governing body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

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

1 New Section; Interest Rates; Local Option. Amend RSA 76 by inserting after section 13-b the following new section:

76:13-c Interest Rates; Local Option.

I. Any town or city may authorize the governing body to set interest rates as provided for in this section and apply such rates to all applicable statutes requiring the charging of interest on unpaid property taxes, delinquent and subsequent tax payments, and other unpaid taxes, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative,

the legislative body of such town or city may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the authority of the governing body to set interest rates as provided for in paragraph IV. If a majority of those voting on the question vote “yes,” the authority for the governing body to set interest rates pursuant to paragraph IV shall take effect immediately and the governing body may set the rate for the town or city applicable to the tax year beginning April 1 following its adoption.

III. A town or city that has adopted the provisions of this section may rescind the authority of the governing body to set interest rates in the manner described in paragraph I. The question to be voted shall specify that the authority of the governing body to set interest rates shall be rescinded. If a majority of those voting on the question vote “yes,” the authority for the governing body to set interest rates shall be rescinded and beginning on the April 1 following rescission, the statutory interest rates shall apply.

IV.(a) In lieu of the statutory rate of 12 percent per annum, the governing body may set a rate within the range of 6 percent up to 12 percent.

(b) In lieu of the statutory rate of 18 percent per annum, the governing body may set a rate within the range of 9 percent up to 18 percent.

(c) The rates set by the governing body pursuant to the authority in this section shall apply for assessments of interest beginning April 1 and shall be effective for the entire tax year and until further changed. Any subsequent change in the rates by the governing body pursuant to the authority in this section shall apply beginning on the April 1 for the following tax year.

2 Local Interest Rate; Pease Development Authority Lessees. Amend RSA 12-G:14, II(b)(1) to read as follows:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the due date until such taxes are paid;

3 Excavation Taxes. Amend RSA 72-B:6 to read as follows:

72-B:6 Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 72-B:4 shall bear interest at the rate of 18 percent per year, **or the rate set pursuant to RSA 76:13-c**, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the municipality. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

4 Property Taxes; Interest on Late Payment. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector’s judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

5 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

6 Current Use; Land Use Change Tax. Amend RSA 79-A:7, II(d) to read as follows:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any taxes not paid within the 30-day period.

7 Discretionary Easements. Amend RSA 79-C:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any consideration not paid within the 30-day period.

8 Discretionary Preservation Easements. Amend RSA 79-D:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any consideration not paid within the 30-day period.

9 Community Revitalization Tax Relief Incentive. Amend RSA 79-E:9, II(d) to read as follows:

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

10 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his ***or her*** absence, at his ***or her*** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his ***or her*** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

11 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county, or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed, and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his ***or her*** purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his ***or her*** purchase at the tax

sale to be included in his *or her* costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per annum, *or the rate set pursuant to RSA 76:13-c*, from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

12 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at 18 percent per annum, *or the rate set pursuant to RSA 76:13-c*, upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

13 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his *or her* service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum, *or the rate set pursuant to RSA 76:13-c*, from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

14 Unpaid Taxes; Normal Yield Tax. Amend RSA 79:4-a to read as follows:

79:4-a Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 79:3 shall bear interest at the rate of 18 percent per year, *or the rate set pursuant to RSA 76:13-c*, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the town. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

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

AMENDED ANALYSIS

This bill allows municipalities to authorize the governing body of the town or city to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes enforced through the lien procedure.

Floor Amendment to HB 1674-FN (2012-1001h)

Proposed by Rep. Munck

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

AN ACT establishing a local option for the legislative body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Interest Rates; Local Option. Amend RSA 76 by inserting after section 13-b the following new section:

76:13-c Interest Rates; Local Option.

I. Any town or city may set interest rates as provided for in this section and apply such rates to all applicable statutes requiring the charging of interest on unpaid property taxes, delinquent and subsequent tax payments, and other unpaid taxes, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such town or city may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the interest rates as provided for in paragraph IV. If a majority of those voting on the question vote "yes," the interest rates proposed pursuant to paragraph IV shall take effect for the town or city applicable to the next property tax year following its adoption.

