

State of New Hampshire

HOUSE RECORD

Second Year of the 161st General Court Calendar and Journal of the 2010 Session

Vol. 32 **Concord, N.H.** **Friday, February 26, 2010** **No. 17**
Contains: Reports and Amendments for March 3, Governor's Veto Message on HB 276-FN, House
Bills Amended by the Senate, Hearings, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will next meet in session on **Wednesday, March 3 at 10:00 a.m.**, and again on
Wednesday, March 10, Thursday March 11, and Wednesday, March 17.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **March 2**, at
8:30 a.m. in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE OF RECONSIDERATION

This day, February 18, 2010 at 9:52 a.m., Rep. Steve Vaillancourt, having voted with the
prevailing side, served notice of reconsideration on ***HB 1330, relative to the preservation of
religious freedom***, which the House found Inexpedient to Legislate on a roll call vote of 203-119.

Karen O. Wadsworth, Clerk of the House

NOTICE

There will be a Democratic Caucus on Wednesday, **March 3 at 9:00 a.m.** in Representatives
Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 3 at 8:45 a.m.** in Rooms 305-307, LOB.
Rep. Sherman A. Packard, Republican Leader

NOTICE

The Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at

noon on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

CLOSES (NOON) THURSDAY:

March 4

TO BE MAILED FRIDAY:

March 5

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Thursday, March 18, 2010

Thursday, March 25, 2010

Thursday, April 15, 2010

Thursday, April 22, 2010

Thursday, May 6, 2010

Thursday, May 13, 2010

Thursday, May 20, 2010

Thursday, May 27, 2010

Wednesday, June 2, 2010

Last day to report all remaining House Bills

Last day to act on House Bills **CROSSOVER**

Last day to report Senate Bills going to a second committee

Last day to act on Senate Bills going to a second committee

Last day to report all Senate Bills

Last day to act on Senate Bills

Last day to form Committees of Conference

Last day to sign Committee of Conference reports

Last day to act on Committee of Conference reports

GOVERNOR'S VETO MESSAGE ON HB 276-FN

By the authority vested in me, pursuant to Part II, Article 44 of the New Hampshire Constitution, on February 12, 2010, I vetoed HB 276-FN, an act relative to challenges of voters.

This legislation was passed by the House of Representatives on April 8, 2009 and was sent to the Senate. The Senate first heard and then re-referred the bill to the Senate Election Law and Veteran's Affairs Committee. The bill was brought forward this year and approved by the Senate on January 21, 2010. In passing the bill, the Senate should have amended the effective date to provide for prospective application of the voter challenge law. For this reason, I am vetoing HB 276-FN.

I appreciate the sponsor's efforts to clarify the procedures for voter challenges in state elections. I believe that any legislation governing voter challenges must continue to allow our state elections to proceed in an efficient manner while protecting the rights of all voters.

Respectfully submitted,

John H. Lynch

Governor

Dated: February 12, 2010

WEDNESDAY, MARCH 3 SPECIAL ORDER

JUDICIARY

HCR 26, reaffirming the state's religious heritage and constitutional rights to practice religion and free speech. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert B Thompson for the **Majority** of Judiciary: A majority of the committee agrees that this resolution is not necessary. We are already protected in our religious freedom and free

speech by the United States Constitution, as well as our New Hampshire Constitution. Religious rights and freedoms encompass all faiths including nonchristians, agnostics, and atheists. This resolution is not necessary and denies religious rights of others in its wording and intent. **Vote 11-7.**

Rep. Nancy J Elliott for the **Minority** of Judiciary: HCR 26 reaffirms our religious heritage. It shows us how we have historically respected religion in our society. The minority believes that our country and state have strayed from this respect of religious thought. We see it in a recent court decision that forced a young lady to attend public school because of her Christian beliefs. Daniel Webster stated it best when he said, "If we and our posterity ... live always in the fear of God and shall respect His commandments ... we may have the highest hopes of the future fortunes of our country. But, if we ... neglect religious instruction and authority, violate the rules of eternal justice, trifle with the injunctions of morality, and recklessly destroy the constitution which holds us together, no man can tell how sudden a catastrophe may overwhelm us and bury all our glory in profound obscurity."

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1385-FN, relative to appeals under the workers' compensation law. **INEXPEDIENT TO LEGISLATE.**

Rep. Sally H Kelly for Labor, Industrial and Rehabilitative Services: This bill relates to the appeal process for workers' compensation claims. Appeals to the supreme court must be based on either process or question of law, rather than fact. This bill seeks to change that for the benefit of workers' compensation claims. The current appeal process must be fact based and begins with a hearing before one person at the department of labor. It can be further appealed to the appellate board which is made up of three individuals. If at that point there is a question of either due process or law it can be appealed to the supreme court. The majority of the committee believes the current appeals process works. **Vote 15-2.**

LOCAL AND REGULATED REVENUES

HB 1276-FN-L, relative to investment of capital reserve funds. **OUGHT TO PASS.**

Rep. Steve Vaillancourt for Local and Regulated Revenues: In an attempt to acquire a greater rate of return on invested funds, this bill would simply allow pooling of the assets of capital reserve funds maintained separately on the books of towns. While the committee is not certain if in fact pooling will result in slightly higher yields, especially in these times when most yields are less than one percent, the committee sees nothing wrong with this idea. In other words, there's some upside potential and no downside. **Vote 17-0.**

HB 1439-L, relative to tax exemptions for water and air pollution control installations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Butterworth for Local and Regulated Revenues: This bill was recommended by the department of environmental services (DES) to assure that personal home septic systems are not included in the property tax exemptions under the air and water pollution control device law. This issue is of concern because of a pending court case. The amendment, presented by the original sponsors, replaces the entire bill. It makes a distinction between "sewage disposal systems" and "wastewater control devices." This still allows dormitories, resorts, large motels, hotels and other developments which build their own wastewater control systems to receive exemptions, but not those which use a septic system and leach field. No committee member supported the idea that a personal septic system should be exempted from town property tax assessments. **Vote 17-0.**

HB 1489, allowing municipalities to adopt a volunteer incentive property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Butterworth for Local and Regulated Revenues: The intent of this bill was to encourage involvement in towns by rewarding volunteers with reductions in their taxes. The committee had a number of concerns: that volunteers are sometimes less industrious than employees, that the IRS might think reductions in taxes was a form of payment, that towns might have to do the same kind of paperwork they do for employees, that there might be a negative

impact on the unpaid volunteers, and that those whose taxes might be zeroed out would still be voting on town budgets, perhaps for the very organizations in which they are “volunteering.” After considering these problems, the committee was unanimous. **Vote 18-0.**

HB 1504, establishing a liquor commission oversight committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L Theberge for Local and Regulated Revenues: This legislation would create an oversight committee for the liquor commission. The committee unanimously feels that it is unwilling to relinquish its authority to any other entity and furthermore believes that it is unnecessary at this time to have an oversight committee. The liquor commission is currently operating in such a way that its revenue projections are increasing. **Vote 17-0.**

HB 1522, relative to local spending caps. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Mary Beth Walz for the **Majority** of Local and Regulated Revenues: This bill would allow cities and towns to amend their charters to permit a tax cap on the city or the school district budget. The cap could only be overridden by a 2/3 vote. During the hearing on this bill, the only favorable testimony was presented by the sponsors. Tax caps bring with them many unintended consequences. They can lead to a reduction in a community’s bond rating causing increased costs to taxpayers. They are inflexible and cannot address changes in circumstances such as a decline in assessments, declines in non-property tax revenue, changes in the consumer price index or changes in demands for services. Tax caps have led to a decline in services that have resulted in declining property values. In New Hampshire, budgets are passed on an annual basis. Each governing body of a community should be free to adjust those budgets either up or down to meet the current needs and wishes of its community. Well funded interest groups should not be able to handcuff future public officials. In current law, budgets are passed by a simple majority or changed by a simple majority. A tax cap can be passed by a simple majority vote but would require a 2/3 vote to exceed. There was repeated testimony that tax caps are dangerous public policy. **Vote 12-6.**

Rep. Steve Vaillancourt for the **Minority** of Local and Regulated Revenues: Tragic is the only word that the minority can think to describe the majority reaction to this bill which would simply clarify the right of people in cities and towns to vote on spending cap referendums. In fact, such spending caps have already been approved in numerous cities, and this bill simply represents an attempt to forestall law suits declaring the will of the people as illegal. Tragically, rather than addressing the basic right of people to vote to amend their charter, the majority tried to bring forward smoke and mirrors, claiming how specific proposals could be flawed. Nothing about this bill would mandate any specific proposal; that would still be up to any given city or town. The same city or town would have the right to repeal a spending cap in a succeeding year, so nothing in this bill would tie the hands of future generations or even of voters two years out. Tragically again, one member of the majority insisted that people were “too emotional” to vote on their city charter. The minority believes this is tantamount to saying people are too stupid to decide what is best for them. Too emotional to elect Barack Obama? The minority thinks not. Too emotional to elect Scott Brown? The minority thinks not. Tragically, it seems that only the minority of the committee has confidence in the intelligence of voters to make decisions. This bill would also mandate an override (by a two-thirds vote) of any spending cap, but since that might be imperfect, the minority was more than willing to study the ramifications of passing this bill so that we would have a better idea of how to make it “more perfect” next time around. To simply kill it is to shovel dirt on the graves of our founding fathers and our democratic principles and to provide another big pay day for lawyers.

TRANSPORTATION

HB 1247, establishing a speed limit for vehicles traveling through a toll booth or gate.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. C. Pennington Brown for the **Majority** of Transportation: This bill sets an absolute speed limit of 25 mph for vehicles traveling through an EZ Pass toll gate. The current speed limit of 35

mph is a prima facie limit allowing even higher speeds. This bill also allows highway speed through the new “open road” toll gate. The first “open road” toll gate is scheduled to open at the Hampton tolls on Rt. I-95 on July 1, 2010. **Vote 12-1.**

Rep. John A Hikel for the **Minority** of Transportation: The minority believes that while this bill is well intentioned, it includes in it the reduction of speed going through a dedicated EZ Pass lane. Then it gets reduced from 35 mph to 25 mph.

WAYS AND MEANS

HB 1679-FN-A, establishing a soft drinks tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William A Hatch for the **Majority** of Ways and Means: This bill would add an ad valorem tax on soft drinks that contained sugar, corn syrup and other high concentrations of sugar sweeteners. The sponsors presented well prepared and detailed testimony on the health issues, such as obesity, that the consumption of these products cause. The sponsors felt the tax would reduce consumption and would generate money to establish a fund to educate the public on the issue. The majority reasoned the tax would not prevent many from purchasing these products, thus not effectively reducing consumption. In addition, there was testimony that this would cause hardship for retail outlets. With consideration of those factors, the majority voted to recommend inexpedient to legislate. **Vote 13-5.**

Rep. Dennis P Vachon for the **Minority** of Ways and Means: The minority supports HB 1679 because it addresses a major health issue in our state: the dramatic increase of child and adult obesity and associated illnesses, including diabetes, heart disease and kidney failure. Medical research has conclusively linked these health issues to the escalating consumption of drinks sweetened with sugar or high fructose corn syrup. HB 1679 proposes a tax of 2% on the wholesale price of sweetened soft drinks for the purpose of creating a state fund to promote obesity prevention and child nutrition. This tax would have been much smaller than a similar tax in 33 other states where the tax is as high as 5.25% and where there has been no change in consumption. It has been estimated that this tax in the original bill would have generated \$11.6 million each year. Such a sum would have gone a long way in educating the public about the health issues associated with obesity.

COMMERCE AND CONSUMER AFFAIRS

HB 1268-FN, prohibiting the use of a person's occupation when obtaining insurance coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: The intent of this bill is to prohibit the use of occupation as a factor in setting insurance rates in the individual motor vehicle insurance market. As written, however, it would have been applied to all forms of insurance, including workers' compensation insurance where occupation is a critical aspect in setting rates. The committee heard again that occupation is used by only a few companies in New Hampshire in determining insurance rates but consumers should take time to shop for the best coverage at the best price. The New Hampshire insurance department's website provides a tool to help citizens comparison shop. **Vote 16-2.**

HB 1493, establishing a committee to study comprehensive mental health parity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill is an important step to achieving mental health parity in our health care system. Mental health issues have long taken a back seat to physical illnesses even though one in four individuals may develop a mental illness in any given year. The committee heard that most times mental illnesses are treatable, and by doing so, we can avoid the development of secondary physical illnesses. Untreated and under treated mental illnesses put a strain on businesses through decreased productivity at work and increased absenteeism. It is no secret that untreated mental illness contributes to family instability, is a drain to community resources, and causes difficulties in school for children. This bill was amended to include substance use disorders that also have a high impact on communities and are a significant factor in employment problems. The recently passed federal mental health

parity and addiction equity act, aimed at ending discrimination for mental health and addiction, only covers employers with 50 or more employees. Given the fact that most New Hampshire businesses employ fewer than 50 people, this is a good time for us to look at our own laws. **Vote 12-5.**

HB 1505, establishing a commission to study state-imposed burdens on unregulated businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This bill is an example of an overly broad jurisdiction for a commission. Under this bill the commission could study any imposition of rules of conduct, for instance the child labor laws. While well intended, the bill is too vague to be useful. **Vote 16-1.**

HB 1541-FN, prohibiting the sale of e-cigarettes to minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: Most on the committee had never heard of e-cigarettes (e for electronic) but learned that our youth call the act of smoking them “vaping” (inhaling vapors) and smoke them on school property before and after classes. These highly addictive unregulated substitutes for tobacco are sold on the internet and at kiosks in malls. They are marketed as a “green” way to smoke. In place of tobacco they have nicotine cartridges that are inserted into a cigarette-like holder; the liquid is then vaporized and inhaled. E-cigarettes come in bright colors and in flavors such as strawberry, peppermint, chocolate, watermelon and grape. The teenagers who testified at the hearing said that the advertisements pop up on teen oriented websites. FDA testing of products labeled as containing no nicotine even found low levels of nicotine as well as other known carcinogens. Some on the committee felt we should wait for the FDA to institute a federal ban. Others believed they had learned enough about the content of the cartridges, which can contain toxic levels of nicotine. While these may be good choices for adults trying to kick the tobacco habit, smoke in no-smoking zones, and smell nicer, they should not be sold to minors. The fiscal note on the bill concerned the potential costs related to prosecuting violators. The amendment moved the effective date closer to passage. **Vote 15-4.**

HB 1627-FN, relative to the regulation of manufactured housing and modular buildings. **REFER FOR INTERIM STUDY.**

Rep. Susi Nord for Commerce and Consumer Affairs: There are many parts to this bill which is ultimately intended to help consumers who have major issues with a manufactured or modular housing installation. The committee has heard numerous horror stories over the years about what happens to consumers who have a problem but cannot find anyone to help them resolve it. The vast majority of consumers in NH are very satisfied with their purchase, but the few who have problems can find them catastrophic both financially and emotionally. The committee is dedicated to working with the building industry to find a way to create a place for consumers to get help when they have a major problem without further depressing this beleaguered industry. **Vote 16-1.**

BILLS REMOVED FROM CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1442-FN, relative to residency restrictions on offenders against children. **INEXPEDIENT TO LEGISLATE.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill is intended to protect children from sexual predators. The committee heard compelling testimony that enacting the measures contained in HB 1442 would likely impede those very efforts. This bill was opposed by the department of safety (DOS), the state police sex offender registry, NH civil liberties union, the NH association of criminal defense lawyers, child and family services, the NH coalition against domestic violence and the Manchester police. There is significant empirical evidence that enacting residency restrictions does little to protect children and may, in fact, put society at great risk. The committee strongly recommends that HB 1442 be found inexpedient to legislate. **Vote 18-0.**

HB 1447, relative to authorization to use firearms in the compact part of a town. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill requires written notification to the chief of police prior to the discharge of a cannon, gun, pistol or other firearm in a compact part of a town or city. The existing statute requires the chief of police to grant permission in writing. This provision has been deleted. The existing statute defines a compact area as any contiguous area containing six or more buildings which are within 300 feet of each other. This bill changes this requirement to twelve such buildings which are either part-time or permanent dwellings. The New Hampshire association of chiefs of police has indicated that this is acceptable. **Vote 18-1.**

EDUCATION

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M O'Neil for Education: This bill with the amendment will provide additional information an employer will receive when a criminal history records check is done by the state of New Hampshire department of safety. The additional information will include arrests, charges pending disposition, or convictions of the applicant. With this information the employer will be better able to determine the suitability of the applicant. In addition, the bill also requires any applicant for a driver education certificate or school license to report to the director of motor vehicles within 5 days if they have been arrested, indicted, or summonsed to court. **Vote 20-0.**

ELECTION LAW

HB 1245, requiring certified copies of birth certificates for nominees for president and vice-president. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for Election Law: As originally introduced the bill would have required that a presidential candidate present a certified copy of his or her birth certificate. That requirement had several major flaws. First of all there was no penalty and as we all know documents can be easily forged. The committee rejected this version by a 13-5 vote. We did learn that one candidate had filed for our presidential primary who did not meet the constitutional requirement. While he was removed from the ballot, it did cause concern. In speaking with the secretary of state it was learned that some candidates are not sure of the requirements. The amendment does two important things. It puts the qualification language from the U.S Constitution directly on the filing document and it requires candidates to swear under the penalty of perjury that they meet those qualifications. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1164, relative to newborn screening tests. **OUGHT TO PASS.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: Newborn screening has been in law since 1965 as a preventive public health program to detect, diagnose and treat medical disorders that can be averted early in a baby's life. The current law requires the fees charged for these tests be used only to pay for laboratory fees. This legislation, at the request of the department of health and human services, would allow the fee to be used to cover other program-related costs. Another change would eliminate a public hearing by the newborn screening advisory committee since the department already provides hearings under the rulemaking process. It should be noted that all contracts for this program will still be going before the Governor and Council. **Vote 19-0.**

HB 1232, establishing a committee to study elder abuse statewide. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: Though the bill dealt with elder abuse, the bulk of the sponsor's testimony dealt with those individuals who may have been "falsely charged" and the emotional effect upon individuals when this may have taken place. The committee was unanimous in feeling that there were numerous committees/groups that deal

with elder abuse and the information that this bill would have concentrated on was available by accessing these groups directly. **Vote 19-0.**

HB 1553, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: Maternal mortality is always a devastating event. Fortunately, there are few women in NH who die in pregnancy related or pregnancy associated situations. There has been a small but concerning increase in the number of maternal deaths. This legislation would establish a carefully constituted review panel to study maternal mortality information to determine causes, trends, and potential responses. The panel would review adverse events including statistics and causes, and outline, in aggregate, corrective action plans and make recommendations for system change. The amendment increases protection of the confidential nature of the process and the information. There is an organization in existence that the commissioner of health and human services may delegate the management of the panel to that would result in no expense to the state. The study of maternal mortality has surfaced as an issue of importance in several health care publications recently. **Vote 18-0.**

LOCAL AND REGULATED REVENUES

HB 1358, relative to the amendment of property tax inventories and tax lists by selectmen or assessors. **OUGHT TO PASS.**

Rep. Mary Beth Walz for Local and Regulated Revenues: This is a house keeping bill that makes current law consistent with previously enacted changes in the tax law. It corrects citations within the statute. **Vote 13-0.**

HB 1595-FN-L, relative to tax collection procedures for manufactured housing in a manufactured housing park. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Local and Regulated Revenues: This bill would create a separate class of property, namely housing located in manufactured housing parks, for the purpose of cities and towns being able to assess liens for late payment of property taxes. The committee is concerned that such an effort may be unconstitutional. Beyond that concern, it is simply neither right nor necessary. The committee heard testimony that late property tax payment is not significantly higher in these homes than many properties as a whole. Beyond that, with the current economy this bill could be especially harmful to upstanding citizens of our state. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1239, relative to department of environmental services field citations and cease and desist orders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim U McClammer for Resources, Recreation and Development: This bill authorizes the department of environmental services to increase administrative fines for violations of wetland rules from \$2,000 to \$5,000. It also allows the department to suspend review of an application when an applicant has outstanding unresolved violations. The committee feels these actions are necessary for the DES to increase compliance with wetland rules. **Vote 16-1.**

WEDNESDAY, MARCH 3

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

CACR 29, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P. Moran for Children and Family Law: The committee, after considering several amendments as well as the original bill, concluded that as well intentioned as the language was,

it didn't change the fact that few rights are absolute and any judicial interpretation would still require a provision for "state" intervention in the event that a child's welfare was in serious jeopardy as a result of parental abuse or neglect. The propensity of the "state" to intervene has increased dramatically since the days of Oliver Twist. We may have arrived at a point of excessive intervention into family matters. If so, it is the consequence of the cultural phenomenon of a society in search of an elusive balance and will probably be only solved by a society willing to be intellectually honest about what is both fair and productive in the context of a constitution that has served it so well. **Vote 16-0.**

HB 1156, relative to the determination of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargasz for Children and Family Law: This bill clarifies the factors considered by the court in determining the best interests of the child in parenting cases. The bill also addresses the effect allegations and findings of abuse and neglect, including sexual abuse, have in determining parental rights and responsibilities. The amendment clarifies and updates language to change custody and visitation to parenting time. **Vote 14-0.**

HB 1197, relative to child support in cases of shared parenting. **INEXPEDIENT TO LEGISLATE.**

Rep. Deanna S. Rollo for Children and Family Law: This bill revises the child support formula in equal or shared parenting where the parents have equal or substantially equal residential responsibility. This issue went to subcommittee and is addressed in another bill that was passed by the committee, HB 1491. **Vote 15-1.**

HB 1215, relative to gender neutral references in certain public assistance statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Bickford for Children and Family Law: RSA 167:2-b addresses limited public assistance based on the legal liability of all able-bodied adult males to contribute to the support of such person. This bill expands that responsibility to include all able-bodied adult women. It also removes the "Aid to Dependent Children" to the generic term of "public assistance". **Vote 12-0.**

HB 1424, requiring a performance audit of the division of child support, department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P Moran for Children and Family Law: The committee agrees with the sponsors' desire for greater clarity as to decisions made by the courts in divorce and child support cases. The bill requires a performance audit of the health and human services division of child support. However, a financial audit may be appropriate as well and the scope may need to include a subset of the judicial branch. The committee believes a more productive approach would involve engagement with the director of audits and the performance and oversight committee (RSA 17-N:1) which deals specifically with audit requests by legislators. This approach would help ensure the focus yields the desired information. **Vote 16-0.**

HB 1474, revising child support guidelines based on the income shares model. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan M. Ford for Children and Family Law: This bill, as amended, establishes a study committee to review the current and proposed child support formulas and guidelines in order to do a comparative analysis as to which formula is best suited for the citizens of New Hampshire. **Vote 15-0.**

HB 1491, relative to child support and responsibility for extraordinary child-rearing expenses in cases of shared parenting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Children and Family Law: The bill with amendment, defines equal or near equal residential responsibility as between 165 and 183 nights per year and establishes a formula known as "cross calculation" to calculate child support. It removes language that treated equal or near equal residential responsibility as an exception to guidelines. This bill creates a guideline. The bill also allows for parents to agree to a child support amount outside the guidelines based on variable, child-related expenses. **Vote 18-0.**

HB 1552-FN, revising the child support guidelines based on the Melson formula. **INEXPEDIENT TO LEGISLATE.**

Rep. Deanna S. Rollo for Children and Family Law: This bill requires the department of health and human services to revise the child support guidelines based on the Melson formula. A portion of this formula has been adopted in four states. The committee agreed that the issue is complex and a comparative analysis should be undertaken to determine what is best for New Hampshire Families. **Vote 12-0.**

HB 1565, relative to application of the child support guidelines in high income cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan M Ford for Children and Family Law: The committee will be reviewing selected child support formulas and guidelines in a study committee (HB 1474 as amended). The application of child support guidelines in high income cases will be addressed in this study. This makes HB 1565 unnecessary. **Vote 15-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1233, relative to the amount of medical payments coverage under motor vehicle liability policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Commerce and Consumer Affairs: Drivers would have to purchase at least \$5000 in medical payments coverage on their auto insurance policy, a 400% increase over the current minimum. Evidence that this had been tried previously and repealed and after one year because of complaints about the resulting price increases was enough to convince the committee that the experiment should not be repeated. **Vote 15-1.**

HB 1243, relative to automatic teller machine card overdraft fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: Filed prior to learning of the new Federal Reserve Board "Regulation E" that will take effect on July 1, 2010, this bill sought to protect customers from excessive bank overdraft fees that occur from ATM card use. Banks would be required to institute an "opt-in" overdraft protection program whereby an ATM cardholder would be notified at the time of a purchase whenever a negative balance is created by a withdrawal in order to stop additional use of the card and additional fees. In addition, it required clear disclosure and written consent of bank overdraft policies. The new Federal Regulation E requires that banks and credit unions must notify new and current customers of overdraft policies and customers must "opt-in," or consent, to the bank's overdraft protection service and fees before such fees can be charged. The customer time-of-purchase notification part of this bill is not addressed in the Federal regulations and, while it sounds good, was determined to be unworkable. Many businesses do not submit card transactions for payment immediately, and there may be a delay in transaction communications when ATM usage is done out-of-state. **Vote 16-0.**

HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David J Palfrey for Commerce and Consumer Affairs: This bill, as amended, clarifies in RSA 397-A, referring to mortgage bankers and brokers, that a branch manager of licensed locations are "principals" under the statute and that branches may only hold a license when the company's home office is licensed and that branch managers must be licensed. In RSA 397-B it adds definitions in conformance with the mortgage banker and broker chapter (Sections 5, 6, & 7) that clarifies that branches may only hold a license when the home office is licensed and that branch managers must be licensed as well as branch offices. The amendment clarifies that licenses are not transferable and corrects certain statute references. It also clarifies the definition of mortgage servicing in line with today's practices and adds payment procedures that were added to all other consumer credit statutes last year. **Vote 16-0.**

HB 1340, relative to condominium liens for assessments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce and Consumer Affairs: This bill provides that certain condominium liens for unpaid monthly common expenses may be granted priority over the first mortgage and may form the basis for a foreclosure sale initiated by the unit owners' association. The amendment was compromise language worked out by the different interested parties. The most important change was to insure that this priority lien is constitutional by only effecting new condominium mortgages after the new law becomes effective. **Vote 18-0.**

HB 1342, relative to the right of election to submit a claim for medical expenses under a medical payments motor vehicle liability policy or a health insurance policy. **INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill attempts to resolve issues with the disbursement of medical payments insurance in a manner that the committee felt was not going to solve the underlying issue. This bill would have the care providers explain the laws pertaining to insurance coverage between their health care insurance and their automobile casualty medical payment. This is a conflict of interest since the providers may be paid more from one type of insurance than another since med-pay insurance carriers don't negotiate rates, but health insurance carriers do negotiate lower reimbursement rates with care providers. Ultimately it is the choice of the insured to decide which coverage to apply for payment and that decision should be made without influence from parties who might benefit from the advice given. **Vote 15-1.**

HB 1393, establishing a commission to review and make suggestions for updating the treatment of New Hampshire investment trusts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B Hunt for Commerce and Consumer Affairs: The bill, as amended, will bring up to date our investment trust act, RSA 293-B. The act dates back to 1991, when we adopted our version of a Delaware law with the intention of attracting institutional money management business to the state. That effort was successful and a number of the state's financial institutions serve as trustees for funds invested in by institutional investors (such as pension funds, ERISA health insurance programs, and endowments) and a few wealthy individuals (the individuals are known as "qualified purchasers" under the securities laws). Over the years, however, in response to certain issues that have arisen under Delaware's law, the Delaware statute has been amended to clarify ambiguities, fill gaps that needed filling, modernize processes, and reduce transaction costs. New Hampshire has not made the same changes. The result is that it is more costly to have these trusts relocate here, which puts our financial institutions, who want to bring more trust business to New Hampshire, at a competitive disadvantage. HB 1393, as amended, adopts the bulk of the changes Delaware has made. Some of the major changes include provisions clarifying that a creditor of the trustee has no right to possession of the trust property; establishing conclusively the right to offer a "series" of funds to better serve the investment objectives of different types of investors; providing for the conversion from another type of business entity to an NHIT which enables the efficient transfer of trust funds to the State; and clarifying numerous processes and procedures that are essential to a trust's operations. One provision of Delaware law that is not included in the committee amendment would allow the elimination or dilution of a trustee's fiduciary duties. The language of the committee amendment was reviewed by the banking department and the secretary of state's office, and neither voiced any objections. The banking department, which regulates the state-chartered institutions that serve as trustees and provide trust services to New Hampshire Investment Trusts, testified at the hearing on the amendment and provided helpful information to the full committee and subcommittee as they considered the amendment. **Vote 14-0.**

HB 1470, establishing a committee to study laws relating to condominium and homeowners' associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A Dowling for Commerce and Consumer Affairs: Condominium laws have not been reviewed and/or revised for many years. The issues are complex and there are many chapters of law to consider. The work cannot be completed in 4 months. Owners believe an update is necessary. Homeowners' associations are included in the study. A report must be filed annually until the committee's work is completed. **Vote 16-0.**

HB 1519, relative to the surety bond requirement for meals and rentals operators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: As amended, this bill repeals the surety bond for meals and rental operators (lodging) enacted last year during the budget process. The \$5000 surety bond had been an attempt to enable the state to seek financial remedy for those businesses that fail to pay their meals and lodging taxes. The committee heard testimony that this happens particularly with seasonal businesses at a substantial loss of revenue to the state. Just as the law was being enacted, however, the department of revenue hired a new director for the division of collections and the enforcement that exists in current law is successfully being followed. The department reported that out of the over 7,000 businesses collecting meals and lodging taxes only about 312 do not pay their taxes. Repealing the statute and letting the division of collections apply penalties and pursue criminal prosecutions where needed is believed to be better for NH businesses than requiring surety bonds. **Vote 15-0.**

HB 1560, prohibiting sellers of consumer goods from excluding or limiting implied warranties through disclaimers. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T DeStefano for Commerce and Consumer Affairs: This bill will require that all goods sold to consumers come with implied warranties including the “implied warranty of merchantability” and the implied warranty of “fitness for a particular purpose.” Most of the discussion in the committee was concerning used cars but this bill goes much further. In testimony it was also brought up that the reach back period was up to four years and could go back further than the prior owner. The committee thought this bill was far too broad. **Vote 14-1.**

HB 1613-FN, relative to the general banking laws of the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F Winters for Commerce and Consumer Affairs: Security breaches at financial institutions would have to be reported in this bill requested by the banking department. Examination fees for petitions to charter new banks would be increased to more closely cover the actual cost of an examination. Raising these fees to \$10,000 was initially a concern for the committee, but after testimony about the weeks of work and multiple hearings that were involved, the committee agreed that these costs should be born by the petitioners through this user fee, instead of being recouped through assessments on all financial institutions. Various other changes, including requiring background checks for persons seeking to form a credit union and requiring certification of the oath taken by officers of financial institutions, are also part of this bill. **Vote 15-0.**

HB 1632-FN, relative to the sale and delivery of home heating oil during a declared state of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: This bill was in response to the 2008 ice storm during which a number of households that used propane fuel as a back up system for heat were faced with what can only be described as “price gouging.” While this did not appear to be a widespread practice, the majority of the committee believe that excessive hikes in the cost and delivery of fuel during state declared emergencies was wrong. Both the original bill and an amendment were found, however, to be flawed in their attempts to set percentage ceilings on increases in fuel and delivery. As written, the bill would have allowed companies to raise their prices to those ceilings even if they had not actually incurred increases in their business expenses. The bill also did not define “state of emergency” nor provide for protections for sellers who may, in fact, be faced with spikes in the cost of procuring fuel that were higher than the 10% permitted. A similar bill was considered in 2006 and went to Interim Study with no recommendations made. Other states have successfully enacted such consumer protections; unfortunately this is not the bill to do it for New Hampshire. **Vote 14-2.**

HB 1656-FN, requiring disclosure of fees by automobile dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: This bill requires disclosure during negotiations of all fees charged by automobile dealers. The requirement includes disclosing such fees in advertisements and prices affixed to the vehicle. The committee certainly understood the

frustration that car customers have when an “administration fee” appears at the closing, but legislating all “fees” by what prices are affixed to the vehicle would be impossible. The other problem with the bill was its attempt to bar fees based on whether there was notification given during the “negotiation.” The majority of the committee feels negotiation does not end until the customer signs from the purchase. **Vote 14-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1134, authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill would authorize a federal law enforcement officer, in the event of an emergency, to temporarily detain an individual for committing a criminal offense under New Hampshire law. Any individual detained pursuant to this bill must be turned over to New Hampshire authorities as soon as practicable. **Vote 14-1.**

HB 1318, relative to post-conviction DNA testing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill provides services for victims if the perpetrator requests post-conviction DNA testing. When convictions are being re-considered, victims often feel re-traumatized and in need of intervention as they re-process and address the effects of a prior victimization. This bill allows the victim to receive needed services during a period of time that is emotionally and/or psychologically difficult. **Vote 15-1.**

HB 1472-FN-L, relative to testimony by video teleconference. **OUGHT TO PASS.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill allows testimony by video teleconference at department of safety administrative hearings and in district and superior court motor vehicle cases. This bill will likely result in significant cost savings to police departments, defendants, the bureau of hearings and the court system. Those objecting to the use of video teleconferencing may file a timely written notice. Individuals charged with a violation or a crime deserve every opportunity to defend themselves. The committee does not believe that video teleconferencing in this limited setting impedes this ability. **Vote 18-2.**

HB 1508-FN, prohibiting offenders convicted of certain sexual assaults from contacting the victim of the crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This bill prohibits offenders convicted of certain sexual offenses from contacting their victims. The committee heard very powerful testimony from victims and victim advocates as to the need for this prohibition. Some convicted offenders continue to contact their victims through email, telephone calls and letters. This repeated, unwelcome contact is often intimidating, lascivious and abusive. This legislation will insure that victims of sexual violence are protected against such threats to their security. This legislation does not prohibit victims and offenders from participating in restorative justice programs, if the victim so desires, nor does it prevent offenders from responding to contact initiated by the victim. Finally, HB 1508 does contain a provision which allows for contact between an offender and victim when there is an ongoing relationship (shared parenting, for example) that necessitates communication between the two parties. **Vote 20-0.**

HB 1515-FN, relative to the crime of official oppression. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill creates a class A misdemeanor in section I of the bill for a public servant who knowingly commits an unauthorized act, or knowingly refrains from performing a duty which would benefit him/her, or another. In section II of this bill the penalty is a class B misdemeanor if there is no gain, but harm to another by knowingly committing or refraining from performing his or her duties. The amendment changes the penalties from class A to class B misdemeanor in section I and from class B to a violation in section II. **Vote 18-0.**

HB 1533, establishing a commission to study the statute governing annulment of criminal records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill started as a commission. The committee felt it should be a study committee. The annulment statute has not

been looked at for many years. There are many problems with the law. A study would be in the best interest of the state and the people it affects. This statute affects criminal annulments only. **Vote 18-1.**

HB 1638-FN, relative to convictions for capital offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: There was a commission set up in 2009 to study the death penalty. The committee felt that anything to do with capital punishment should not be dealt with until the commission had completed its study. **Vote 14-0.**

HB 1642-FN, relative to the registration of criminal offenders. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill will bring New Hampshire into substantial compliance with the federal Adam Walsh Law. This bill defines what “sexual offense” means, as well as containing a definition of “offense against a child”. **Vote 14-1.**

HB 1647-FN, relative to residency restrictions for certain sexual offenders and relative to requiring persons convicted of first or second degree homicide against a child to register for life. **INEXPEDIENT TO LEGISLATE.**

Rep. Shannon E Chandley for Criminal Justice and Public Safety: This proposal was unanimously defeated by the committee for several reasons. First, the bill as written would exclude Tier III offenders from inclusion in the registry unless the victim was under 18. Currently, offenders who knowingly cause a person’s death in the commission of, or while attempting to commit, felonious sexual assault regardless of the age of the victim are included. Secondly, HB 1647 would expand the definition of public registry offenses. The committee is concerned that to do so incrementally and piece-meal may decrease the overall effectiveness of a public list. The committee has with other related legislation recommended Interim Study so that a complete and exhaustive evaluation of public registration might be conducted. Finally, HB 1647 prohibits an offender from living anywhere within 25 miles of his or her victim or the victim’s relation by blood or through marriage including mother, father, son, daughter, sister, brother, husband, wife, grandfather, grandmother, grandson, granddaughter, great-grandchildren, step-parent, step-children, aunt, uncle, nephew, niece and former spouse. This provision would be wholly unworkable as it would require the offender to know and respond to the whereabouts of his or her victim and all the victim’s family. Moreover, the committee has heard repeated credible testimony that residency restrictions do not offer protections and may hamper registry compliance and law-enforcement. **Vote 16-0.**

HB 1653-FN, decriminalizing possession of one quarter of an ounce or less of marijuana.

OUGHT TO PASS WITH AMENDMENT.