III. A town or city may change interest rates in the manner described in paragraph I. The question to be voted shall specify that the interest rates will be changed. If a majority of those voting on the question vote "yes," the interest rates shall be changed beginning on April 1 for the next property tax year.

IV.(a) In lieu of the statutory rate of 12 percent per annum, the legislative body may set a rate within the range of 6 percent up to 12 percent.

(b) In lieu of the statutory rate of 18 percent per annum, the legislative body may set a rate within the range of 9 percent up to 18 percent.

(c) The rates set by the legislative body pursuant to the authority in this section shall apply for assessments of interest beginning April 1 and shall be effective for the entire tax year and until further changed. Any subsequent change in the rates by the legislative body pursuant to the authority in this section shall apply beginning on the April 1 for the following tax year.

2 Local Interest Rate; Pease Development Authority Lessees. Amend RSA 12-G:14, II(b)(1) to read as follows:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the due date until such taxes are paid;

3 Excavation Taxes. Amend RSA 72-B:6 to read as follows:

72-B:6 Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 72-B:4 shall bear interest at the rate of 18 percent per year, **or the rate set pursuant to RSA 76:13-c**, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the municipality. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

4 Property Taxes; Interest on Late Payment. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall

not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

5 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of 12 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

6 Current Use; Land Use Change Tax. Amend RSA 79-A:7, II(d) to read as follows:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any taxes not paid within the 30-day period.

7 Discretionary Easements. Amend RSA 79-C:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any consideration not paid within the 30-day period.

8 Discretionary Preservation Easements. Amend RSA 79-D:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any consideration not paid within the 30-day period.

9 Community Revitalization Tax Relief Incentive. Amend RSA 79-E:9, II(d) to read as follows:

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

10 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his ***or her*** absence, at his ***or her*** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at 18 percent per annum, ***or the rate set pursuant to RSA 76:13-c***, upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his ***or her*** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

11 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county, or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed, and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his **or her** purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his **or her** purchase at the tax sale to be included in his **or her** costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

12 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

13 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his **or her** service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

14 Unpaid Taxes; Normal Yield Tax. Amend RSA 79:4-a to read as follows:

79:4-a Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 79:3 shall bear interest at the rate of 18 percent per year, **or the rate set pursuant to RSA 76:13-c**, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the town. In addition to the interest

due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

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

AMENDED ANALYSIS

This bill allows the legislative body of municipalities to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes enforced through the lien procedure.

Amendment to HB 1679-FN (2012-0985h)

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 partial-birth abortion.

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

1 Findings.

I. The general court of the state of New Hampshire finds that:

(a) Partial-birth abortion is a gruesome and inhumane procedure that is never medically necessary and, as such, should be prohibited.

(b) In 2003, the 108th United States Congress passed the “Partial-Birth Abortion Ban Act of 2003” (18 U.S.C. section 1531) and President George W. Bush signed it into law.

(c) Later, on April 18, 2007, the Supreme Court of the United States upheld the “Partial-Birth Abortion Ban Act of 2003” (“the federal ban”) in *Gonzales v. Carhart*, 550 U.S. 124 (2007), specifically ruling that a ban on partial-birth abortion need not include a maternal “health” exception to be constitutional.

(d) This act’s language stems from and uses as its primary influence the language of the federal ban as upheld in *Gonzales v. Carhart*.

(e) This act – a state ban on partial-birth abortion – is needed to supplement the federal ban. Importantly, the federal ban was narrowly tailored to reach only those partial-birth abortion procedures that implicate Congress’ power to regulate interstate or foreign commerce. U.S. CONST. art. 1, section 8, cl. 3. Without this act, partial-birth abortions performed, but not affecting these narrow categories of commerce, are not prohibited under the federal ban.

(f) Partial-birth abortion poses serious risks to women’s long-term health,

(g) There is a substantial evidentiary record upon which the general court of the state of New Hampshire has based its conclusion that a state ban on partial-birth abortion is not constitutionally required to contain a maternal “health” exception.