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill decriminalizes the possession of a small amount of marijuana (1/4 oz. or less) for persons over the age of 18 years. This bill does not permit or address medical use at all. An offender under 18 yrs of age would be subject to a violation and a \$200. fine. A violation of this statute would also require that parents and/or legal guardian would be notified of the offense and the offender would be required to complete a drug awareness program and community service within one year of the violation with proof of completion of requirements presented to the court. Failure to comply would result in a fine of \$1,000. Passage of this bill would decrease the workload of already overburdened courts, prevent young offenders who use poor judgment from being charged with criminal offenses that might impact their future vocational and educational goals and would be good, sensible, common sense public policy. There is no fiscal impact on local expenditures or county and local revenue. **Vote 16-2.**

HB 1673-FN, removing the statute of limitations on offenses against children. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara A McCarthy for Criminal Justice and Public Safety: The bill is unnecessary. The statute of limitation is already 22 years. The fiscal impact could be oppressive. **Vote 17-0.**

HB 1686, relative to juvenile diversion programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lori A Movsesian for Criminal Justice and Public Safety: This bill was filed based on the findings of the commission to study New Hampshire juvenile diversion law. This bill, as amended, clarifies benefits and liability issues for persons engaged in public service under RSA

169-B, the juvenile delinquency statute. It requires the department of health and human services to certify court approved diversion programs. The certified programs integrate best practice restorative justice standards, promote positive youth development and reduce juvenile crime and recidivism. **Vote 17-0.**

EDUCATION

HB 1412, requiring due process for educational support personnel. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith E Day for Education: This bill required all school districts, administrative units, public academies, and chartered public schools to provide all employees with due process protection. The committee felt this was a complex labor issue that should not be addressed at this time because of its effect on employment in both schools and the state. **Vote 20-0.**

ELECTION LAW

HB 1319, relative to single-member representative districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Claudia A Chase for Election Law: This bill would create 400 representative districts throughout the state immediately prior to the time when we will have to re-district. It would create complete chaos in the process of candidates deciding which seats to challenge. **Vote 16-0.**

HB 1367-FN, relative to permissible campaign contributions by business organizations and labor unions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for Election Law: The U.S Supreme Court has recently ruled that corporations have the right to make political contributions on behalf of or in opposition to candidates, under the doctrine of free speech. Working with the attorney general's office we believe that we have found a reasonable balance between the right to free speech and the public's right to know who is speaking. The bill as introduced requires that businesses and labor unions who wish to make political contributions to candidates may do so through political action committees, which they would create. The amendment insures that the public will have timely information as to who is "speaking" on behalf or against a candidate. That goal is accomplished through a requirement that when expenditures, in the aggregate, exceed \$500, a report will be filed with the secretary of state by noon the following day. Television advertising will also carry new disclosure requirements, so that it will be clear to the public who is paying for the advertisement and if it was authorized by a candidate. **Vote 13-0.**

HB 1476, relative to periodic verification of the checklist. **OUGHT TO PASS.**

Rep. David Bates for Election Law: Every ten years inactive voters are purged from the voter checklist. Currently a person must vote in either of two previous general elections immediately preceding the 10-year verification, an annual town election in the year of the verification or in the most recent regular city election held prior to the verification. This bill changes RSA 654:39 so registered voters will only be removed when they do not vote in any election in the four years preceding 10-year verification. **Vote 16-0.**

HB 1529, relative to absentee voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J Perry for Election Law: Passage of HB 1529 and HB 1535 will bring the state of New Hampshire into compliance with provisions of the MOV act (Military and Overseas Voters) regarding absentee voting and handling of absentee ballots passed by congress late last year. This bill represents the collection of certain absentee voter information for ballot-tracking purposes, and creation of a state website that will allow absentee voters to track their ballot requests via the website. **Vote 17-0.**

HB 1549-FN, prohibiting copying, reproducing, or retaining personal documents of voters. **INEXPEDIENT TO LEGISLATE.**

Rep. June M Caron for Election Law: This bill would require the destroying of voter documents. Destroying these documents would take away the ability of city and town clerks to verify voter information. There would also be a hardship to the cities and towns to purge all prior documents within the 60 day time limit. **Vote 17-0.**

HB 1574-FN, relative to retention of election records. **OUGHT TO PASS.**

Rep. Richard B Drisko for Election Law: This bill was requested by the department of state. It was introduced to streamline and clarify existing laws regarding how long documents must be held. In addition, this bill assures compliance with federal standards. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 1250, clarifying that a quorum of the current use board is not required to hold public forums. **INEXPEDIENT TO LEGISLATE.**

Rep. Warren J Groen for Environment and Agriculture: The purpose of a quorum is to maintain an adequate number of members present in a deliberative body. The quorum requirement prevents minority rule. If this bill were enacted it is possible that public forums could be conducted with only a single committee member present. This has not been the case in the past and we owe the citizens of New Hampshire a quorum of committee members at these public forums. We realize that voting does not take place at these forums, however public input is gathered. This information is later presented to the balance of the committee members who then vote. Interaction, debate and feedback are all essential parts of the forum and committee process. The quality of this process suffers when a quorum is not present. It is the opinion of the committee that those persons willing to be appointed to this committee should be willing and able to attend the necessary meetings. When they accept this position they would do well to be aware of their responsibilities since their decisions affect policy on millions of acres of New Hampshire land and its owners. **Vote 16-0.**

HB 1609-FN, relative to current use and the land use change tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela Z Tucker for Environment and Agriculture: This bill clarifies that the land use change tax is a change of use tax and not a property tax. It further clarifies the timing of discovery for such a change to six years for taxes due and payable. The six years gives town assessors adequate time to discover any change in use and for the town to request payment. This bill also clarifies how the LUCT would be applied to condominium developments and surrounding curtilage. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1229-FN, relative to state licensure of hawkers and peddlers. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H Gould for Executive Departments and Administration: This bill inspired much conversation about hawkers and peddlers and itinerant vendors. Though the differences between them are somewhat cloudy, a close study of the existing statutes led us to believe this bill is not necessary. There will continue to be a registration with secretary of state and a permit in some towns which proves to be somewhat cumbersome. The committee believes allowing hawking and peddling for up to 14 days without registering could prove unsafe, especially in towns without their own permits. **Vote 15-0.**

HB 1240-FN, relative to the use of state-owned vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill, as amended, amends RSA 21-I:19 to improve the management of state-owned vehicles. It clarifies the use of the break-even mileage as a management measure, encourages fuel-efficient use of the existing fleet, and includes light trucks (vans, pickups, and SUVs) in the fleet management process. Finally, the bill establishes that all employees who use state owned vehicles are responsible to report any personal usage to their agency. Since the proper definition of "personal" depends on the reason the employee is using the vehicle, and these categories of usage are being redefined, charging for personal usage, as the original bill required, is not appropriate at this time. **Vote 17-1.**

HB 1273, establishing a New Hampshire aero-space commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Catriona D Beck for Executive Departments and Administration: Although the committee deeply appreciated the intent of this proposed aerospace commission bill, it is the general

consensus that it would not be prudent to sanction another commission during these current difficult economic times. The committee did hear disturbing testimony regarding historical aerospace artifacts that are turning up in scrap metal yards to be destroyed. The committee recommends the development of a strong grass roots awareness and funding effort for those interested in saving, preserving and displaying USA space program historical artifacts especially associated with former New Hampshire astronauts for future generations to come. **Vote 16-1.**

HB 1349, relative to requirements for pharmacists-in-charge. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was introduced on behalf of the pharmacy board. It would have required a pharmacist-in-charge to have at least one year of experience. Currently there is no requirement and therefore a new graduating pharmacist can be a pharmacist in charge. There are presently 10 “rookies” of the 253 licensed pharmacists in NH. We asked the pharmacy board for reports of investigations filed last year, and they reported there were two from these rookies. The committee felt that was not enough to make New Hampshire the only state with this requirement. **Vote 17-1.**

HB 1376, relative to the regulation of pharmacies and pharmacists. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill is a result of a performance audit done on the board of pharmacy. It clarifies the exam process and adds optometrists, podiatrists, and others to the list of who may write prescriptions. It will not affect the scope of practice for any of these professions as they already can write the prescriptions, but are not named in RSA 318:14. **Vote 18-0.**

HB 1422, establishing a committee to study the establishment of a department of natural resources. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan S Flurey for Executive Departments and Administration: This bill forms a legislative committee of five members (3 house and 2 senate) to determine the feasibility of creating a department of natural resources within the executive branch. The aim of this reorganization would include improved stewardship of state resources and parks including forests and trails; increased efficiency and lower costs of state government, improved job growth and economic development in the state; and enhanced preservation of the state’s natural resources for residents and tourists. The intent is for one department to exclusively focus on safeguarding New Hampshire’s natural resources. At least forty-four other states utilize this approach to structure the protection of their natural resources and provide a legacy for future generations. The federal government also organizes its responsibilities to protect the nation’s natural resources through one department: the department of interior which includes the national park service, national forests, bureau of land management, bureau of reclamation, and office of natural resource restoration and wildlife. **Vote 17-0.**

HB 1487, relative to the definition of certified wetland scientists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill, which was supported by all seven witnesses and ten signers who appeared, further defines certified wetland scientist, as well as the experience necessary to receive certification as a wetland scientist. The amendment merely adds the phrase “function and value” to wetland assessments, for clarification. **Vote 17-0.**

HB 1570-FN, requiring an affidavit of bills paid prior to the issuance of certain state and local permits. **INEXPEDIENT TO LEGISLATE.**

Rep. John M Reagan for Executive Departments and Administration: The bill requires the filing of an affidavit of bills paid by an owner or applicants demonstrating that all licensed professionals have been paid to allow the issuance of a permit or project approval. This would constitute an intellectual lien as compared to a mechanics lien. The bill makes jurists out of planning board members. The committee was sympathetic to the plight of the unpaid contractors. However, all businesses have problems with the collection of fees for services rendered. Those who deal with the pre-permitting services to the building industry will have to better prepare their contracts to afford better payment timeliness. The state and local government agencies

should not be expected to be the arbitrator and the bill collector enforcement bureau when the current venue for contract disputes is the court. **Vote 15-1.**

HB 1626-FN, requiring the licensing of building energy auditors. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M McGuire for Executive Departments and Administration: The committee feels that this bill is not necessary. Building energy auditors are currently certified by professional organizations and by the office of energy planning, which is an appropriate way to indicate their competence in a profession that does not have a defined educational background or scope of practice. The sponsor and some auditors are working to develop the criteria for licensing, if that should be desirable in the future. **Vote 16-0.**

FINANCE

HB 1512, establishing a deferred retirement option in the judicial retirement plan. **OUGHT TO PASS.**

Rep. Peter R Leishman for Finance: This bill would allow a vested judicial employee to leave his or her pension benefit in the retirement system if he or she does not wish to retire because the individual has not attained the age required for retirement. Moreover, when the eventual deferred pension is paid, it will be based on the salary of the judicial employee when he or she left the system. The retirement system will benefit from the use of this retained pension until the judicial employee elects to receive his or her pension. **Vote 22-0.**

HB 1569-FN, relative to the salaries of certain unclassified positions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra B Keans for Finance: There has been a continuing shortage of pharmacists at the NH hospital and state-wide, resulting in the need to hire consulting pharmacists at \$78/hour. This bill, after thorough review by the joint committee on employee classification, adjusts the grades to be more in line with the prevailing salaries. We expect with the new adjustment to fill all vacancies and save \$300,000 in contracted services. **Vote 22-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1136, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan H Schulze for Health, Human Services and Elderly Affairs: This bill provides for the transmission of psychiatric/psychological evaluations that are completed before an involuntary admission to New Hampshire hospital and the secure psychiatric unit. At present, there can be an extensive wait to receive these invaluable reports. Evaluations are ordered by judges in the state district or superior courts. A second evaluation is ordered by a probate court. The rights of an individual to confidentiality of those evaluations are protected by the judge seeking agreement from the person or their surrogate to release. In the end, those documents are the property of the courts, and the judge decides if they can be released to New Hampshire hospital or the secure psychiatric unit. The transmission of these records with the patient at the time of his or her involuntary admission is valuable for both the individual committed and the facility's staff. The amendment protects the patient's right to confidentiality. **Vote 19-0.**

HB 1169, deleting the repeal of the New Hampshire health care quality assurance commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas E Donovan for Health, Human Services and Elderly Affairs: This bill, as amended, not only extends the commission but also adds a member of the public to the commission and mandates an annual report to be presented to the health and human services oversight committee. The commission is charged with looking at the frequency of medical errors and adverse events in hospitals and ambulatory surgical centers. The committee agreed with the testimony that adding a member of the public could only strengthen the work of this critical commission. **Vote 19-0.**

HB 1384, establishing a suicide fatality review committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Roger G Wells for Health, Human Services and Elderly Affairs: This bill adds an additional committee – suicide fatality review committee – to the statutory suicide prevention council. The members shall include the chief medical examiner and other individuals and organizations with appropriate expertise who will be appointed by the suicide prevention council. The suicide fatality review committee will review suicide deaths and attempted suicide events to determine trends, risk factors and prevention strategies. At the present time, although there are existing fatality review boards, none are tasked with the reviewing suicide across the total life spectrum from childhood to the elderly. The suicide fatality review committee will collaborate with the existing fatality review boards and utilize the expertise and protocols developed over the twenty years of their existence. The records and deliberations of the committee are confidential and privileged and not subject to discovery. In addition, the meetings and records are exempt from RSA 91-A. The suicide prevention council will include a report from the suicide fatality review board in its annual report as required by statute. **Vote 19-0.**

HB 1407, relative to personal identifiers contained within vital records. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill would eliminate the possibility of using personal identifiers to link information in the state's vital records to any other health information or events. This would sharply reduce the capacity of the department of health and human services and all other investigators to conduct health-related research where vital records data are necessary. An amendment was also considered, prompted by a review of data worksheets for the birth record, to make voluntary the provision of any information about a vital event not needed for the official vital record (e.g., the printed birth certificate). The amendment would have blocked any attempt to secure, for example, such information about a birth when it was not voluntarily supplied by the mother. However, late in its consideration of the amendment, the committee learned that this change would incur significant loss of federal grants and other costs. Furthermore, some of the ancillary birth information collected was never requested of the mother but was secured directly from physicians' records of pre-natal care. Thus, assumptions made in drafting the amendment didn't correspond to the actual events used to secure the data in question. **Vote 19-0.**

HB 1526, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kate W Miller for Health, Human Services and Elderly Affairs: This bill is in response to the legislative budget assistant (LBA) audit of the bureau of elderly and adult services which requested a methodology for determining high cost cases among those receiving home and community based services under the Medicaid waiver. A high cost case is one in which the cost of providing home-based care exceeds 80% of the cost of institutionalized care. As amended, this bill outlines what services shall be included in that calculation and requests rulemaking by the department based on three separate levels of care. **Vote 16-0.**

HB 1572-FN, relative to the certification of integrated residential communities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I Millham for Health, Human Services and Elderly Affairs: Since the closing of the Laconia State School and the original New Hampshire State Hospital, New Hampshire has worked hard to establish an inclusive, safe, normalized system for people with developmental disabilities, mental illness or traumatic brain injury. This legislation adds RSA 151-H to the RSA 151 chapter and would codify a residential option called Integrated Residential Communities. This option would be recognized as a part of the New Hampshire service system. The Integrated Communities involve a residential opportunity where many of the staff and volunteers live in the same residence with the client in a "normal home environment." The certification process includes a scope of residential and other services, individualized narrative plans, and appropriate documentation. The facility must comply with any life/safety codes and requirements. While this option offers more residential flexibility for clients, it requires careful department of health and human services oversight. **Vote 18-0.**

HB 1636-FN, establishing the real-time electronic controlled drug prescription monitoring program. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G Case for Health, Human Services and Elderly Affairs: This bill would establish a “real time” electronic controlled drug prescription monitoring program administered by the department of health and human services. While the concept of giving doctors the ability to track controlled drug prescriptions and thereby avoid much of the abuse of these drugs is admirable, this bill is simply not practical, fiscally or otherwise. Only about 20% of our physicians use the required electronic prescribing technology, and passage of this bill would require contracting with a commercial venture. In addition, the bill calls for the use of biometrics as identifiers without adequate attention paid to the privacy issues raised. While 38 other states have prescription monitoring programs (PMPs), none of them employ this particular real time technology. Furthermore, there is no demonstrated correlation between the existence of a PMP and decreased fraud or abuse of controlled drugs. The committee also believes this bill is weighted too heavily towards law enforcement rather than a program to improve health outcomes. An amendment was presented to try to reduce the fiscal impact by clarifying that the program would not go forward without full federal funding of the multimillion dollar annual cost, but the committee believes we should not implement expensive new programs without a funding mechanism in place. **Vote 15-1.**

HB 1649-FN, relative to health information and patient rights and establishing a commission to study adding certain information to a driver's license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G Bridgham for Health, Human Services and Elderly Affairs: This bill, as amended, gives a patient a way to check if someone they identify has had access to their medical records during a specified period in the past three years when the records are in electronic form. It requires the medical provider who maintains the records to examine any audit trail associated with the patient’s record and to report, as available data permit, whether the identified person had access or not and to what extent. Testimony indicated this is consistent with practice at many New Hampshire hospitals. The amendment also removes the commission and the consent provision. **Vote 15-0.**

JUDICIARY

HB 1133, relative to the duration of involuntary emergency admissions. **OUGHT TO PASS.**

Rep. William L. O'Brien for Judiciary: This bill extends the 10-day period that an involuntary emergency admission for psychiatric reasons may continue before a probable cause hearing in probate court. This extension would result from the exclusion of Saturdays, Sundays and holidays from the calculation of the 10-day period. Essentially, the hearing would have to be brought in ten “business” days rather than ten “calendar” days. Testimony by a staff member of the New Hampshire Hospital established that allowing the additional time would result in fewer probate court hearings as admission issues are often resolved during the period of 10 business days following those admissions. It was explained in testimony that this extension which will result in savings of court and hospital resources. Other testimony did not establish any substantial prejudice to patients, but did suggest that appropriate care of some patients may be enhanced by a less hurried response to assisting them. **Vote 13-1.**

HB 1154, relative to the period for which claims may be presented against a trust. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Judiciary: This bill would limit the time period during which claims may be presented for settlement to the trustee of a revocable trust to six months from the date of appointment of the personal representative of the settlor’s estate, if one has been appointed, or to six months after the settlor’s death if a personal representative has not been appointed by then. Concern was expressed about the time frame chosen. Concern was also expressed because, unlike an estate, notice is not routinely given about the existence of a trust. Thus, the existence of a trust may not even be discovered until some time after the death of the settlor. **Vote 18-0.**

HB 1196, relative to the time period interest is charged on judgments. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Nixon for Judiciary: This bill as originally introduced would change the date of interest accumulation on verdicts from the date of the writ to the date of the event which gave rise to the proceeding involved. The sponsor recommended that the bill be reported as inexpedient to legislate since existing law, RSA 524:1-b provides for interest accumulation from the date of filing of the writ, as has been the case for decades. The committee believes that the problem of insufficient interest on judgments to accomplish the purposes of such provision, to encourage settlement of disputed matter, and fairly compensate victims of wrongdoing, were better achieved by other legislation. **Vote 14-0.**

HB 1223, relative to notice in class action cases under the consumer protection act. **OUGHT TO PASS.**

Rep. Robert B Thompson for Judiciary: This bill requires that notice in class action cases under the consumer protection act are provided by the rules of the court, which may include either individual notice or publication or both as determined by the court. HB 1223 would have class actions under the consumer protection act comply with the same procedures for notice to class members that state and federal courts use in all other cases. **Vote 14-0.**

HB 1255, relative to requirements for apportionment of damages. **INEXPEDIENT TO LEGISLATE.**

Rep. David L. Nixon for Judiciary: This bill provides that fault or legal responsibility may not be assigned or apportioned against persons who are not parties to a law suit. It was thought that its passage would lessen the unfairness, complexity, and increased litigation resulting from the *DeBenedetto v CLD Engineering, Inc. et al* case. At the hearing on the bill it became clear to the sponsor that some of the affected parties misunderstood the bill. Thus the recommendation of inexpedient to legislate. The unfortunate result will be continuing confusion, complexity and unfairness to New Hampshire citizens harmed by the fault of others. **Vote 14-0.**

HB 1257, changing requirements for extensions of time for hearings by pretrial screening panels for medical injury claims. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip Preston for Judiciary: Under current law, the chairperson of a medical malpractice screening panel may extend the hearing date no more than 11 months from the return date unless good cause is shown. It does not say what happens if the hearing is not held within that time frame. If this bill passes and should the hearing not take place, it would be waived and panel would be dismissed, unless the parties agree otherwise or unless the delay was caused by the plaintiff without justification. The bill will ensure that the panel process is conducted within 11 months. **Vote 15-0.**

HB 1258, relative to the award of costs and attorneys' fees incurred in the medical injury screening panel process. **INEXPEDIENT TO LEGISLATE.**

Rep. David L. Nixon for Judiciary: The sponsor recommended this bill be reported inexpedient to legislate inasmuch as the testimony at the hearing on the bill indicated confusion about its language and effect; there was concern expressed that it would add to the cost to both sides of medical malpractice cases and screening panel procedures. **Vote 15-0.**

HB 1259, relative to subrogation claims and liens in civil actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Nixon for Judiciary: This bill, as amended, will place subrogation claims and liens provided for in insurance contracts on the same footing as statutory workers' compensation liens, in that if the injured claimant recovers damages from a wrong doing third party, the costs of the recovery will be fairly apportioned by the court as between and amongst the interested parties "as justice may require." It means that all who share in any such recovery will also share fairly in the costs and expenses relating to the recovery. **Vote 13-0.**

HB 1320, permitting the victim of a crime to offer a statement at certain civil proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Judiciary: This bill would require the court to permit a victim of a crime to address the judge at involuntary commitment proceedings held to determine the

competency of a respondent. The issue at an involuntary commitment hearing is limited to the mental condition of the respondent. Although some members of the committee thought it might be advisable to notify victims of a crime of involuntary commitment hearings, the committee did not feel that it was appropriate to require the judge to allow victims to address the court to express "his or her views concerning the offense and the person responsible." **Vote 13-0.**