(h) Moreover, the medical evidence clearly supports the informed judgment of the state of New Hampshire that a partial-birth abortion is never medically necessary to preserve a woman’s health and instead poses serious health risks, lying outside the standard of medical care.

(i) Specifically, partial-birth abortion poses serious risks including, but not limited to: an increased risk of cervical incompetence, a result of cervical dilation that makes it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position — a procedure which, according to a leading obstetrics textbook, “there are very few, if any, indications for other than for delivery of a second twin”; and a risk of lacerations and secondary hemorrhaging as a result of the physician blindly forcing a sharp instrument into the base of the unborn child’s skull while he or she is lodged in the birth canal — an act which could result in severe bleeding and subsequent shock.

(j) There is no credible medical evidence that partial-birth abortions are safer than other abortion procedures. No controlled studies of partial-birth abortion have been

conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures.

(k) In light of this overwhelming evidence, the state of New Hampshire has a compelling interest in prohibiting partial-birth abortion. Both *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), recognized a governmental interest in protecting the life of a child during the birth process. This interest is specifically implicated during a partial-birth abortion because labor is induced and the birth process is begun before an abortion is attempted or the child is actually aborted.

(l) In fact, partial-birth abortion kills a child who is mere inches away from birth and being considered a “person” under *Roe*. Thus, the state clearly has a heightened interest in protecting the life of the partially-born child.

(m) The public’s perception of the appropriate role of a physician during a child’s birth is undermined by aborting a child in the manner that purposefully seeks to kill the child inches from birth.

(n) Partial-birth abortion is disturbingly similar to the killing of a newborn infant and blurs the legal and moral lines between infanticide and abortion. This act reinforces that line at birth — just as the Supreme Court established in *Roe v. Wade* — while also preserving the integrity of the medical profession and promoting respect for human life.

(o) The vast majority of infants killed during partial-birth abortions are alive up through the very end of the procedure. Medical science has established that an unborn infant can feel pain when subjected to painful stimuli like that inflicted during a partial-birth abortion procedure. Moreover, fetal pain experts believe that an unborn child’s perception of pain can be even more intense than that of newborn infants and older children subjected to the same stimuli.

II. For these reasons, the general court’s purposes in establishing this act are to conclusively establish that partial-birth abortion is never medically indicated to preserve the health of the mother and instead poses significant health risks to her; to clearly define the line between abortion and infanticide; and to safeguard the role of a physician during childbirth.

2 New Subdivision; Partial-Birth Abortion Ban Act. Amend RSA 329 by inserting after section 31 the following new subdivision:

Partial-Birth Abortion Ban Act

329:32 Title. This act may be known and cited as the “Partial-Birth Abortion Ban Act.”

329:33 Definitions. In this subdivision:

I. “Department” means the department of health and human services.

II. “Medical facility” means any licensed public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician’s office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

III. “Partial-birth abortion” means an abortion in which the person performing the abortion:

(a) Deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(b) Performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

IV. "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery licensed by the state in which the doctor performs such activity, or any other individual legally authorized by the state to perform abortions; provided, however, that any individual who is not a physician or not otherwise legally authorized by the state to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this subdivision.

329:34 Prohibition; Limitations.

I. A person shall not knowingly perform or attempt to perform a partial-birth abortion.

II. No person shall perform or induce a partial-birth abortion on a viable fetus unless such person is a physician and has a documented referral from another physician not legally or financially affiliated with the physician performing or inducing the abortion and both physicians determine that the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

329:35 Reporting.

I. If a physician determines in accordance with the provisions of RSA 329:34, II that a partial-birth abortion is necessary and performs a partial-birth abortion on the woman, the physician shall report such determination and the reasons for such determination in writing to the medical facility in which the abortion is performed for inclusion in the report of the medical facility to the department; or if the abortion is not performed in a medical facility, the physician shall report the reasons for such determination in writing to the department as part of the written report made by the physician to the department. The physician shall retain a copy of the written reports required under this section for not less than 5 years.

II. Failure to report under this section shall not subject the physician to criminal or civil penalties under RSA 329:36 and 329:37.

III. Paragraph II shall not preclude sanctions, disciplinary action, or any other appropriate action by the board.

329:36 Criminal Penalties.

I. In addition to other penalties under this chapter, any person who intentionally or knowingly violates this subdivision shall be guilty of a class B felony.

II. Any physician who intentionally or knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined not less than \$10,000 nor more than \$100,000 under this subdivision, or be imprisoned not less than one year nor more than 10 years, or both.

329:37 Civil Penalties.

I. The father, if married to the mother at the time she receives a partial-birth abortion procedure, and, if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

II. Such relief shall include:

(a) Money damages for all injuries, psychological and physical, occasioned by the violation of this subdivision; and

(b) Statutory damages equal to 3 times the cost of the partial-birth abortion.

329:38 Review by Board.

I. A physician-defendant accused of an offense under this subdivision may seek a hearing before the board as to whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

II. The findings on this issue are admissible on this issue at the civil and criminal trials of the physician-defendant. Upon a motion of the physician-defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

329:39 Penalties for Ambulatory Health Care Facilities.

I. An ambulatory health care facility licensed pursuant to RSA 151 in which the partial-birth abortion is performed in violation of this subdivision shall be subject to immediate revocation of its license by the department.

II. An ambulatory health care facility licensed pursuant to RSA 151 in which the partial-birth abortion is performed in violation of this subdivision shall lose all state funding for 3 years and shall be required to reimburse the state for funds from the fiscal year in which the partial-birth abortion was performed.

329:40 Prosecutorial Exclusion. A woman upon whom a partial-birth abortion is performed may not be prosecuted under this subdivision for a conspiracy to violate RSA 329:34.

329:41 Construction.

I. Nothing in this subdivision shall be construed as creating or recognizing a right to abortion.

II. It is not the intention of this subdivision to make lawful an abortion that is currently unlawful.

329:42 Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

329:43 Intervenors. The general court, by joint resolution, may appoint one or more of its members, who sponsored or cosponsored this in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

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

AMENDED ANALYSIS

This bill establishes the partial-birth abortion ban act.

**Amendment to HB 1685-FN-LOCAL
(2012-0970h)**

**Proposed by the Majority of the Committee on Labor, Industrial and
Rehabilitative Services - R**

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

AN ACT relative to public employee opt-outs from labor organization membership and dues payments.

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

1 New Section; Public Employees; Opt-Out From Labor Organization Membership and Dues Payment. Amend RSA 273-A by inserting after section 9-a the following new section:

273-A:9-b Public Employees; Opt-Out From Labor Organization Membership and Dues Payment.

I. Any public employee may opt out of joining a labor organization and paying membership dues or fees to such labor organization.

II. No labor organization shall have an obligation to represent public employees who have opted out under paragraph I in collective bargaining negotiations. However, if the labor organization elects to represent such public employees in collective bargaining negotiations, the labor organization may charge each such employee a negotiation fee. The negotiation fee shall be determined as follows:

(a) After a new employee contract is approved, the labor organization shall submit a certified account of its negotiation costs to the governor and the state treasurer for state employee contracts or to the governing body for political subdivision employee contracts;

(b) The total amount of the negotiation costs shall first be divided by the number of positions covered by the employee contract and the resulting number shall then be divided by the number of years covered by the employee contract; and

(c) The final resulting number under subparagraph (b) shall be the amount of the negotiation fee which shall be paid by each public employee covered by the employee contract who has opted out under paragraph I.

III. If all public employees in a particular employee classification in a contract elect to opt out under paragraph I, the labor organization shall not represent such employees in collective bargaining negotiations and such public employees shall not be subject to a negotiation fee. The salary ranges, salaries, and benefits of such public employees shall be established through personnel policies of the state or political subdivision.

IV. A new public employee who fills a position covered by an existing employee contract shall have the option to become a member of a labor organization and pay membership dues and fees.

2 Applicability. Section 1 of this act shall apply to all public employee contracts which take effect on or after the effective date of section 1 of this act.