HB 1449, relative to complaints against judicially appointed guardians ad litem and psychotherapists. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G Wall for Judiciary: This bill would prohibit consideration of complaints against judicially appointed guardians ad litem and psychotherapists by the guardian ad litem board, and the board of mental health practice, unless the court which made the appointment has determined that there is a substantial basis to refer a complaint for consideration by the board. The guardian ad litem board has a well-defined process, that is functioning well. The complaint process requires a subcommittee of the GAL board to receive complaints, review them through a specified process and make recommendations to the full GAL board for further action, if necessary. Adding another layer of process by including the courts simply makes it more difficult for the public's complaints to be heard. **Vote 16-2.**

HB 1524, relative to the liability of town and city health officers and overseers of public welfare. **OUGHT TO PASS.**

Rep. Philip Preston for Judiciary: This bill simply adds town and city health officers to the list of municipal officials who are protected from civil liability when acting in their official capacity in good faith and within the scope of their authority. It also allows the governing body of political subdivisions to vote to indemnify city and town health officers and overseers of public welfare for accidental injury or damage to property while acting within the scope of their employment or office. **Vote 18-0.**

HB 1543, relative to the annual rate of interest on judgments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Nixon for Judiciary: This bill, as amended, provides the annual rate of interest on judgments in consumer or individual cases shall be 10%, rather than be determined by a formula based on a government borrowing formula. Interest will begin to accrue on judgments entered on or after the effective date of the bill. This is the same rate of interest applicable to New Hampshire business transactions generally. In Massachusetts the applicable rate of interest is 12%. The purposes of the laws relating to interest are to encourage settlement of cases and, in those very few cases which are not settled, to compensate fairly injured victims of wrongdoing by others. **Vote 15-**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1509-FN, relative to unemployment compensation for self-employed individuals. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin C Bishop for Labor, Industrial and Rehabilitative Services: This bill would permit self employed LLC individuals to exclude certain individual wages from the wages it reports to the department of employment of security. The problem with the bill is that if an employer does not participate in the state unemployment system, they are required to pay into the federal system, which is a higher tax rate and the department and the unemployment advisory council did not support this bill. **Vote 11-0.**

LEGISLATIVE ADMINISTRATION

HB 1210, relative to the availability of proposed amendments to bills and resolutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Legislative Administration: We have all asked for an amendment to a bill going through the legislative process. A large majority of those amendments are not acted on by the standing committees. This bill would have required that all amendments to bills and resolutions would have to be posted on general court's Internet site. It had an effective date of 60 days after passage. The intention of the sponsors as stated in the testimony was for transparency and public access to all amendments. During discussion the majority of the committee felt that

this would cause more confusion for the public and also cause a lot of extra work for our staff. The committee requested that the sponsors get together with the clerks of both houses, office of legislative services and the office of information technology to see if there was a way to share amendments without all the confusion. An amendment was presented to the committee that would have required that only the amendments that were posted in the calendar for public hearings would be posted to the internet site. After deliberation, the majority of the committee concluded that a new House procedure, with approval by the Speaker, could put those specific amendments on the website immediately without putting the requirement in statute. This action would then start a pathway to getting more amendments on the website once the glitches, if any, were fixed. **Vote 16-2.**

HB 1304, extending the task force on homeless teenagers and the commission to study alternate fuel vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Legislative Administration This is the annual bill to extend the reporting dates of those study committees that need a bit longer to complete their duties. The committee agrees that giving these committees extra time to finish their good work is appropriate and in the best interests of the people of New Hampshire. These committees include: the Task Force on Homeless Teenagers (report date extended 1 year to 9/1/2010), the Commission to Study Alternate Fuel Vehicles (report date extended 4 months to 3/1/2010), the Committee to Study the Certificate of Need Process (report date extended 9 months to 11/1/2010) and the Task Force to Study Access to Dental Care (report date extended 1 year to 11/1/2010). **Vote 16-0.**

LOCAL AND REGULATED REVENUES

HB 1427, relative to the conversion period for quarterly billing for property taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Butterworth for Local and Regulated Revenues: Municipalities may determine how often they will bill for taxes. Timing is everything when transitioning from once or twice a year to 4 times a year, and HB 1427 was a simple housekeeping idea made complicated by trying to distinguish between the different types of towns in the state. The resulting language would make a grammarian weep, but apparently says that the first payment will be on April 1, or, if you have an annual town meeting the governing body can determine the date, but not just before or just after the meeting. **Vote 16-1.**

HB 1440, relative to property tax exemptions for the disabled. **INEXPEDIENT TO LEGISLATE.**

Rep. Liz H Merry for Local and Regulated Revenues: The sponsor asked the committee to recommend ITL on this bill. **Vote 17-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1151-L, relative to the lapse of county appropriations. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: The county convention is the legislative body of the county. The commissioners are the governing bodies. In RSA 24:15 no county commissioners, or elected or appointed county officer, shall pay, or agree to pay or incur any liability for the payment of, any sum of money for which the convention has made no appropriations. Unless otherwise ordered by the convention, the commissioners may use a sum of money for a different use as long as they do not exceed the total sum of appropriations made by the county convention. The convention, made up of state legislators from each county, has control of what the commissioners may spend county money on which has been authorized. If a county convention wants to require the commissioners to get approval from the convention or the executive committee prior to spending money for any reason, the majority of the convention only has to adopt a motion to direct the commissioners to do so. This bill wanted to require a portion of the municipal budget act to affect county budgets. The purpose of the municipal budget act, RSA 32, governs municipal subdivisions, not counties. The committee did not want to incorporate RSA 32 into the county statutes since the convention has a fiscal control already. **Vote 15-0.**

HB 1176-L, relative to town auditors. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W Sterling for Municipal and County Government: The purpose of this bill was to ensure that an audit of a town's finances be completed on a yearly basis when the town clerk or the town manger also was the tax collector, the intention being that an outside audit was completed to ensure that there were no irregularities in the handling of the town's funds. The committee believed that the purpose of this bill was covered equally well by the more comprehensive changes proposed in HB 1448 which the committee has recommended as OTPA.

Vote 15-0.

HB 1198-L, relative to public hearings on municipal budget preparation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government: There has been some confusion on the local level regarding the notification requirements for supplemental hearings. Currently the initial public hearing for the budget has to be held not later than 25 days before each annual or special meeting with public notice being given seven days in advance. If a supplemental hearing is required, the seven day notice still has to be met. However, if an additional supplemental hearing is needed then the hearing may be recessed to a time and place certain and no additional notice is required according to this bill. Section 1 covers traditional towns and sections 2, 3 and 4 cover official ballot towns. The committee agreed that this clarification was needed. **Vote 15-0.**

HB 1267-L, relative to applications for hawkers and peddlers licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin W Sterling for Municipal and County Government: The purpose of this bill is to enable municipalities to require federal and state background checks on those individuals who seek to obtain hawkers and peddler licenses. The intent of the bill's sponsor is to add a level of scrutiny to those individuals that apply for such licenses that would reveal any public safety concerns in their past. This bill adds language to RSA 320:8 that informs an applicant for a hawkers and peddler license from the secretary of state's office that a state and a federal background check may be conducted if the local ordinance concerning the granting of such a licenses so requires. The bill further adds language to RSA 31:102-a that requires an applicant to a municipality to provide a release form to the municipality authorizing the release of such a background check to the municipality and that the applicant further direct the department of safety to release the information to other municipalities listed by the applicant. The bill further directs that the results of the background check be sent to and be retained by local law enforcement agencies. **Vote 15-0.**

HB 1287, relative to setback requirements on private rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: The intention of this bill was to protect the future use of right of ways by requiring the set back of any structure or septic system from the known edge of the right of way. In delving into this issue it became apparent that there were more questions than answers. The width of a private right-of-way would need to be established and who would make that determination? Normally, the old private rights of way do not have a known monument to distinguish any surveyed point. The width of the right of way in this bill was to be as a town road. What level of standard would be used, since there are many different standards in each of our towns. As written, there may be a taking of land, though not the intention of the bill sponsors. The remedy put forth in this bill is too severe for the protection of future uses. The committee felt that the private negotiations that solve these issues now should be left to the private sector. **Vote 15-0.**

HB 1303, relative to maintenance, repair, and preservation of burial grounds. **REFER FOR INTERIM STUDY.**

Rep. Ronald R Boisvert for Municipal and County Government:.. New Hampshire properties contain hundreds, if not thousands, of family burial grounds. The committee heard testimony that good intentioned people could not enter a burial ground and restore it without the consent of the descendents of the family. If no descendents could be found, the current law does not allow others or an organization to enter and maintain a burial ground. This bill addressed those issues but the

committee didn't feel all questions had been answered. The committee felt that the questions raised could be addressed in interim study. **Vote 15-0.**

HB 1375, establishing a committee to study regional planning commissions. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S Laliberte for Municipal and County Government: The committee felt that any problems with the commissions were local and should be dealt with on the local level. The commissions vary in size, location and areas of interest and perform their work for their local areas. **Vote 14-0.**

HB 1382, relative to workforce housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne S Laliberte for Municipal and County Government: If passed, this bill would declare that a municipality is providing workforce housing if it does not require minimum frontage or building set backs or restrict residential lot size. This committee believes that since the workforce housing statute just went into effect, it is premature to amend the statute. **Vote 14-1.**

HB 1395, relative to workforce housing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah Wheeler for Municipal and County Government: The intent of this bill as originally presented, would dramatically soften the workforce housing bill, which was passed in 2008. Business communities have identified the need for more workforce housing. If passed, it would change the definition of multi family housing to fewer units per project and also change the economically viable part of the original 2008 bill. The committee recommended an amendment which reminds business and municipalities that they have the power to require workforce housing applicants to provide restrictive covenants. **Vote 15-0.**

HB 1448, relative to town audits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L Patten for Municipal and County Government According to RSA 41:31, all municipalities currently are required to do an audit, either by a Certified Public Accountant type audit or by a local elected board or officer audit. Over the past several years, cases of fraud and embezzlement at the local level have been discovered and prosecuted. This has been disturbing to local officials as well as taxpayers. Section 1 of this bill sets up the duties and reporting procedures that assure the financial information presented in the audit is reliable at the town level. Section 2 addresses the school district auditors and removes the ability of the department of revenue administration (DRA) to perform audits. Sections 3 and 4 state that if a city or school district is audited under RSA 671:5 the same procedures for municipalities will be followed. The DRA shall make rules under RSA 541-A to give elected auditors the audit procedures necessary to assure the financial information is reliable. The committee agreed that these changes were valuable and necessary. The remaining sections of the bill were technical in nature. Section 5 adds that a copy of the signed selectmen's warrant and an actual tax bill be submitted to DRA by the tax collector. Section 6 corrects a citation in RSA 40:14, procedures to adopt the official ballot referendum form of meeting. Section 7 aligns the petition process for increasing the board of selectmen to 5 members to 25 or more registered voters or 2 percent of the registered voters in town instead of just 2 percent of the registered voters in town. Section 8 gives the clerk of a village district an extra 10 days to deliver a certified copy of votes to raise money by taxation to the selectmen and the DRA. Section 9 repeals the antiquated language of RSA 41:31 since the procedures in RSA 41:31, a-d govern audits. **Vote 15-0.**

HB 1483, relative to appropriations in the county budget and expenditures of state and federal grants by counties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elaine M Lauterborn for Municipal and County Government: The original bill addressed the handling of county funds in the county budget and required that state and federal grants be appropriated by the county convention before they could be expended. The committee heard testimony on the authority of the county commissioners. A sub-committee studied clarification issues so as to avoid conflicts. The amendment replaces the original bill and provides that the county convention may adopt a policy regarding the acceptance of grants. The amendment also reduces the required review of expenditures by the executive committee from no less than quarterly to no less than twice a year. **Vote 15-0.**

HB 1511-L, relative to municipal reimbursement for local assistance and establishing a committee to study local assistance under RSA 165, concerning aid to assisted persons.

INEXPEDIENT TO LEGISLATE.

Rep. Franklin W Sterling for Municipal and County Government: This bill sought to amend RSA 165:1-a that would compel the city or town from which a welfare recipient moved to reimburse the city or town to which they moved and from which they were receiving assistance if the recipient had not been a resident in that town or city for more than 90 days. The bill's sponsors are concerned that some municipalities are moving their welfare burdens to other towns thus relieving themselves of the necessity of providing financial assistance. The committee is of the opinion that the formal and informal networking of the directors of welfare is better able to get reimbursement from their neighbors when its warranted. The committee also felt that there were legitimate reasons, such as the availability of low income housing, medical services and other social services, for an individual to move from one town to another. **Vote 15-0.**

SB 128, relative to the community revitalization tax relief incentive, and clarifying the authority of towns to respond appropriately to the American Recovery and Reinvestment Act of 2009 and similar acts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin W Sterling for Municipal and County Government: The purpose of this bill is twofold. First, the bill contains modifications to RSA 79:E which authorizes municipalities to create a community revitalization tax relief incentive program. The intention of the legislation passed last year was to help communities provide incentive for individuals to restore historic buildings in the downtown districts. Some cities have discovered that the percentage and monetary limits were insufficient for the projects which came before them. This bill allows the municipalities to adopt stricter standards for their projects. The second part of this bill refers to the American Recovery and Reinvestment Act of 2009. Because funds might still be available to municipalities under this act, this bill changes the deadline dates in order for communities, school or village districts the ability to accept future funds by calling a special meeting without court approval to consider an appropriate response. **Vote 17-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1418, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G Chandler for Public Works and Highways: This bill names the smaller Route 119 bridge over the Connecticut River from Hinsdale to Brattleboro the Charles Dana Bridge. The bill also corrects the name of a bridge across the Connecticut River in Chesterfield from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge. The amendment adds the bridge number; 042/044. **Vote 15-0.**

HB 1419, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Rudyard Kipling Bridge. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G Chandler for Public Works and Highways: This bill, as originally written, would have named a bridge over the Connecticut River from Hinsdale to Brattleboro after Rudyard Kipling. Given that Mr. Kipling had no, or virtually no, connections to New Hampshire, the committee voted the bill ITL. After that vote, the Town of Hinsdale came forth with a suggestion that a fitting name for the bridge would be the Anna Hunt Marsh Bridge. Given this new information, the committee voted to reconsider its ITL vote, held a public hearing on the new amendment and voted unanimously that bridge number 041/040 should be named after Anna Hunt Marsh. **Vote 15-0.**

HB 1480, relative to rail authority bonds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: Currently, the NH rail transit authority has unlimited bonding authority; however, the full faith and credit of the state is not behind these

bonds. The bill, as originally introduced, would have required that the General Court approve any bonds let by the rail transit authority. The treasurer reviewed the proposed legislation and was concerned that by having the General Court approve the bonds that the state might become liable for the repayment of them. She also suggested that there should be a cap on the amount that the rail authority can bond, as is currently the case with the Pease development authority and the turnpike system. The amendment replaces the entire bill and sets an aggregate bonding cap of \$125 million for the authority. The second portion of the amendment requires the authority to report semi-annually to the capital budget overview committee on the activities of the rail authority. **Vote 15-0.**

HB 1578-FN, relative to state agency evaluation of contractors. **REFER FOR INTERIM STUDY.**

Rep. Carl W Seidel for Public Works and Highways: This legislation is intended to provide a management system for all state agencies on vendor performance and to help vendor's correct problems with their perceived performance. However, implementation will require staff to write regulations that will cover the state's legal liability and methodology for all agencies. Proposed Senate legislation has similar management objectives on a broader scale. The sponsors and the committee will have the opportunity to write proposed legislation for next session. **Vote 12-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1148, establishing the New Hampshire great ponds study commission. **INEXPEDIENT TO LEGISLATE.**

Rep. James D Aguiar for Resources, Recreation and Development: This bill would create a commission to study the great ponds of New Hampshire. The focus would be upon invasive exotic species which pose a threat to natural and man-made resources. Based upon the recommendations of the bill's sponsor the committee recommends ITL, since it appears to be a duplication of existing efforts. **Vote 16-0.**

HB 1153, relative to membership of the commission to study water infrastructure sustainability funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela J Hubbard for Resources, Recreation and Development: This bill will add one new member, representing the granite state rural water association, to the commission to study water infrastructure sustainability funding. The granite state rural water association is comprised of over 200 small water systems in the state. The amendment rectifies an error in citation. This bill is supported by the department of environmental services (DES). **Vote 17-0.**

HB 1159, relative to the classification of snowmobile trails maintenance vehicles. **OUGHT TO PASS.**

Rep. David H Russell for Resources, Recreation and Development: This is a housekeeping bill which simply classifies a trail grooming machine as a snowmobile. It allows them to cross public highways as a "recreational" snowmobile can. Every groomer still needs certification from the bureau of trails and the department of fish and game. The bill was requested by the fish and game department. **Vote 17-0.**

HB 1194, prohibiting smoking on beaches at state parks. **REFER FOR INTERIM STUDY.**

Rep. Marcia G Moody for Resources, Recreation and Development: This bill preserves the natural resources and enjoyment of beaches at our state park beaches. Second hand smoke has been found to be particularly harmful to those with chronic breathing difficulties. But the general public also has a right to enjoy the outdoors at beaches where large crowds congregate. In addition, discarded filters present a huge trash problem, and are injurious to birds, aquatic life and water quality. The state of Maine enacted a ban on smoking at their beaches last year. Interim study will give New Hampshire an opportunity to assess the effectiveness of this approach. **Vote 16-1.**

HB 1222, relative to the authority of the commissioner of the department of environmental services to grant permits under the comprehensive shoreland protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim U McClammer for Resources, Recreation and Development: The intent of this bill is to clarify the interaction between the regulation of land use by local and state authorities. Municipalities may have ordinances that are more restrictive than state regulations and they can grant waivers or variances to them. The department of environmental services testified that it is already well established in statute that the decisions of local boards cannot control how state permits are acted upon. **Vote 18-0.**

HB 1231, establishing a commission to study methods of replacing the Old Man of the Mountain as part of the overall state tourism plan. **INEXPEDIENT TO LEGISLATE.**

Rep. James D Aguiar for Resources, Recreation and Development: This bill would establish a commission to study methods of replacing the Old Man of the Mountain as a part of the over all tourism plan for New Hampshire. The committee learned that an active group already exists that is studying this matter. **Vote 17-0.**

HB 1266, relative to notification requirements for lowering the water level of a lake or pond. **OUGHT TO PASS.**

Rep. L. Mike Kappler for Resources, Recreation and Development: In September 2009, RSA 482:13 established a program to address the protection of flow levels in the state protected rivers. There are two alternative ways to do this: reduce water withdrawals, or release water from dammed lakes and ponds. This bill allows for the latter when a water emergency arises. **Vote 17-0.**

HB 1295, establishing a committee to study the effects of milfoil and methods of eradication. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim U McClammer for Resources, Recreation and Development: The sponsor requested that this bill be voted ITL, since it duplicates what the existing exotic aquatic weeds and species committee is already doing. **Vote 17-0.**

HB 1298, establishing a statewide septic system commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith T Spang for Resources, Recreation and Development: The committee heard convincing testimony that failing septic systems are a significant source of pollution of our water bodies. New technology and potential new regulatory approaches for addressing this problem need to be explored. However, house rule 36-g mandates that in this second year of the session, the committee would only have until November 2010 to complete its work. The bill should be reintroduced next year. **Vote 17-0.**

HB 1322, relative to the dam management review committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Henry A. L. Parkhurst for Resources, Recreation and Development: The continuing deterioration of the state's dams present a danger to citizens and property as well as raising liability issues. Repeatedly, attempts have been made through legislation to find a funding source for maintenance of our 227 dams. As of April 2010 there will be no money left in the dam maintenance fund. The committee created by this bill will include members from each of the house policy committees involved, the Resources, Recreation and Development Committee, the Public Works and Highways Committee, and the Ways and Means Committee. The department of environmental services fully supports this mechanism for addressing a very serious situation. The amendment replaces the entire bill. It requires the committee to review the dam maintenance fund. It restructures the make-up of the committee to include members who will have authority to make recommendations for sustainability of funds, decommissioning, breach, sale, rental or other actions related to specific dams and consider other revenue sources to fund proper maintenance. **Vote 18-0.**