3 Contingency. If HB 1677-FN of the 2012 legislative session becomes law, sections 1 and 2 of this act shall not take effect. If HB 1677-FN does not become law, sections 1 and 2 of this act shall take effect 60 days after its passage.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 3 of this act.

AMENDED ANALYSIS

This bill permits public employees to opt out of membership in a labor organization and payment of dues to such labor organization. It establishes the responsibilities and obligations of public employees and labor organizations regarding collective bargaining negotiations when opt-outs are exercised.

Floor Amendment to HB 1712 (2012-1004h)

Proposed by Rep. Bergevin

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

1 Intent and Justification. The general court finds and recognizes the history of our country, from the Mayflower Compact, Revolutionary War, the Federalist Papers, and other speeches and writings of our Founding Fathers, is rooted in the belief in God and the teachings of the Bible.

2 New Paragraph; State Board of Education; Duties. Amend RSA 186:11 by inserting after paragraph IX-c the following new paragraph:

IX-d.(a) Require school districts to adopt a policy establishing an elective course for pupils in grades 9-12 in the study of the Bible as a work of literature. The policy shall permit a school to offer:

(1) An elective social studies course on the Hebrew Scriptures, Old Testament of the Bible; or

(2) An elective social studies course on the New Testament of the Bible; or

(3) An elective social studies course on the Hebrew Scriptures and the New Testament of the Bible.

(b) The purpose of the course shall be to:

(1) Teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, morals, oratory, and public policy; and

(2) Familiarize students with, as applicable:

(A) The contents of the Hebrew Scriptures or the New Testament;

(B) The history of the Hebrew Scriptures or the New Testament;

(C) The literary style and structure of the Hebrew Scriptures or the New Testament; and

(D) The influence of the Hebrew Scriptures or the New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

(c) A student shall not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the school or school district.

(d) Such course shall comply with applicable federal and state laws and guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of pupils in the school. A course developed under this paragraph shall not endorse, favor, promote, disfavor, or show hostility toward, any particular religion or nonreligious faith or religious perspective. The state board of education shall not violate any provision of the United States Constitution or federal law, the New Hampshire constitution or any state law, or any administrative regulations of the United States Department of Education or the New Hampshire department of education.

(e) A school district may accept gifts or donations of any kind from any source for the purpose of developing and delivering such a course to pupils.

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

AMENDED ANALYSIS

This bill allows a school district to offer an elective course in the study of the Bible as a work of literature for pupils in grades 9-12.

Amendment to HB 1716 (2012-1171h)

Proposed by the Committee on Public Works and Highways - R

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

2 Legislative Approval of Passenger Railroad Expenditures. Prior to the expenditure of any state or federal moneys by the state of New Hampshire, or its representatives, on the construction or reconstruction of any passenger railroad infrastructure, or the operation of passenger railroad service, the department of transportation and the New Hampshire rail transit authority shall first receive approval from the general court for both the capital and operating budgets related to passenger rail service. Such legislation shall, pursuant to house and senate rules, be sent to the public works and highways and finance committees in the house of representatives and the transportation and finance committees in the senate, prior to its being acted on by the respective legislative bodies. This section shall not apply to federal money received or expended for planning purposes or studies related to passenger rail service.

3 Powers of Governor and Council; Public Works Employee Memorial. Amend RSA 4:9-i, II(b) to read as follows:

(b) The director of operations, subject to the direction and supervision of the commissioner of transportation, shall administer and disburse ~~[to]~~ **for** the committee established in RSA 4:9-j the moneys in the special account established under RSA 4:9-j. ~~[No money other than necessary expenses prior to construction shall be disbursed until the governor and council approve and award the contract for the construction of the public works employee memorial.]~~ ***The committee shall approve the expenditure of funds prior to payment by the director of operations.***

(c) The director of operations, subject to the direction and supervision of the commissioner of transportation, may administer and disburse to the committee established in RSA 4:9-j, state owned salvaged materials, not otherwise allocated by the department, including but not limited to, granite curb granite blocks, pavement grindings, ditching material, and concrete products, to assist in the construction of the memorial.