HB 1348, relative to enforcement of surface water classification. **REFER FOR INTERIM STUDY.**

Rep. James D Aguiar for Resources, Recreation and Development: This bill would attempt to clarify the enforcement of regulations to support state surface water classifications. Based on the recommendation of the department of environmental services, the committee recommends

Interim Study so that its complexities can be studied in tandem with HB 1305 now in Interim Study. **Vote 18-0.**

HB 1450, relative to the designation of a portion of the Cocheco River as a protected river. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James D Aguiar for Resources, Recreation and Development: In September of 2009, the Cocheco River was designated into the state rivers management and protection program. An error was made in the identification of the upstream beginning of the protected segment, and this bill as amended makes that one-word correction. **Vote 18-0.**

HB 1466, relative to rafting of boats in Braun Bay. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim U McClammer for Resources, Recreation and Development: This bill as presented has fundamental flaws. The department of safety's marine patrol indicates that regulations exist to address the problems it raises. Lack of resources to enforce them plays a significant part. The solution to this problem may lie with the local municipal authority working with the department of safety's marine patrol to enforce existing state regulations. **Vote 17-1.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1270, relative to permitting existing hydroelectric plants to receive grants from the renewable energy fund for installing upgrades. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: The renewable energy fund established in the renewable portfolio standard (RPS) statute and overseen by the public utilities commission (PUC), was created to help fund renewable energy projects. To date only a residential rebate program has been made available by the commission, leaving commercial and industrial projects without an equal opportunity to apply for grants. This amended bill, a compromise between the affected industries and the PUC, gives the commission further incentive to establish competitive grant opportunities and requires it to reasonably balance the awards between residential and nonresidential sectors. **Vote 14-0.**

HB 1353, relative to group net energy metering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy: Current NH net metering allows electric customers to install renewable energy systems up to 100 kilowatts, interconnect with the electric grid, use the power generated for their own electricity needs, and receive credit toward their next bill if excess energy is sent to the grid. This bill, as amended, enhances this opportunity by permitting systems up to 1 megawatt and by giving the customer-generator of systems over 100 KW the choice of receiving credit or being paid by their electric utility for the excess power. The bill was the subject of over a dozen hours of discussion both with stakeholders (including municipalities, utilities, agriculture, and industry) and in committee. Although in the process of compromise it lost the "group" aspect of its title, it remains a positive incentive for more renewable energy in our state. **Vote 13-1.**

HB 1377, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: This bill is enabling legislation which will permit utilities to establish loan programs related to fuel efficiency and alternative energy. The bill also permits loans to be repaid through savings on the customer bill or by any other means acceptable to the parties. **Vote 14-0.**

HB 1659, including solar hot water heating systems in electric renewable energy class I. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A Cali-Pitts for Science, Technology and Energy: This bill would have included solar hot water heaters to be inserted into class 1 renewables. The committee and the sponsor, in light of the Renewable Portfolio Standard (RPS) review to take place in 2011, recommends the bill be ITL'd at this time. **Vote 14-0.**

STATE-FEDERAL RELATIONS

HB 1387, establishing a commission to study the need for supportive housing for homeless veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for State-Federal Relations and Veterans Affairs: The committee recognizes the need for supportive housing for homeless veterans in the state, housing that is permanent, independent and affordable, combined with on-site or visiting case management and support and employment services. This bill establishes a commission that will study homeless veterans' needs and consider financing methods for such supportive housing, including available federal funding. The commission will seek input from the state veterans council, the departments of corrections and health and human services, NHHFA, NHMA and New Hampshire legal assistance, and make recommendations for proposed legislation by November 1, 2010. **Vote 12-0. HB 1568-FN-L**, relative to the definition of wars and conflicts for the purpose of determining eligibility for public assistance payments for burial expenses of veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: This bill removes World War I and replaces it with July 3, 1921 to December 6, 1941 to cover our veterans that went into harms way during the period between world wars. It still requires a veteran to earn a theater of operations service or armed forces expeditionary medal. This allows us to bury all our deceased veterans in a dignified and timely manner. **Vote 11-0.**

HB 1610-FN, establishing a New Hampshire commission on Native American affairs and recognizing the Abenaki and other American Indian residents as a minority population in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: Based on the 2000 census approximately ten thousand New Hampshire residents identify their households as Native American. HB1610 would follow the lead of our fellow New England states along with the majority of our sister states by forming a commission on Native American affairs. The major goals of the commission are to highlight the historical and cultural contributions of Native Americans to the history of New Hampshire, improving the welfare and quality of life for our Native American citizens, along with how we as a people, all people can work together for the betterment of the common good. HB1610 doesn't single out any one tribe or group of Native Americans for special note; it requires the commission to be all inclusive, non-partisan, and non-tribe specific. Its mission covers all Native Americans past and present regardless of origin or tribe. An additional goal of the commission on Native American affairs would be to use federal laws to protect New Hampshire's Native American small businessmen and women when it comes to the creation and sale of Native American products. **Vote 17-0.**

HB 1625, relative to eligibility for the New Hampshire veterans' home. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Garrity for State-Federal Relations and Veterans Affairs: This bill, as amended, makes two changes in the requirements for entrance to our state veterans' home. This change is welcomed by the commandant of the home. The second change through the amendment will allow our reserve and NH air and army guard members eligibility for entrance to the veterans' home. This also was welcomed by the state adjutant general. The committee feels it is time to honor and recognize the above service members in our state and allow them access to the same services to which others who have served our country are currently entitled. **Vote 17-0.**

HCR 20, urging the federal government to expand the earned income tax credit to both parents in appropriate cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia P Sweeney for State-Federal Relations and Veterans Affairs: The committee vote reflects that HCR 20 tax credit concerns are being fully addressed at the present time in the United States congress. Furthermore, many issues concerning federal tax credits and tax deductions for children are often addressed in the divorce decree. The committee felt that this complex tax issue did not fall under New Hampshire jurisdiction. **Vote 15-1.**

HR 20, supporting the Cornyn-McCarthy Military Voting Protection Act. **OUGHT TO PASS.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: This is a resolution which states that we are concerned about our military absentee ballots where their right to vote and the right to a secret ballot that should be protected. There have been many issues with the federal law, which they are working on to correct to ensure that veterans' overseas ballots are

delivered in a faster/timely manner. The secretary of state said he will be working with the federal government to correct this temporary setback. **Vote 17-0.**

TRANSPORTATION

HB 1249, relative to seasonal highway limits for certain vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul H Ingersoll for Transportation: This bill would allow the trucking industry to continue to work during mud season when DOT posts the road ban on weight for trucks. This would allow the trucking industry to haul half of the weight they would usually haul, allowing the truckers to continue to work and bring money in to support their families and make their payments. The department of transportation approves this bill and will study the road impact and report back in two years. **Vote 12-0.**

HB 1269, relative to the operation of OHRVs and snowmobiles adjacent to public highways. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen C Umberger for Transportation: This bill, as amended, allows snowmobiles and OHRV's to operate in an area adjacent to public highways with application by OHRV/snowmobile clubs to be forwarded to the bureau of trails. This bill eliminates a problem associated with breaks in trails and eliminates the phrase "impracticable to gain immediate access" as in the current law. Often landowners do not grant permission for OHRV/snowmobiles to cross their property and the trail needs to be adjacent to the highway. Conservation officers, however, have difficulty determining whether or not, when an OHRV/snowmobile is using an area adjacent to the highway, it is a result of "impractical" to gain immediate access. This bill will not permit OHRV/snowmobiles direct crossing of interstate highways, divided highways or toll roads. **Vote 13-0.**

HB 1405, relative to reverse signal operation safety requirements for construction equipment. **REFER FOR INTERIM STUDY.**

Rep. Michael B O'Brien for Transportation: The committee determined that this bill should be referred to interim study due to the important merits of the bill. This bill would give additional assistance to heavy equipment operators in electronic or human forms to assist operators when they are backing up the equipment at job sites. This bill is known as Rob's Law and after a construction worker who was killed in such a backing accident. The committee will research federal law, as well as other state laws on this matter and will attempt to report back with recommendations for a bill that would meet NH standards of law. **Vote 13-1.**

HB 1408, relative to motor vehicle records. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C Umberger for Transportation: This bill was an attempt to place further instructions on what the department of motor vehicles could do with information provided on an application for a driver's license. The restrictions caused significant problems with the department from prosecuting a person who obtained a license under false pretenses or made an unsworn falsification in order to obtain a license. An amendment attempted to modify the requirements by placing all identification forms under security to be accessible only for verifying their legitimacy. The sponsor recommended the bill be noted by the committee as inexpedient to legislate. **Vote 13-0.**

HB 1432-L, relative to the use of blue lights on firefighting apparatus. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy A Soucy for Transportation: The motion to ITL was recommended by the prime sponsor after consulting with the agencies involved and realizing this bill was unnecessary and would cause more issues than it would solve. **Vote 13-0.**

HB 1465-FN-A, establishing firefighter number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation: After cost adjustments, monies from these plates would fund the NH fire academy. Although this has merit, the committee hears several plate requests annually. There is a study committee to look at these requests and report back with a recommendation of a fair system for these plates. Therefore the committee recommendation of ITL was due more to timing and waiting for the results of the study committee. **Vote 15-0.**

HB 1663-FN, relative to the exchange of inoperable E-Z pass transponders. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation: Chapter Law 177:54(2005) requires that the department of transportation (DOT) charge for the cost of the transponder, and rule making does not lend itself to cost allocations. The current approach charges the cost of the transponder to the customer, and the DOT is responsible for other related costs, such as mailings. The proposed bill would cost the turnpike system \$10 million dollars over three years. Due to a decline in transactions and projected revenues, the turnpike system would be faced with an unfair burden to fund transponder replacements. NH belongs to the interagency group (IAG) and is required to use the transponder unit agreed to by IAG members, which does allow the state to change transponder providers. Being a member of IAG allows NH EZ Pass customers the benefit of electronic tolling in other states, and in turn, allows out of state users to use the electronic tolling system. EZ Pass use is strongly encouraged. However it is a benefit and convenience to our traveling public. **Vote 14-0.**

WAYS AND MEANS

HB 410, relative to the licensing of alcohol and drug counselors. **OUGHT TO PASS.**

Rep. Dennis P Vachon for Ways and Means: The focus of the ways and means committee is on fiscal matters. The changes in the bill with regard to fines and fees are only technical corrections to ensure that current practice with regard to late renewal fees is explicitly authorized as recommended earlier by the executive departments and administration committee and the full House. **Vote 15-1.**

HB 425-FN-A-L, relative to remedies under the state right-to-know law and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John D Kelley for Ways and Means: The department of justice states the bill authorizes a civil penalty against an officer, employee or other official of a public body of not more than \$1,000.00 for violating the law in bad faith. The department of justice is designing a statewide training program. The department of administrative services has stated the cost of maintaining the dedicated fund is insignificant. **Vote 17-0.**

HB 681-FN, relative to assessments for aquatic resource compensatory mitigation. **OUGHT TO PASS.**

Rep. Susan W Almy for Ways and Means: The aquatic resource compensatory mitigation program is a voluntary program prized by developers and environmentalists alike. It was being subsidized by a federal grant that ran out. The developers have indicated that they would prefer to pay the true cost of the program rather than lose it. Raising the administrative assessment from 5% to 20% of the voluntary contribution to the mitigation fund achieves that. Given the short track record of the program, it is sunsetted in 2 years to allow reconsideration of the cost and assessment. **Vote 15-2.**

HB 1518-FN, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile. **OUGHT TO PASS.**

Rep. Ron J Mack for Ways and Means: This bill implements fee increases for (a) resident antique all terrain vehicle permanent registration and (b) resident antique trail bike permanent registration. These fees were inadvertently omitted from a bill passed last session that included OHRV registration fees. This bill will affect approximately 25 permanent antique registrations a year. The overwhelming bipartisan majority of the committee felt that adding these increases simplified the permitting paper work and field enforcement of the fish and game department. **Vote 17-2.**

HB 1581, relative to the taxation of railroads. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William G Johnson for Ways and Means: This is a housekeeping bill requested by the department of revenue administration to clarify appraisal procedures and terminology relative to railroads. The amendment removes outdated and duplicative language. **Vote 18-0.**

HB 1604-FN-A, establishing a credit against the interest and dividends tax for taxes paid to other states on certain distributions. **REFER FOR INTERIM STUDY.**

Rep. Robert M Walsh for Ways and Means: The committee heard many instances in which New Hampshire residents are taxed by other states, and many other instances in which they are not. The types of taxes in other states are also significant. The committee was unable to sort out these issues by the deadline, and is asking for Interim Study to look at them in calmer instances. The original bill does not do what the sponsor intended. **Vote 17-1.**

HB 1616-FN-A, creating an exemption from the business enterprise tax for new businesses in New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Robert M Walsh for Ways and Means: The committee liked the concept of this bill. It offered business organizations a great reason to establish in New Hampshire, with the hope of new jobs and new opportunity. However, there appeared to be some major issues, namely whether the new business was merely a branch of an existing business organization, or whether an existing business was simply re-registering itself under a different name. Upon bringing up those and other subterfuges, the committee has requested Interim Study to work these out for next term. **Vote 18-0.**

HB 1618-FN-A, exempting certain federally tax-exempt transactions from the business profits tax. **REFER FOR INTERIM STUDY.**

Rep. William G Johnson for Ways and Means: This bill attempts to rectify a conflict between federal tax law and New Hampshire tax law specific to section 1031 like-kind exchanges by exempting such transactions from the New Hampshire business profits tax. While the committee found merit with the intent of the bill, there remains issues that warrant further study.

Furthermore, there is legislation pending in the senate on the same subject. **Vote 19-0.**

SB 205-FN, making various changes to the criminal statutes. **OUGHT TO PASS.**

Rep. Susan G Price for Ways and Means: The committee agreed that due to inflation since the last revision of criminal penalties were made, that the proposed penalties need to be current with the economic realities of our criminal justice system. **Vote 14-0.**

WEDNESDAY, MARCH 3

REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1244, relative to insurance fraud. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B Hunt for the **Majority** of Commerce and Consumer Affairs: This bill has two sections. The first is to prohibit insurers from not only requiring, as is current law, but rather barring the warning language regarding insurance fraud in communications with an insured or potential claimant. This is standard language that most states require. The second section of the bill requires insurers to include language in all communications with an insured or a potential claimant advising them of their right to file a complaint with the New Hampshire insurance department. Although the committee does not have a problem with requiring insurers to add the NH insurance department complaint department phone number, the committee is strongly opposed to repealing and penalizing insurance companies from requiring customers to be aware that "Any person who, with a purpose to injure, defraud, or deceive any insurance company, files a statement of claim containing any false, incomplete, or misleading information is subject to prosecution and punishment for insurance fraud as provided in RSA 638:20." Insurance fraud begins when someone files a false statement; this bill would be a step backward in stopping insurance fraud. **Vote 11-5.**

Rep. Paul McEachern for the **Minority** of Commerce and Consumer Affairs: The minority believes that removing the fraud warning from correspondence from insurance companies to their insured's removes the stigma of that which goes with making a loss claim under an insurance policy. The minority feels that the fraud warning is intimidating to honest policy holders who have suffered a loss.

HB 1444-FN, allowing the purchase of drugs from Canada. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward A Butler for the **Majority** of Commerce and Consumer Affairs: The committee requested the recommittal of this bill in order to review its previous 17-2 vote of ITL. While the committee very much wishes to support a bill that would lower the costs of prescription drugs for everyone, we believe that this bill is not the answer to the problem. Presently, it violates federal law to import medicines from Canada, though the FDA has said it will not prosecute individuals who import small (3 months or less) amounts for personal use. Of concern however is the lack of accountability for safety standards and lack of legal recourse should a NH resident find a dispensing error or discover the product has been misbranded or adulterated. This is particularly troublesome since many drugs coming into Canada, primarily via the internet, are from other countries, such as China and India, where quality controls are unknown. In violation of federal law some cities and a few states created programs to purchase drugs from Canada. In all cases we know of, those programs are no longer operating. The costs savings turned out not to be as significant as projected. Interestingly, the committee heard testimony that recent changes in access to more affordable drugs for seniors, especially generics, has diminished some of the need for drugs from outside our borders. There is no doubt that efforts to control and diminish the cost of prescription drugs need to continue. There is one bipartisan bill proposed in Washington, the Dorgan-Snowe Pharmaceutical Market Access and Drug Safety Act, which proposes to import FDA-approved medications from countries which already manufacture many drugs under FDA scrutiny, namely Canada, Europe, Australia, New Zealand and Japan. This bill would do nothing to change what is already allowed or illegal so the committee cannot support it. **Vote 12-4.**

Rep. Joel F Winters for the **Minority** of Commerce and Consumer Affairs: Existing state laws do not prohibit either individuals or pharmacies from purchasing drugs from Canada. No testimony was offered that any person or pharmacy anywhere has ever been charged under state law (since it doesn't exist) for purchasing drugs from Canada. Each pharmacy that chose to violate federal law and risk federal charges under HB1444 would now be subject to a new state regulation included in this bill. Importing drugs from Canada makes such a great sound bite, that even though this bill accomplishes nothing, the minority recommends passing it so we can brag about it during this election year.

HB 1502, relative to costs associated with cashing payroll checks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David J Palfrey for the **Majority** of Commerce and Consumer Affairs: This bill requires an employer to instruct a financial institution that charges a fee for cashing a payroll check drawn on that institution to charge such fee to the employer's account. The majority of the committee felt that this would penalize the employer because the employer would have no prior knowledge of when a charge would be or was charged against their payroll account. It would also cause problems if the employer was outsourcing its payroll as it would be required to maintain an unknown amount as a surplus in its payroll account to cover such charges if and when made against its account. The employee may avoid the charge by establishing an account relationship with the bank in which the employer maintains its payroll account. The employee also has the option of cashing or depositing a payroll check with an other financial institution in which the employee has an account relationship. **Vote 10-5.**

Rep. Joel F Winters for the **Minority** of Commerce and Consumer Affairs: This legislation is a response to Bank of America's practice of charging a \$6 fee for non-customers cashing their payroll checks drawn on Bank of America, a practice that puts employers in violation of RSA 275:43, I(e), which requires that an employee be able to cash their payroll check for the full amount of the wages due. HB602, which passed 18-1 out of committee last year and passed the House on the consent calendar before dying in the Senate, addressed this problem by putting a requirement on a bank to charge any fee to the employer instead of the employee. Employers would be required to instruct the bank to charge the fee to their account and not to the employee under this legislation, a subtle but important difference in where the responsibility is placed. The House should continue to support the fundamental right of a worker to receive the all of the wages that they have earned.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1146, eliminating requirements for additional breath tests for blood alcohol content. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. The committee had some questions on this piece of legislation, including the constitutionality of the bill. The committee would like to ask the House to send questions concerning certain provisions of the bill to the supreme court for an advisory opinion and then address the issues later this session. The chairman of the committee will offer a motion to table this bill, in order to address a House Resolution, drafted at the request of the committee pursuant to House Rule 35 (c), requesting an Opinion of the Justices. **Vote 18-0 HB 1628**, establishing guidelines for neighborhood notification upon release of a sexual offender. **OUGHT TO PASS.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill requires the commissioner of the department of safety to develop and furnish, to the cities and towns of the state, guidelines which may be used by local law enforcement agencies for providing neighborhood notification of the release of a sexual offender to residents living in the neighborhood in which the offender will reside. This would put all municipalities on the same protocol. **Vote 16-3.**

EDUCATION

HB 1400, requiring all colleges and universities to report crimes to the local law enforcement agency. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick M Ladd for the **Majority** of Education: Post secondary education institutions and local law enforcement agencies need to work cooperatively in addressing crimes occurring on campus property. This bill, with amending language, states that absent a memorandum of understanding, any post-secondary public or non-public institution that has un-sworn law enforcement personnel shall immediately communicate certain campus crimes with local law enforcement. A memorandum of understanding between the institution and local law enforcement shall identify a process for immediately reporting offenses as listed in the National Incident Based Reporting System, Group A. Such agreements shall be in place by January 1, 2011 and colleges and universities are encouraged to annually inform students of this statute. All colleges and universities are urged to work cooperatively with local law enforcement authority in the interests of safety and well being. The bill as amended is also supported by the New Hampshire Association of Chiefs of Police. **Vote 19-1.**

Rep. Paul Ingbreton for the **Minority** of Education: Colleges and local law enforcement now have the discretion to determine together in “memorandums of understanding” which crimes outside of NIBRS group A offenses must be reported immediately and which not. This is to protect naïve students from themselves in certain less serious areas of crime in which others are not injured or aggrieved and all agree with the need to do so. However, this bill brought forward by law enforcement in two towns tilts the scales away from mutual understanding and gives the law enforcement community the power to force its will on the college by giving them the stick that as long as there is no “memorandum of understanding” – which they, the police, could indefinitely postpone on their own – colleges would be forced to potentially ruin young lives by making them report any and all, even minor issues, to the local police immediately. This is well intended but seriously flawed legislation.