4 Committee Established; Special Account. Amend RSA 4:9-j, I and II to read as follows:

I. A committee is established to oversee the location, design, ~~and~~ construction ***and maintenance*** of a public works employee memorial and to privately raise and expend all the funds necessary for its construction and maintenance. The governor is authorized to accept for the committee, in the name of the state, the gifts of money, which are donated to construct ***and maintain*** the memorial. ***Notwithstanding any other provision of law, except as provided by RSA 4:9-k, III, the committee may accept donated in-kind services, goods, and materials for the construction and maintenance of the memorial without governor and council approval.***

II. The gifts of money, which are donated to ***contract***, construct ***and maintain*** the memorial, shall be placed in a special non-lapsing account in the state treasury, to be expended for the purposes of the public works employee memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, and additions to the memorial, or for any other purpose deemed appropriate by the committee. ***Notwithstanding any other provision of law, except as provided by RSA 4:9-k, III, the committee may expend the money raised, once accepted as a gift and without the approval of governor and council, to contract for the construction and perpetual maintenance of the memorial.***

5 Committee Membership and Dues. Amend RSA 4:9-k, III and IV to read as follows:

III. The committee shall select the location and design for the public works employee memorial and oversee the construction and maintenance of the memorial. The award of ~~the~~ ***any*** contract ***totaling greater than \$25,000*** for the ***design, construction, and maintenance*** of the public works employee memorial shall be subject to the approval of the governor and council. The committee shall advise and inform the municipality in which the memorial is located as to the design, construction plans, and location for the memorial.

IV. The committee, through the New Hampshire public works community, shall privately raise all the money necessary for the planning, design, construction, and maintenance of the public works employee memorial. Notwithstanding ~~[RSA 4:9-i, II(b)]~~ ***any other provision of law, except as provided in RSA 4:9-k, III***, the committee ~~[shall have the authority to]~~ ***may*** expend the money raised ***for the purpose of the public works employee memorial*** without the approval of governor and council.

6 Governor's Advisory Commission on Intermodal Transportation; Membership. Amend RSA 228:100 to read as follows:

228:100 Governor's Advisory Commission on Intermodal Transportation (GACIT) Established. There is established a governor's advisory commission on intermodal transportation. The members of the commission shall include the members of the executive council ~~and~~. The commissioner of the department of transportation ***shall serve as a non-voting member of the commission.***

7 Jennison Road Bridge Project; Removal. The Jennison Road bridge project, number 8342, is deleted.

8 State 10-Year Transportation Improvement Plan; Belmont-Laconia; Concord-Loudon. The projects named Belmont-Laconia, project number 2787, and the project named Concord-Loudon, project number 8341 of the state 10-year transportation improvement plan 2011-2020 shall be advanced 2 years, contingent upon 100 percent private funding. The department of transportation may accept and expend private funds for the study, design, and construction costs associated with all or any portion of said projects.

9 Sarah Mildred Long Bridge. New Hampshire's share of the costs of rehabilitating or reconstructing the Sarah Mildred Long Bridge over the Piscataqua River between Portsmouth, New Hampshire and Kittery, Maine shall be contingent upon the center lift span being of sufficient length to allow safe passage of the upcoming generation of cargo vessels to assure the economic well-being of the port and the businesses utilizing this important shipping channel.

10 Sutton-Bradford Project; Removal and Deferral. The Sutton-Bradford project, number 8340, is deleted.

11 New Paragraph; Turnpike System; Authority Granted. Amend RSA 237:2 by inserting after paragraph VII the following new paragraph:

VII-a. Acquire land as required and relocate the high voltage transmission lines to support the redevelopment of existing rest areas located on I-93 in the town of Hooksett to full service centers with food, state liquor stores, and other retail goods and services for the traveling public as may be required under 2009, 144:84 and SS 2010, 1:76.

12 Removal of Projects from Deferred Project List. The project named Walpole – Charlestown, number 14747, which consists of reconstruction from Main Street in Walpole to NH route 12A in Charlestown is deleted from the Deferred Projects List.

13 Interstate 93 Widening Project; Removal from Deferred Projects List. The project Salem to Manchester, number 14800, which consists of remaining priority improvements (13933I, 13933E, 13933H) which was included in the Ten Year Plan adopted under 2010, 231:1, is deleted from the Deferred Projects List and added to the Ten Year Transportation Improvement Plan 2013-2022.

14 Interstate 93 Widening Project; Salem to Manchester. The department may accept and expend any federal or other funds, with the approval of the governor and council, for the I-93 widening project Salem to Manchester, number 10418c, 7560.

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

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2013-2022.

II. Requires legislative approval for capital and operating budgets related to passenger rail service prior to any expenditures.

III. Clarifies the management and disbursement of various donations for a public works employee memorial.

IV. Provides that the commissioner of the department of transportation serve as a non-voting member of the governor's advisory commission on intermodal transportation.

V. Deletes the Jennison Road bridge project, number 8342.

VI. Advances the Belmont–Laconia project, number 2787 and the Concord–Loudon project, number 8341 contingent upon 100 percent financing.

VII. Provides that New Hampshire's share of the costs of rehabilitating or reconstructing the Sarah Mildred Long Bridge be contingent upon the center lift span being of sufficient length to allow safe passage of the upcoming generation of cargo vessels.

VIII. Deletes the Sutton-Bradford project, number 8340.

IX. Authorizes the commissioner of transportation to acquire land and relocate certain transmission lines for the redevelopment of rest areas on I-93 in the town of Hooksett.

X. Deletes the project Walpole-Charlestown from the Deferred Projects List.

XI. Deletes the Salem to Manchester project of the I-93 widening project from the Deferred Projects List and adds it to the Ten Year Transportation Improvement Plan 2013-2022.

**Floor Amendment to HB 1723
(2012-0998h)**

Proposed by Rep. Giuda

Amend the introductory paragraph of RSA 132:34, II as inserted by section 1 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 **superior court** 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.

**Amendment to HR 22
(2012-0817h)**

**Proposed by the Minority of the Committee on State-Federal Relations and
Veterans Affairs - R**

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

Whereas, on June 8, 1967 the USS Liberty, while operating in international waters in the eastern Mediterranean was the object of an assault by Israeli warplanes, torpedo boats, and a helicopter gunship; and

Whereas, this assault killed 34 members of the USS Liberty crew, injured 174 personnel on board, and caused extensive damage to the ship; and

Whereas, in the 44 years since the incident the United States government has accepted the Israeli explanation that the assault was an accident; and

Whereas, as a result of this the surviving crewmembers of the USS Liberty are under restraint from making public the truth connected with the assault; and

Whereas, as a result the crewmembers of the USS Liberty are denied appropriate recognition for their valor in service; now, therefore, be it

Resolved by the House of Representatives:

That the state of New Hampshire house of representatives questions the assault on the USS Liberty on June 8, 1967 and respectfully requests that the United States government make a full and complete naval inquiry and accounting for the reason for the assault; and

That the United States government is urged to make public the results of its investigation into the June 8, 1967 assault demonstrating that the assault was the result of Israeli military tactics and strategy in the Arab-Israeli "Six Day War" of 1967; and

That the United States government is urged to re-address its acceptance of the Israeli explanation that the assault was accidental; and

That the United States government officially recognize the extraordinary heroic actions of the USS Liberty commanding officer and his crew for their performance under combat conditions in a state of undeclared war with a friendly nation; and

That a copy of this resolution be transmitted by the house clerk to the members of the New Hampshire congressional delegation.

**Floor Amendment to HR 23
(2012-1122h)**

Proposed by Rep. Baldasaro

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

A RESOLUTION urging the federal government to reduce the federal deficit by the amount of certain foreign aid.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, the global economic slowdown has made national debt a pressing issue; and

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the New Hampshire house of representatives urges the federal government to reduce the debt the United States owes to another country by the amount of foreign aid it proposes to give to that country; and

AMENDED ANALYSIS

This resolution urges the federal government to reduce the federal deficit by the amount of certain foreign aid.

Amendment to SB 188-FN

(2012-1108h)

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 4 with the following:

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