HB 1411, requiring notice of the decision against rehiring be provided to educational support personnel. **WITHOUT RECOMMENDATION.**
STATEMENT IN FAVOR OF OUGHT TO PASS:

As amended, this bill demonstrates a collaborative effort to simply provide notification by the last day of a school year to education support personnel and non-certified school district employees who have completed their probationary period of employment of the intent that their employment will or will not continue into the next school year. Most importantly, if the employee knows that a job is not going to be available in the next school year, he or she can then begin the process of seeking a job without losing up to two months of inactivity. In the current job market it is important not to lose valuable time while waiting for notification in late summer. The bill allows

the employer to state any conditions such as budget or changes in enrollment that might necessitate a change to that anticipated employment. Nothing in this bill would construe, amend, replace or otherwise modify a school district's policy on dismissal, collective bargaining agreements or any employee benefits package. Not all support personnel are part of a collective bargaining unit and therefore have no access to union negotiations.

Rep. Nancy F Stiles

STATEMENT IN FAVOR OF INEXPEDIENT TO LEGISLATE:

A bipartisan coalition of the education committee members supported that this bill as amended was inexpedient to legislate for four reasons. One, the legislation would potentially restrict or eliminate budgetary flexibility to fund unanticipated expenses and staffing reallocation, post-budget passage, for our financially strapped school districts. Two, support personnel employment notification requirements have been negotiated through collective bargaining agreements. Three, this bill should have been assigned to the house labor committee to be thoroughly vetted for its impact on existing employer-employee labor relations law. Four, the bill contains no fiscal note for its financial impacts upon our school districts. The New Hampshire school boards association and New Hampshire School Administrators Association also oppose this legislation.

Rep. Brien L Ward

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1182, relative to return to state employment of recently deployed military personnel.

INEXPEDIENT TO LEGISLATE.

Rep. Donald F Ryder for Executive Departments and Administration: This bill was intended to allow state employees, returning from active duty, to take up to 15 days annual leave before returning to work. The bill, as written, did not cover all military branches and lacked clarity relative to the length of time of deployment required prior to receiving the benefit. There was also questions as to the fiscal impact of this proposal. **Vote 9-7.**

HB 1593-FN, establishing a board of dental hygienists. **REFER FOR INTERIM STUDY.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill would amend RSA 317-A:7 to create a governing committee for hygienists as part of the board of dental examiners. A totally separate board, although funded by hygienists' licensing fees, creates a fiscal impact inappropriate at a time we are consolidating regulatory boards, not splitting them. The committee is convinced that hygienists need separate governance to advance the profession, and that employer-employee issues complicate the professional regulations. The language will be clarified in interim study. **Vote 16-1.**

HB 1688, relative to the regulation of the installation and operation of boiler and pressure vessels. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill was developed by the study committee created by SB 98, Chapter 251 (2009) and addresses the building code obstacles to using biomass boilers built under European codes in commercial or government properties. These boilers are more efficient and have lower emissions than most current biomass boilers, and are currently used in single family homes. The amendment tightens the language to ensure that only the specific code the committee considered is adopted. **Vote 15-1.**

FINANCE

HB 1677-FN-L, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kimberley S Casey for the **Majority** of Finance: Similar to HB 1674, this bill calls for amending state education funding now in place so as to continue for the next biennium the protection offered by what is commonly referred to as the collar. Current law utilized this technique as a transition for the current biennium to keep the rate of decrease or increase in state education funding that school districts would need to deal with immediately within a manageable range. School districts had this biennium to prepare for the changes that would take place once the temporary collar was removed. The committee understands that while some

communities are happy and others unhappy with the current plan, we know of no way to please everyone and we conclude that within the range of choices available to us the current plan makes it possible for districts to plan responsibly. **Vote 14-11.**

Rep. Lynne M Ober for the **Minority** of Finance: The minority believes the educational "hold harmless" funding should remain in effect for two more years because of the economic recession that has caused the state to lower funding across the board for towns and cities. The state has a long-standing history of compassion when funding will be lost. When the governor proposed in his budget to stop revenue sharing, the legislature reluctantly agreed because of the economic recession. In addition, the rooms and meals distribution to towns and cities was capped while towns and cities will be asked to significantly increase payments to the retirement fund. The minority believes that it is a matter of fairness and compassion to extend the educational "hold harmless" funds to continue for two more years in order to ease the overall loss of funding to towns and cities.

JUDICIARY

CACR 20, relating to the administration of the supreme court. Providing that the rules promulgated by the chief justice governing the administration of the courts shall not have the force and effect of law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L Nixon for the **Majority** of Judiciary: CACR 20, if passed, would call for the repeal of that part of Pt. II, Art. 73-a, of the New Hampshire Constitution which provides that "rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts." It is necessary that the rules authorized by Pt II,. Art 73-a, continue to have "the forces and effect of law". Otherwise, our judicial system may become a rudderless ship and anarchy may result. **Vote 10-8.**

Rep. Robert D Mead for the **Minority** of Judiciary: Constitutional Amendment Concurrent Resolution 20 provides that the rules promulgated by the chief justice governing the administration of the courts shall not have the force and effect of law. The Constitutional authority granted to the court is to administer the law, hear questions of law, render judgments, and decide cases based upon the laws passed by the Legislature. In 1978, the voters amended the constitution to make the Chief Justice the administrative head of the court. [Art.] 73-a. [Supreme Court, Administration.] "The chief justice of the supreme court shall be the administrative head of all the courts. He shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law." CACR 20 is necessary because the supreme court, in its own self-interest, has expanded the power given them to make administrative rules, to interpret their rule making authority as taking precedent over any conflicting statutory laws that are passed by the legislature. This overreaching by the court is yet another example of its attempt to expand the court's size, scope and power. While the court should have the ability to organize and manage its internal administrative processes to best achieve efficient use of its resources and best management practices, and while these internal processes have the force of law for internal administrative management, they were never intended to take precedence over statutory laws passed by the people's representatives in the legislature, or to be used for raising fees or revenues.

HB 1254, relative to insurance coverage in tort cases. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David L. Nixon for the **Majority** of Judiciary: This bill provides for disclosure by the responsible insurance company of the applicable liability insurance limits on request by a claimant or the claimant's legal representative, within 60 days of such request, for purposes of encouraging settlement negotiations. Existing law provides for such disclosure only after suit is filed; but as a matter of practice results automatically in the disclosure of liability insurance limits on the basis that such disclosure "...would assist with settlement of the case". The majority felt that early disclosure, at the request of the claimant himself or herself, that is, before it was

necessary to file suit, would further the purpose of existing law in encouraging settlement. **Vote 11-5.**

Rep. William L O'Brien for the **Minority** of Judiciary: The minority opposes requiring private individuals and their insurers being forced to reveal their private insurance coverage information merely because someone surfaces and makes a "request" based on a self-identified and self-styled "claim" and that person's assertion that the insurer is "alleged to be responsible." Beyond just being defective in concept, HB 1254 is poorly drafted. It does not define what kind of a request must be made, what information must be included in the request, or how specific the request must be in order to be valid and begin the 60-day period for the insurer to respond. HB 1254 also would not give insurers an adequate opportunity to research coverage, both in terms of who might be covered by a policy and whether the policy provides coverage to a given claim, information that is sometime only available through discovery in a lawsuit, before insurers are under an obligation to effectively commit to insurance coverage being available. It encourages nuisance lawsuits by revealing a significant asset of a putative defendant. Its approach to civil lawsuits is to put consideration of a potential defendant's assets before consideration of the defendant's liability, thereby encouraging an evaluation of those assets to substitute for a proper consideration of liability. This bill reveals a trial lawyer's view of the world of civil litigation which the minority would describe as follows: "let's figure out if a possible defendant has some money, then we will get around to figuring out if he is liable." That may be a good way for civil litigators to approach the business of suing people; it is a poor way for society to structure a system that allows private litigation to remedy private wrongs, while at the same time trying to avoid frivolous and nuisance lawsuits.

HB 1260, authorizing enhanced compensatory damages for injury or death caused by operation of a motor vehicle after consumption of alcohol or a controlled drug. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David L. Nixon for the **Majority** of Judiciary: This bill, as amended, pertains to aggravated driving while intoxicated with alcohol cases only. It provides that if a driver who has pled, or been found guilty, of aggravated driving while intoxicated causes injury or death to another, and the jury in a civil case finds that the driver's conduct was wanton, reckless, or grossly negligent, the victim or victims may, in the jury's discretion, be awarded enhanced compensatory, but not punitive, damages. **Vote 8-5.**

Rep. Robert H Rowe for the **Minority** of Judiciary: New Hampshire has a long standing tradition of awarding only actual damages to an injured party. It has been our policy to make the party whole. Punitive damages are not allowed, and enhanced damages only in a few selected areas. To change this policy sends the wrong message to the legal profession both inside and outside the state. The erosion of our compensatory damages-only policy can result in our state becoming a profitable tort suit location in the northeast. The civil suit process is not to be utilized to discourage bad behavior; this is the function for the criminal and motor vehicle code.

HB 1344, relative to the taking of private property during a state of emergency. **MAJORITY: REFER TO FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Lucy M Weber for the **Majority** of Judiciary: The bill amends what property the state may take during a state of emergency, and the method of determining the compensation for property so taken. The underlying statute, RSA 4:46, was enacted in reaction to 9/11. A representative of the attorney general's office testified as to their concerns about the bill, but the areas of most concern to them were actually part of the current statute. The majority believes that it is time to re-evaluate the entire statute, and to consider the implications of repealing it altogether, rather than making changes piecemeal. **Vote 11-8.**

Rep. Robert D Mead for the **Minority** of Judiciary: This bill amends the state's powers to seize commercial and private property during a declared state of emergency. The minority of the committee believes that this bill will better protect the rights of the citizens of New Hampshire which are not adequately covered under RSA 4:46. To assure our citizens maintain the right to self-protection, as was denied the citizens of New Orleans in the aftermath of Hurricane Katrina, this bill specifically prohibits the taking, confiscation, or seizure of firearms, ammunition, or

ammunition components from law abiding New Hampshire citizens during a declared state of emergency. In addition, it requires emergency preparedness and security agencies to make advance contingency plans, and to set up in advance, agreements and arrangements with public and private organizations, and individuals for projected additional space, equipment and supplies which may be required as part of these plans. The seizure of heating oil and fuel supplies at commercial locations is limited to no more than 50%, and residential heating oil and gasoline are specifically excluded. HB 1344 also sets into place processes and procedures to determine fair market values and compensation standards for citizens whose property is confiscated by the state during the state of emergency and is damaged or destroyed. The minority of the Judiciary Committee asks for a no vote to overturn the majority so that a motion of ought to pass can then be made.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1567-FN, relative to leave of absence for military training. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for State-Federal Relations and Veterans Affairs: Every state employee who is a member of any national guard or reserve unit is provided up to 15 days paid military leave as per federal regulation. As per law no employee is required to use annual leave, sick days or personal time to serve. During this period the member receives both state and military pay. Any time over that 15 day period a member can use annual leave to “double dip” or the member can take leave without pay, while receiving military pay. An additional 15 days paid leave would be an extra expense to the state, would set a precedent for city and town personnel policies. No state employee goes on active duty without receiving the required pay and benefits for his or her rank and service time. **Vote 10-2.**

WAYS AND MEANS

HB 1445-FN-A-L, eliminating the meals and rooms tax on campsites. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John D Kelley for the **Majority** of Ways and Means: The rooms and meals tax is on meals and the rental of cars, hotel rooms, cabins, etc., including the rental of land and facilities in a campground. Basic tent sites with no facilities pay little tax. The more facilities the higher the tax. Campers from neighboring states which charge sales and varying local taxes are surprised that New Hampshire did not have a tax. They do not have a problem paying it. Campground owners testified that weather and the economy are what is primarily affecting current revenue from campgrounds as well as the tax. We cannot give up any revenue at this point. **Vote 10-9.** Rep. David J Bettencourt for the **Minority** of Ways and Means: From its conception, this new tax has generated considerable upheaval. The tax was unjustly adopted last session, without a public hearing, during the wee hours of the morning at the deadline of the budget committee of conference process. It represented the largest tax hike in the country as the tax went from zero percent to nine percent. At its core this tax causes significantly more problems that it purports to solve. During these economic difficulties, campsites barely have enough money to get through the season. At best a tax increase of this magnitude puts them at a competitive disadvantage; at worst it could put many campgrounds out of business. Additionally, this tax affects working people who cannot afford to go on expensive vacations so instead bring their families camping. Nothing can hide the fact that New Hampshire citizens of modest means will unfortunately be digging deeper into their already empty wallets because of this tax. In the end, the minority believes that it is wrong to subject campers to the rooms and meals tax when they supply both their own rooms and meals, which essentially means we are taxing our citizens to sleep on the ground at our campsites.

LAID ON TABLE

HB 133, requiring employers to report certain information regarding outsourcing to the department of employment security.

HOUSE BILLS AMENDED BY THE SENATE

HB 154, relative to truancy. (SJ 1/13/10)

HB 216-FN, relative to fees for legal services rendered to worker' compensation claimants. (SJ 1/21/10)

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (SJ 1/27/10)

HB 587-FN, establishing an information and analysis center within the department of safety. (SJ 1/21/10)

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (SJ 1/6/10)

HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (SJ 1/27/10)

HB 651-FN, relative to regulations of private investigative agencies and security services. (SJ 1/21/10)

COMMITTEE MEETINGS

MONDAY, MARCH 1

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB

9:00 a.m. Regular meeting.

COMMISSION TO STUDY ISSUES RELATIVE TO GROUNDWATER WITHDRAWALS (SB 155, Chapter 305:1, Laws of 2003), Room 305, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY THE ISSUE OF STORMWATER MANAGEMENT (HB 1295, Chapter 71:1, Laws of 2008), Room 305, LOB

1:00 p.m. Regular meeting.

STATE COMMITTEE ON AGING (RSA 161-F:7). Department of Health and Human Services, Brown Building, 129 Pleasant Street, Concord

10:00 a.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (HB 306, Chapter 373:2, Laws of 2007), Room 206, LOB

1:15 p.m. Regular meeting.

TUESDAY, MARCH 2

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:30 a.m. **HB 1471**, requiring the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers.

11:15 a.m. **HB 1170**, relative to licensure of home health care providers.

1:00 p.m. **HB 1602-FN**, relative to the secure psychiatric unit.

1:45 p.m. **HB 218-FN**, relative to the state park fund.

FINANCE, Rooms 210-211, LOB

10:30 a.m. Full committee work session on **HB 646-FN-L**, relative to caps on total billings to counties for nursing home care services, **HB 1428-FN**, relative to death benefits for surviving spouses of a New Hampshire retirement system member, **HB 1481**, relative to the use of turnpike tolls, **HB 1495**, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011, **HB 1566-FN**, requiring

financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system, **HB 1598-FN**, relative to the use of Temporary Assistance to Needy Families (TANF) funds, **HB 1668-FN**, requiring state creditable service for group II retirees to receive state employee medical benefits, **HB 1672-FN**, making appropriation additions and revenue reductions for fiscal year 2011.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:30 a.m. Full committee work session on **HB 1554**, allowing municipalities to establish energy efficiency and clean energy districts.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Executive session on **SB 305**, naming a bridge in Lisbon in honor of Specialist Alan J. Burgess.

10:30 a.m. Full committee work session on **HB 2010**, relative to the state 10-year transportation improvement program.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work session on **HB 1251**, relative to the sale and transfer procedures for shutdown emissions credits, **HB 1542-FN**, repealing nitrogen oxide emitting generation source requirements, **HB 1534**, relative to the issuance of air permits and certain fees relative to air permits.

1:00 p.m. Full committee work session on **HB 558-FN**, establishing a procedure for leasing state parks, **HB1286**, requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers, **HB 1441**, relative to claimant eligibility for victim's compensation, **HB 1513-FN**, relative to fees collected by the secretary of state for checklist information.

2:30 p.m. Subcommittee work session on **HB 626-FN**, relative to voter identification and **HB 507-FN**, relative to taxes, fees, and credits under the insurance laws.

WEDNESDAY, MARCH 3

TRANSPORTATION, Room 203, LOB

8:45 a.m. **SB 150**, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

THURSDAY, MARCH 4

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 431-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

10:30 a.m. **HB 1435-FN**, relative to the practitioner-patient relationship in the dispensing of prescriptions.

11:00 a.m. **HB 1544-FN**, relative to penalties for forestry violations.

11:30 a.m. **HB 1579-FN**, relative to electioneering by public employees.

1:00 p.m. Executive session on **HB 431-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable, **HB 1435-FN**, relative to the practitioner-patient relationship in the dispensing of prescriptions, **HB 1544-FN**, relative to penalties for forestry violations, **HB 1579-FN**, relative to electioneering by public employees.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH RESOURCES, RECREATION AND DEVELOPMENT, Rooms 305-307, LOB

9:30 a.m. Presentation by students at Dartmouth College on their study of the state parks system.

10:30 a.m. Presentation by the Director, Division of Parks on the 10 year strategic parks plan.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Full committee work session on **HB 646-FN-L**, relative to caps on total billings to counties for nursing home care services, **HB 1428-FN**, relative to death benefits for surviving spouses of a New Hampshire retirement system member, **HB 1481**, relative to the use of turnpike tolls, **HB 1495**, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011, **HB 1566-FN**, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system, **HB 1598-FN**, relative to the use of Temporary Assistance to Needy Families (TANF) funds, **HB 1668-FN**, requiring state creditable service for group II retirees to receive state employee medical benefits, **HB 1672-FN**, making appropriation additions and revenue reductions for fiscal year 2011.

2:00 p.m. Executive session on **HB 646-FN-L**, relative to caps on total billings to counties for nursing home care services, **HB 1428-FN**, relative to death benefits for surviving spouses of a New Hampshire retirement system member, **HB 1481**, relative to the use of turnpike tolls, **HB 1495**, relative to approval of chartered public schools from July 1, 2009 through June 30, 2011, **HB 1566-FN**, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system, **HB 1598-FN**, relative to the use of Temporary Assistance to Needy Families (TANF) funds, **HB 1668-FN**, requiring state creditable service for group II retirees to receive state employee medical benefits, **HB 1672-FN**, making appropriation additions and revenue reductions for fiscal year 2011.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:00 p.m. Executive session on **HB 1554**, allowing municipalities to establish energy efficiency and clean energy districts.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

3:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Rescheduled full committee work session on **HB 2010**, relative to the state 10-year transportation improvement program.

RESOURCES, RECREATION AND DEVELOPMENT JOINT WITH EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Rooms 305-307, LOB

9:30 a.m. Presentation by students at Dartmouth College on their study of the state parks system.

10:30 a.m. Presentation by the Director, Division of Parks on the 10 year strategic parks plan.

WAYS AND MEANS, Room 202, LOB

9:00 a.m. Subcommittee work session on **HB 1292**, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility, **HB 1293-FN**, relative to the oil discharge cleanup fund.

10:30 a.m. Full committee work session on revenue estimates.

FRIDAY, MARCH 5

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Continued regular meeting.

COMMISSION TO STUDY APPOINTING OR CONTRACTING WITH A FLEET

MANAGER FOR STATE-OWNED MOTOR VEHICLES (HB 1412, Chapter 218:1, Laws of 2008), rooms 210-211, LOB

1:00 p.m. Regular meeting.

COMMISSION TO STUDY HOSPITAL BILLING PRACTICES OF HEALTH CARE PROVIDERS (SB 188, Chapter 265:1, Laws of 2009), Room 100, State House

1:00 p.m. Regular meeting.

COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS (HB 672, Chapter 252:1, Laws of 2007), Room 304, LOB

1:00 p.m. Regular meeting.

SUNDAY, MARCH 7

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NH Technical Institute, Concord

1:00 p.m. Regular meeting.

MONDAY, MARCH 8

COMMISSION TO STUDY FUTURE SUSTAINABLE REVENUE SOURCES FOR FUNDING IMPROVEMENTS TO STATE AND MUNICIPAL HIGHWAYS AND BRIDGES (HB 2, Chapter 144:291, Laws of 2009), Room 201, LOB

2:00 p.m. Regular meeting.

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB

1:30 p.m. Regular meeting.

COUNCIL TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (RSA 125-P), Room 205, LOB

9:30 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), Room 103, State House

10:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

1:00 p.m. Subcommittee work session on **HB 1520**, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

WEDNESDAY, MARCH 10

TRANSPORTATION, Room 203, LOB

8:45 a.m. Executive session on **SB 150**, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

THURSDAY, MARCH 11

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 103, State House
3:00 p.m. Regular meeting.

FRIDAY, MARCH 12

COMMISSION TO STUDY THE DEATH PENALTY IN NEW HAMPSHIRE (HB 520, Chapter 284:1, Laws of 2009, Rooms 305-307, LOB)
10:00 a.m. Regular meeting.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Public Utilities Commission, Room A, 21 South Fruit Street, Concord
9:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
9:00 a.m. Regular business.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB
10:00 a.m. Non-public session of the Complaint Review Committee.
1:00 p.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB
9:30 a.m. Regular meeting.

MONDAY, MARCH 15

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB
11:00 a.m. Subcommittee meeting.
1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House
9:00 a.m. Regular meeting.

TUESDAY, MARCH 16

FINANCE, Rooms 210-211, LOB
10:00 a.m. Full committee work session on *HB 1664-FN*, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB
3:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB
10:15 a.m. Rescheduled executive session on *HB 2010*, relative to the state 10-year transportation improvement program.

THURSDAY, MARCH 18

COMMISSION TO EVALUATE LONG-TERM USES OF LAKES REGION FACILITY LOCATED IN LACONIA (HB 2, Chapter 144:281, Laws of 2009), Room 303, LOB

3:00 p.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1664-FN**, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures.

FRIDAY, MARCH 19

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 210-211, LOB (Please note room change.)

9:00 a.m. Regular meeting.

CITIZEN-FUNDED ELECTION TASK FORCE (HB 513, Chapter 237:1, Laws of 2009), Room 103, State House

2:00 p.m. Regular meeting.

MONDAY, MARCH 22

COMMISSION TO EXAMINE DRIVING WHILE IMPAIRED EDUCATION AND INTERVENTION PROGRAMS (HB 1311, Chapter 256:10, Laws of 2008), Room 202, LOB

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 23

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

3:30 p.m. Rescheduled regular business.

THURSDAY, MARCH 25

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

3:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will hold a rescheduled meeting to review the County budget, consider subcommittee recommendations and act on the final budget at 6:00 p.m. at the Belknap County Complex on Monday, **March 15**.

Rep. Alida I Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday **March 5** at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown.

Rep. Maurice Pilotte Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Merrimack County Executive Committee will meet on Monday, **March 8**, 2010 at 9:00 a.m. in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose

of the meeting is as follows: 2010 Budget review/Approval and any other business.

Rep. Jessie Osborne, Chairman
Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at 6:00 p.m. on Monday, **March 15**, 2010 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: To consider 2010 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 2010 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. Candace CW Bouchard, Chairman
Merrimack County Delegation

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on Monday, **March 15**, 2010 at 6:00 p.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: Approval of the 2010 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. Candace CW Bouchard, Chairman
Merrimack County Delegation

REVISED FISCAL NOTES

The following House Bills have revised fiscal notes: HBs 133, 213, 216, 218, 232, 286, 425, 507, 558, 564, 579, 629, 660, 662, 681, 1128, 1281, 1293, 1506, 1537, 1569, 1586, 1603, 1611, 1643, 1649, 1664, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683; SBs 72, 157, 166, 181, 394.

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 NH Dental Society cordially invites all legislators to a Reception for Legislators to be held on Tuesday, **March 2** from 4:00 p.m. to 7:00 p.m. at the Holiday Inn in Concord. We look forward to seeing you there!

Reps. Mary Jane Wallner and Sherman A. Packard

The Barnstead Alton Republican Committee is on winter vacation this month. Next meeting will be **March 9** at JJ Goodwins in Center Barnstead with Former Governor John H Sununu.

Rep. Elaine Swinford

Breathe New Hampshire cordially invites all members of the New Hampshire Legislature for a legislative breakfast to be held Wednesday, **March 10** from 7:30 to 9:00 a.m. in the State House Cafeteria.

Rep. Rich T. DiPentima

Merrimack County Democrats will hold a St. Patrick's Day dinner at the Barley House in Concord on Tuesday, **March 16** at 5:30 p.m. Tickets are \$25 in advance and \$30 at the door. Corned Beef and Cabbage, Celtic music, and the Katherine Rogers Award for Grassroots Activism! Mail checks to Merrimack County Democrats, PO Box 1741, Concord, NH 03302-1741. Send questions to Chairman Eric Tolbert at chair@merrimackcountymocrats.com

Rep. Mary Jane Wallner

All legislators and staff are invited to the 8th Annual New Hampshire Capital St. Patrick's Day Roast to benefit events at Children's Hospital at Dartmouth on Wednesday, **March 17** at 11:30 a.m. at the Marriott Courtyard in Concord. This year's event will include a traditional corned beef and cabbage lunch. Guest roasters include Governor John Lynch and the House and Senate leadership. Free tickets are limited. Please RSVP by March 10 by e-mailing James.Demers@TheDemersGroup.com or calling 228-1498.

Terie Norelli, Speaker

All legislators and legislative staff are invited to the annual New Hampshire Water Pollution Control Association (NHWPCA) Legislative Breakfast on **March 31st** 7:00 to 8:30 a.m. at the Holiday Inn in Concord. Come learn about waste-water treatment, biosolids management and advances toward sustainability. Wastewater treatment facilities are critical to protection of public health and the environment, and their upkeep and the advancement of their programs impacts budgets state-wide – even in non-sewered communities, which depend on them for septage disposal. Presentations will highlight continued funding needs and current efforts toward making these facilities more sustainable. Policy for wastewater treatment must forge a balance between environmental protection, societal support, and cost effectiveness.

Reps, Burton W. Williams and Susan Wiley

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet every Tuesday at 8:30 a.m. at the Upham Walker House, Park Street, Concord.

Reps. Nancy Elliott, Robert Mead and William O'Brien

The Main Street Republicans will meet every Wednesday at 8:00 a.m. in Room 212, LOB. All Republicans are welcome.

Rep. Cynthia J. Dokmo

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 **March**. 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 1	9:45/11:00 SH/Manse	Loudon Elementary School	75/4
March 1	10:00	One Sky Community Services – Portsmouth	20
March 2	9:45	William E. Lancaster Memorial School – Salem	50/4
March 3	9:30/11:00 SH/HM	Highland Goffs Falls School – Manchester	65/4
March 4	9:30/11:00 SH/HM	Birch Hill Elementary School – Nashua	100/4
March 4	12:30	Kimball School – Concord	50/4
March 5	9:45/11:00 SH/SC	Lincoln St. School – Exeter	80/4
March 5	12:30	Dunbarton Elementary School	25/4
March 5	3:00	Campus Compact	25/col
March 8	9:45	Lincoln St. School – Exeter	40/4
March 8	10:30	Lamprey River Elementary School – Raymond	60/4
March 9	9:45/11:15 SH/HM	Maple Wood School – Somersworth	100/3+4
March 10	9:00	Laconia HS Women's Choir	
March 10	10:00/11:30	Ledge Street School – Nashua	100/4
March 10	2:00	Leadership Lakes Region – Gilford	25/adults
March 11	9:30/11:00 SH/HM	McClelland Elementary School – Rochester	70/4
March 12	9:45/11:00 SH/SC	Lincoln St. School – Exeter	80/4
March 12	11:30	Tuftonboro Central School	29/4
March 15	9:00	Bow Elementary School	50/4
March 15	10:00/11:30 SH/SC	Stratham Memorial School	60/4
March 16	9:00	Bow Elementary School	50/4
March 16	10:30/12:00 SH/HM	Appleton Elementary School – New Ipswich	64/4
March 16	12:00	Rivier College (Nursing Students)-Nashua	26/Col
March 17	9:00	Bow Elementary School	25/4
March 17	10:00/11:30 SH/HM	Swasey Central School – Brentwood	70/4
March 17	12:30	Sant Bani School – Sanbornton	17/4
March 18	9:00	Broken Ground School – Concord	45/4
March 18	9:30/11:00 SH/HM	Webster Elementary School – Manchester	75/4
March 19	9:00	Broken Ground School – Concord	45/4

March 19	9:30/10:45 SH/HM	Smyth Road School – Manchester	56/4
March 19	11:30	Merrimack High School	12/HS
March 22	9:00	Broken Ground School – Concord	25/4
March 22	10:00/11:30 SH/SC	Stratham Memorial School	60/4
March 23	10:30	Lamprey River Elementary School – Raymond	60/4
March 23	9:00	Greenland Central School	45/4
March 24	9:45/11:00 SH/HM	Hooksett Memorial School	88/4
March 24	12:15	Wheelock Elementary School – Keene	38/4
March 25	9:45/11:00 SH/HM	Hooksett Memorial School	88/4
March 26	9:30	Jaffrey Grade School	50/4
March 26	10:30	East Kingston Elementary School	45/4
March 29	9:30/10:45 SH/HM	Pembroke Hill School	95/4
March 30	10:00/11:30 SH/HM	Marston Elementary School – Hampton	80/4
March 31	10:00/11:30 SH/HM	Marston Elementary School – Hampton	60/4

WEDNESDAY, MARCH 3

AMENDMENTS

2010-0832h

Floor Amendment to CACR 29 Proposed by Rep. Itse

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

RELATING TO: parental rights.

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

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

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

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

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

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

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

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

AMENDED ANALYSIS

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

2010-0650h

Amendment to HB 425-FN-A-LOCAL Proposed by the Committee on Ways and Means - C

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

AN ACT relative to remedies under the right-to-know law.

Amend RSA 91-A:8, V as inserted by section 1 of the bill by replacing it with the following:

V. The court may enjoin future violations of this chapter, and may require any officer, employee, or other official of a public body or public agency found to have violated the provisions of this chapter to undergo appropriate remedial training.

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

AMENDED ANALYSIS

This bill clarifies the remedies for violations of the right-to-know law.

2010-0687h

Amendment to HB 1134

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

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

AN ACT authorizing federal law enforcement officials to take emergency law enforcement action to temporarily detain persons when assisting local law enforcement officials or upon witnessing a crime.

Amend the bill by replacing section 1 with the following:

1 New Section; Detention Authority of Federal Officers. Amend RSA 594 by inserting after section 6 the following new section:

594:6-a Detention Authority of Federal Officers. A federal law enforcement officer or special agent who has been requested or directed by a New Hampshire law enforcement officer to assist in effecting an arrest, or whose assistance is requested under mutual aid, or who observes a person committing what the officer has reasonable grounds to believe is a felony, a misdemeanor constituting a breach of the peace, or an offense under RSA 265-A, may detain such person provided the detention is accomplished in a reasonable manner. The officer or special agent may use reasonable and necessary force to effect the detention or to defend himself or herself or a third person from what the officer believes to be imminent assault or bodily injury. Any person detained pursuant to this section shall be released as soon as practicable to the custody of a New Hampshire officer with jurisdiction.

AMENDED ANALYSIS

This bill authorizes federal law enforcement officials to take emergency law enforcement action to temporarily detain persons when assisting local law enforcement officials or upon witnessing a crime.

2010-0715h

Amendment to HB 1136

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

Amend RSA 135:17-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Upon a finding that the defendant is not competent to stand trial, the court, at the competency hearing, shall determine if the competency report shall be available to the receiving facility, as defined in RSA 135-C:26, or the secure psychiatric unit. Before the court determines whether to provide the competency report to the receiving facility or the secure psychiatric unit, the court shall provide the defendant with an opportunity to object. The court shall consider the defendant's privacy interest in the content of the competency report and the receiving facility's, or the secure psychiatric unit's, need to review the competency report for purposes of treatment.

AMENDED ANALYSIS

This bill requires the court which commits a person to the state mental health or developmental services system to send a report to the treatment facility or the secure psychiatric unit on behalf of the person receiving treatment.

2010-0546h

Amendment to HB 1153

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

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Commission to Study Water Infrastructure Sustainability Funding: Membership. Amend 2009, 245:2, I by inserting after subparagraph (o) the following new subparagraph:

(p) A representative of the Granite State Rural Water Association, appointed by that organization.

AMENDED ANALYSIS

This bill adds a member to the commission to study water infrastructure sustainability funding.

2010-0571h

Amendment to HB 1156

Proposed by the Committee on Children and Family Law - C

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

1 Determination of Parental Rights and Responsibilities; Best Interest of the Child. Amend RSA 461-A:6, I(e)-(j) to read as follows:

(e) The ability and disposition of each parent to foster a positive relationship and frequent and continuing physical, written, and telephonic contact with the other parent, ~~[except where contact will]~~ **including whether contact is likely to** result in harm to the child or to a parent.

(f) The support of each parent for the child's contact with the other parent as shown by allowing and promoting such contact, **including whether contact is likely to result in harm to the child or to a parent.**

(g) The support of each parent for the child's relationship with the other parent, **including whether contact is likely to result in harm to the child or to a parent.**

(h) The relationship of the child with any other person who may significantly affect the child.

(i) The ability of the parents to communicate, cooperate with each other, and make joint decisions concerning the children, **including whether contact is likely to result in harm to the child or to a parent.**

(j) Any evidence of abuse, as defined in RSA 173-B:1, I or RSA 169-C:3, II, and the impact of the abuse on the child and on the relationship between the child and the abusing parent.

Amend RSA 461-A:6, IV(a) as inserted by section 2 of the bill by replacing it with the following:

(a) If a parent makes a good faith allegation based on a reasonable belief supported by facts that the parent's child is a victim of physical abuse or neglect or sexual abuse perpetrated by the other parent and if the parent making the allegation acts lawfully and in good faith in accordance with such belief to protect the child or seek treatment for the child, the parent making the allegation shall not be deprived of parenting time, or contact with the child based on reasonable actions taken in accordance with that belief.

2010-0615h

Floor Amendment to HB 1164

Proposed by Millham, Kurk and Rosenwald

Amend the bill by replacing section 1 with the following:

1 Newborn Screening. Amend RSA 132:10-a, II and III to read as follows:

II. Notwithstanding any provision of law to the contrary, the commissioner of the department of health and human services shall establish fees, pursuant to RSA 541-A, to be paid by hospitals for the tests required under paragraph I. All such fees shall be paid into the newborn screening fund, hereby established in the state treasury. Moneys from the newborn screening fund established under this section shall be nonlapsing and shall be continually appropriated for use by the department to cover laboratory analysis and related newborn

screening program costs ~~[under a contract competitively bid and approved by governor and council]~~.

III. The department of health and human services shall establish a newborn screening advisory committee which shall include a member of the oversight committee on health and human services, established in RSA 126-A:13, and representation from health care subspecialties, as determined by the department. ~~[Any proposals for recommending new tests or fees shall require a public hearing to be held on the proposal by the newborn screening advisory committee.]~~

III-a. The department shall ensure that the providers conducting tests authorized under paragraph I destroy any samples no later than 6 months following the completion of testing. Any samples taken for newborn screening shall only be used for tests required under this section. No such samples may be used for other research or DNA testing purposes.

AMENDED ANALYSIS

This bill deletes the requirement that the department of health and human services enter into a contract competitively bid and approved by the governor and council for the moneys from the newborn screening fund. The bill also adds requirements for the samples taken for newborn screening.

2010-0700h

Amendment to HB 1169

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

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

AN ACT relative to the New Hampshire health care quality assurance commission.

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

1 New Subparagraph; New Hampshire Health Care Quality Assurance Commission; Membership. Amend RSA 151-G:1, II by inserting after subparagraph (d) the following new subparagraph:

(e) One member-at-large appointed by the governor.

2 Reports. Amend RSA 151-G:7 to read as follows:

151-G:7 Reports. On or before June 1 of each year, the commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, ~~and~~ the governor, ***and the health and human services oversight committee established in RSA 126-A:13.*** Such report shall describe the activities of the commission, indicate the extent of each institution's participation, state the aggregate relative frequency of the causes of the medical errors, unexpected adverse outcomes, and near misses reviewed and, to the extent possible, identify strategies for reducing preventable adverse events. Any information about processes or clinical outcomes provided pursuant to this section shall be aggregate data only and shall not reference individual incidents, patients, health care providers, or institutions.

3 Commission Extended. Amend 2005, 157:4, I to read as follows:

I. Section 3 of this act shall take effect July 1, ~~[2010]~~ **2015**.

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

AMENDED ANALYSIS

This bill makes changes to the New Hampshire health care quality assurance commission.

2010-0536h

Amendment to HB 1198-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

1 Budget Preparation. Amend RSA 32:5, I to read as follows:

I. The governing body, or the budget committee if there is one, shall hold at least one public hearing on each budget, not later than 25 days before each annual or special meeting, public notice of which shall be given at least 7 days in advance, and after the conclusion of public

testimony shall finalize the budget to be submitted to the legislative body. ***One or more supplemental public hearings may be held at any time before the annual or special meeting, subject to the 7-day notice requirement. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing.*** Public hearings on bonds and notes in excess of \$100,000 shall be held in accordance with RSA 33:8-a, I. Days shall be counted in accordance with RSA 21:35.

2 Use of Official Ballot; Budget Preparation in Towns with March Official Ballot Town Meeting. Amend RSA 40:13, II-a(c) to read as follows:

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in January. ***One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing.***

3 Use of Official Ballot; Budget Preparation in Towns with April Official Ballot Town Meeting. Amend RSA 40:13, II-b(c) to read as follows:

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in February. ***One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing.***

4 Use of Official Ballot; Budget Preparation in Towns with May Official Ballot Town Meeting. Amend RSA 40:13, II-c(c) to read as follows:

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in March. ***One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing.***

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

2010-0559h

Amendment to HB 1215

Proposed by the Committee on Children and Family Law - C

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

1 Employment of Relatives of Persons Receiving Public Welfare Assistance. Amend RSA 167:2-b to read as follows:

167:2-b Employment of Relatives of Persons Receiving ~~[Aid to Dependent Children or]~~ Public Welfare Assistance. No person who is otherwise eligible for ~~[aid to dependent children or]~~ public assistance based on financial need shall receive public welfare assistance from the state unless and until all able-bodied adult ~~[males]~~ **persons**, under the age of 65 years, except those regularly attending school, related to such person, and regularly residing in the same household as such person, and legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obliged to maintain employment hereunder shall be taken into consideration in determining the level of need for ~~[aid to dependent children or]~~

public assistance. Nothing in this section shall be so construed to deny to any minor dependent child any needed ~~[aid to dependent children or]~~ public assistance to which he **or she** would be otherwise entitled. Unrelated adult ~~[males]~~ **persons** living in the same household in loco parentis as to any such person seeking ~~[aid to dependent children or]~~ public assistance shall be obliged to contribute to his or her support to the same extent as the ~~[father]~~ **parent** of such person, and in default thereof, shall be subject to the same penalties as the ~~[father]~~ **parent** of such person would be in such case. If anything in this section conflicts with federal law or regulation related thereto, the federal law or regulation shall take precedence.

2 Human Service; Duties of Commissioner; Reference Removed. Amend RSA 161:4, II to read as follows:

II. PERSONNEL STANDARDS. Based upon the number of applicants and recipients in the localities, the commissioner of health and human services shall determine the number of employees necessary for the administration of **public assistance**, old age assistance, ~~[aid to dependent children,]~~ and aid to the needy blind in all administrative units, state, county, and town, subject to the regulations of the director of personnel.

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

AMENDED ANALYSIS

This bill makes certain public assistance statutes gender neutral and removes obsolete references to aid to dependent children.

2010-0419h

Amendment to HB 1224

Proposed by the Committee on Education - C

Amend the bill by replacing section 1 with the following:

1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a, II-V to read as follows:

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, or chartered public school shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or **arrests, charges pending disposition, or convictions of the applicant** of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or chartered public school. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or chartered public school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, or chartered public school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or chartered public school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or chartered public school. Under no circumstances shall the criminal records be released to the school administrative unit, school district, or chartered public school. The school administrative unit, school district, or chartered public school shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, or chartered public school shall destroy the information received immediately following

its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or ***has been arrested for or charged pending disposition for or convicted*** of a crime listed in paragraph V, the school administrative unit, school district, or chartered public school shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such ***arrests, charges pending disposition, or*** convictions. The school administrative unit, school district, or chartered public school shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, or chartered public school may require the selected applicant for employment or designated volunteer to pay the actual costs of the background investigation and a criminal history records check.

V. Any person who has been ***arrested for or charged pending disposition for or*** convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, or chartered public school. By decision of the appropriate governing body, a school administrative unit, school district, or chartered public school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

AMENDED ANALYSIS

This bill prohibits the hiring of persons arrested for or charged pending disposition for certain crimes by school administrative units, school districts, and chartered public schools. This bill also requires applicants for driver education certificates and school licenses to notify the director of the division of motor vehicles if they have been arrested, indicted, or summonsed to court for certain offenses.

2010-0261h

Amendment to HB 1239

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

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

AN ACT relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements.

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

1 New Subparagraphs; Suspension of Permit Review; Enforcement Action. Amend RSA 482-A:3, XIV by inserting after subparagraph (e) the following new subparagraphs:

(f) The time limits under this paragraph shall not apply to an application from an applicant that has previously been found in violation of this chapter pursuant to an action initiated under RSA 482-A:13 through RSA 482-A:14-b.

(g) The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

2 Administrative Fines. Amend RSA 482-A:13 to read as follows:

482-A:13 Administrative Fine. The commissioner, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to ~~[\$2,000]~~ **\$5,000** for each offense upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of

administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

3 Time for Rendering Decision. RSA 483-B:5-b, V(d) is repealed and reenacted to read as follows:

(d) Except as provided in subparagraphs (e) and (f) if the department fails to render a decision in the time frame provided in this paragraph, the department shall notify the applicant that a determination was not made within the statutory time requirements. Upon this notice, the department shall reimburse the applicant 25 percent of the application fee. Within 14 days following the date on which action should have been taken pursuant to the applicable time frame established in this paragraph, the department shall issue an approval or denial of the permit application, or reach a mutually acceptable agreement with the applicant for an extension of the time limit to act upon the application. After 14 days, if the department has not rendered a decision or made an agreement for an extension, an additional 25 percent of the application fee shall be reimbursed to the applicant.

4 New Subparagraphs; Suspension of Permit Review; Enforcement Action. Amend RSA 483-B:5-b, V by inserting after subparagraph (e) the following new subparagraphs:

(f) The time limits under this paragraph shall not apply to an application from an applicant that has previously been found in violation of this chapter pursuant to an action initiated under RSA 483-B:18.

(g) The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

5 Time for Rendering Decision. RSA 485-A:17, II-b(d) is repealed and reenacted to read as follows:

(d) Except as provided in subparagraphs (e) and (f), if the department fails to render a decision in the time frame provided in this paragraph, the department shall notify the applicant that a determination was not made within the statutory time requirements. Upon this notice, the department shall reimburse the applicant 25 percent of the application fee. Within 14 days following the date on which action should have been taken pursuant to the applicable time frame established in this paragraph, the department shall issue an approval or denial of the permit application, or reach a mutually acceptable agreement with the applicant for an extension of the time limit to act upon the application. After 14 days, if the department has not rendered a decision or made an agreement for an extension, an additional 25 percent of the application fee shall be reimbursed to the applicant.

6 New Subparagraphs; Suspension of Permit Review; Enforcement Action. Amend RSA 485-A:17, II-b by inserting after subparagraph (e) the following new subparagraph:

(f) The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

7 Action on Applications. Amend RSA 485-A:31 to read as follows:

485-A:31 Action on Applications.

I. Subject to paragraphs II and III, the department shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within 30 days of the date such plans and specifications and the required fees are received by the department and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within 15 working days of the date

such plans and specifications and the required fees are received by the department. Unless such written disapproval shall be mailed to the person submitting plans and specifications within 30 days in the case of plans and specifications for subdivision of land and 15 working days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt with the required fees by the department, the plans and specifications shall be deemed to have been approved. The department shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

II. The time limits under this paragraph shall not apply to an application from an applicant that has previously been found in violation of this chapter pursuant to an action initiated under RSA 485-A:42 or RSA 485-A:43.

III. The department may suspend review of an application under this section until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department. "Enforcement action" means a proceeding initiated by or at the request of the department against a person who is believed to have violated applicable requirements, which is intended to cause the person to comply with applicable requirements or to impose a monetary penalty or both.

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

AMENDED ANALYSIS

This bill:

I. Raises the fine imposed for violation of the chapter regarding fill and dredge permits in the wetlands.

II. Enables the department of environmental services to suspend review of an application until the applicant has corrected a violation that is the subject of an enforcement action on the property to the satisfaction of the department.

2010-0551h

Amendment to HB 1240

Proposed by the Committee on Executive Departments and Administration - C

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

1 Section Heading. Amend the section heading of RSA 21-I:19-g to read as follows:

21-I:19-g Use of State-Owned ~~[Passenger Automobiles]~~ **Vehicles.**

2 Department of Administrative Services; Use of State-Owned Vehicles. Amend RSA 21-I:19-g, III to read as follows:

III. If state-owned passenger vehicles are assigned to a state agency and such vehicles ~~[on average]~~ are not used for travel at or above the break-even mileage requirement during such year, the director of plant and property management shall ~~[transfer a vehicle or vehicles and]~~ declare them surplus ~~[until the agency's re-computed average passenger vehicle mileage is at or above the break-even mileage]~~ **and transfer or otherwise dispose of such vehicle or vehicles.** ~~[Average vehicle mileage shall be calculated by the total miles driven by an agency's passenger vehicles divided by the total number of passenger vehicles.]~~ An agency may within ~~[60]~~ **90** days after the end of the fiscal year apply to the fiscal committee of the general court to retain such vehicle or vehicles. If such agency presents a clear and convincing case for the continued assignment of a vehicle or vehicles to the agency, the fiscal committee may permit the agency to retain a vehicle or vehicles. **In granting an agency the authority to retain such vehicle or vehicles, favorable consideration shall be given to the most fuel efficient use of the existing fleet.** The director of plant and property management shall either sell ~~[or transfer the vehicle or vehicles declared to be surplus pursuant]~~ **the vehicle or vehicles declared to be surplus, transfer them** to a centralized state vehicle pool, or ~~[to this section]~~ **transfer them** to any state agency having employees who travel more than the break-even mileage requirement as set by the department of administrative services and who are being reimbursed for travel in privately-owned vehicles. The term "agency" as used in this section includes a department, institution, board, division, and commission. **The director of plant and property management may develop measures to determine or improve fleet efficiency in addition**

to those set forth in this section. Such measures may be shared with the fiscal committee for their information and consideration.

3 New Paragraphs; Use of State-Owned Vehicles; Light Duty Trucks. Amend RSA 21-I:19-g by inserting after paragraph III the following new paragraphs:

III-a. In this section:

(a) "Light duty truck" shall mean any of the following which have a gross vehicle weight rating of up to 10,000 pounds: a passenger van seating up to 8 people, a pick-up truck, a sport utility vehicle, or a cargo van.

(b) "Passenger vehicle" shall mean a passenger sedan or station wagon.

III-b. The department of administrative services shall annually report to the fiscal committee of the general court all light duty trucks whose mileage is at or below the break-even mileage requirement during such year.

4 New Paragraph; Use of State-Owned Vehicles; Annual Report. Amend RSA 21-I:19-g by inserting after paragraph V the following new paragraph:

V-a. State employees shall accurately report to their agency payroll personnel all personal use of any state-owned motor vehicle of any type, including but not limited to any commuting miles. The agency shall annually report all personal use of state-owned vehicles in that agency, as well as such other information regarding vehicles and vehicle usage, to the department of administrative services as directed by the department.

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

AMENDED ANALYSIS

This bill authorizes the director of plant and property management to transfer or sell state-owned vehicles to ensure that the state fleet is used efficiently. The bill also expands reporting requirements for use of state-owned light duty trucks and the personal use of state vehicles.

2010-0353h

Amendment to HB 1245

Proposed by the Committee on Election Law - C

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

AN ACT relative to declarations of candidacy by presidential candidates.

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

1 Presidential Nominations; Declaration of Candidacy. Amend RSA 655:47, I to read as follows:

I. The names of any persons to be voted upon as candidates for president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate:

I, _____, ***swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."*** I further declare that I am domiciled in _____, in the city (or town or unincorporated place) of _____, county of _____, state of _____, ~~and meet the qualifications for the office of president;~~ that I am a registered member of the _____ party; that I am a candidate for nomination for the office of president to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of said _____ party as a candidate for such nomination.

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

AMENDED ANALYSIS

This bill modifies the declaration of candidacy to be filed by candidates for president by inserting the presidential qualifications contained in the United States Constitution.

2010-0595h

Floor Amendment to HB 1245
Proposed by Reps. Jasper and Pierce

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

AN ACT relative to declarations of candidacy and intent by presidential candidates.

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

2 Declarations of Intent; Presidential Candidates. Amend RSA 655:17-b, II to read as follows:

II. I, _____, *swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."* I further declare that I am domiciled in the city (or town or unincorporated place) of _____, county of _____, state of _____, and am a qualified voter therein; that I intend to be a candidate for the office of _____ to be chosen at the general election to be held on the _____ day of _____; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

AMENDED ANALYSIS

This bill modifies the declaration of candidacy and the declaration of intent to be filed by candidates for president by inserting the presidential qualifications contained in the United States Constitution.

2010-0584h

Amendment to HB 1247

Proposed by the Majority of the Committee on Transportation - R

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

AN ACT establishing a speed limit for vehicles traveling through toll collection areas.

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

1 New Section; Words and Phrases Defined; Open Road Tolling Lane. Amend RSA 259 by inserting after section 69 the following new section:

259:69-a Open Road Tolling Lane. "Open road tolling lane" shall mean any lane on a toll road so designated by a traffic control device or lane control system at which certain vehicles equipped with transponder devices for the payment of tolls are permitted to travel at highway speeds without reducing speed or stopping to pay a toll.

2 New Subparagraphs; Speed Limitations; Toll Collection Areas. Amend RSA 265:60, II by inserting after subparagraph (f) the following new subparagraphs:

(g) For a vehicle equipped with a transponder, 25 miles per hour through a toll booth or gate that is equipped with a transponder reader for automated toll collection except for an open road tolling lane and except that at toll booths staffed by toll collectors drivers whose vehicles are not equipped for automated tolling shall come to a full stop at the toll booth so that the attendant may collect the toll.

(h) In the toll collection area of an open road tolling lane, at a speed greater than is reasonable and prudent for the conditions and actual and potential hazards existing at the time or greater than a per se maximum speed of 65 miles per hour, whichever is less.

3 Speed Limitations. Amend RSA 265:60, III to read as follows:

III. The ~~[limit]~~ **limits** specified in **subparagraphs** II(e) **and II(g)** shall be the maximum lawful speed and no person shall drive a vehicle on said ways at a speed in excess of such

maximum limit. The prima facie speed limits set forth in this section may be altered as authorized in RSA 265:62.

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

AMENDED ANALYSIS

This bill establishes speed limits for vehicles traveling through toll collection areas.

2010-0669h

Amendment to HB 1249

Proposed by the Committee on Transportation - C

Amend RSA 236:3-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Any truck weighing less than ½ of its permissible limit under RSA 266:18-a.

2010-0743h

Amendment to HB 1254

Proposed by the Committee on Judiciary - R

Amend RSA 498:2-a as inserted by section 1 of the bill by replacing it with the following:

498:2-a Insurance Coverage in Tort Cases. On or before 60 days from the date of any request to the responsible insurance company by a person or the person's legal representative claiming against an insured of the insurance carrier responsible, or alleged to be responsible, for the defense of any claim by the terms of the carrier's policy, the carrier shall disclose to the requestor for the purpose of encouraging settlement negotiations, the policy limits of the liability insurance policy which is the subject of such request.

2010-0769h

Amendment to HB 1257

Proposed by the Committee on Judiciary - C

Amend RSA 519-B:4, VI as inserted by section 1 of the bill by replacing it with the following:

VI. All requests for extensions of time under this section shall be made to the panel chairperson. ~~[The chairperson may extend any time period for good cause, except that the chairperson may not extend any time period that would result in the hearing being held more than 11 months following the return date unless good cause is shown.]~~ ***If the hearing is not held within 11 months of the return date, the hearing shall be considered waived and the panel shall be dismissed, unless the parties agree otherwise or the delay was caused by the plaintiff without just cause.***

2010-0777h

Amendment to HB 1259

Proposed by the Committee on Judiciary - C

Amend RSA 507:7-J as inserted by section 1 of the bill by replacing it with the following:

507:7-j Subrogation Claims. Whenever a subrogation claim pursuant to a contract of insurance is asserted for reimbursement of medical expenses as to a plaintiff's recovery against a third party, the court in which the action is pending shall order such division of expenses and costs, including attorneys' fees, between the plaintiff and the insurance carrier and the medical provider, as justice may require.

2010-0768h

Amendment to HB 1260

Proposed by the Committee on Judiciary - R

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

AN ACT authorizing enhanced compensatory damages for injury or death caused by operation of a motor vehicle after consumption of alcohol.

Amend the bill by replacing section 1 with the following:

1 New Section; Enhanced Compensatory Damages. Amend RSA 265-A by inserting after section 3 the following new section:

265-A:3-a Enhanced Compensatory Damages. In an action for civil damages where the defendant caused injury or death by the operation of a motor vehicle after consuming or using alcohol and as a result has pled or been found guilty of aggravated driving while intoxicated the jury may be instructed that if they find that the defendant's conduct was wanton, reckless, or grossly negligent, they may award enhanced compensatory damages to the victim or victims of such conduct.

AMENDED ANALYSIS

This bill permits juries to award enhanced compensatory damages to victims when the defendant has been found guilty of aggravated driving while intoxicated and the jury finds that the defendant's conduct was wanton, reckless, or grossly negligent.

2010-0628h

Amendment to HB 1267-LOCAL

Proposed by the Committee on Municipal and County Government - C

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

1 Hawkers and Peddlers Licenses. Amend RSA 320:8, I to read as follows:

I. Upon compliance with this section and upon payment of \$50 for a state license, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as the secretary shall deem pertinent. ***All applications shall inform the person so applying: "Any person so licensed by the secretary of state may do business as a hawker or peddler in any municipality in this state, provided the licensee complies with all local ordinances, by-laws, and regulations which may include a mandatory state and federal criminal background check."***

2 Hawkers, Peddlers and Vendors. RSA 31:102-a is repealed and reenacted to read as follows:

31:102-a Hawkers, Peddlers and Vendors.

I. All hawkers, peddlers, and vendors licensed by the secretary of state pursuant to RSA 320:8 shall submit to the municipality where the hawker, peddler, or vendor seeks to transact business, a New Hampshire department of safety, division of state police, notarized criminal record release authorization form which authorizes the release of his or her criminal history record, if any, to the municipality. The applicant shall also include the location of all municipalities in which the hawker, peddler, or vendor seeks to transact business. Such municipalities shall have access to the results of the criminal history record check and the New Hampshire division of state police shall release copies of the criminal history records to such municipalities. The hawker, peddler, or vendor shall be responsible for any additional fees for any administrative costs incurred by the New Hampshire division of state police under this section.

(a) The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be taken when necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the municipality may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 10 years. The municipality shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the local law enforcement agency of the municipality which shall maintain the confidentiality of all criminal history records information received pursuant to this section.

(b) The local law enforcement agency of a municipality in possession of the criminal convictions records of an applicant shall maintain the confidentiality of all criminal history records information received pursuant to this section.

II. The governing board of a municipality may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons 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 within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a violation, and each continuing day of violation after notice shall constitute a separate offense. A municipality shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

(a) Classification of licensees consistent with constitutional requirements of equal protection;

(b) Imposition of reasonable requirements, including fees, for the issuance of a license;

(c) Restrictions as to the areas of the municipality open to licensees and the hours and days of their operation; and

(d) Other reasonable conditions and terms deemed necessary for public convenience and safety as the governing board of the municipality, in conjunction with the local law enforcement agency determines including the denial of such license or application based on the results of the criminal background check as described in this section.

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

AMENDED ANALYSIS

This bill requires applicants for hawkers and peddlers licenses to submit to a state and federal criminal background check.

2010-0596h

Amendment to HB 1269

Proposed by the Committee on Transportation - C

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

2 Limitations of OHRV Operation on Class I, II, and III Highways; Divided Highways.

Amend RSA 215-A:9, II to read as follows:

II. No direct crossing of interstate highways, *divided highways*, or toll roads shall be permitted.

3 Limitations of Snowmobile Operation on Class I, II, and III Highways; Divided Highways.

Amend RSA 215-C:9, II to read as follows:

II. No direct crossing of interstate highways, *divided highways*, or toll roads shall be permitted.

4 Repeal. The following are repealed:

I. RSA 215-A:9, III, relative to direct crossings by OHRVs of limited access highways.

2010-0682h

Amendment to HB 1270

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

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

AN ACT relative to balancing amounts expended from the renewable energy fund.

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

1 Renewable Energy Fund. Amend RSA 362-F:10, VIII to read as follows:

VIII. The commission may, after notice and hearing, by order or rule, establish additional incentive or rebate programs **and competitive grant opportunities** for ~~[customer-sited thermal and]~~ renewable ~~[energy]~~ **thermal and electric energy** projects **sited in New Hampshire**.

2 Renewable Energy Fund. RSA 362-F:10, IX is repealed and reenacted to read as follows:

IX. For good cause the commission may, after notice and hearing, by order or rule, modify the program, including the incentive level, created under RSA 326-F:10, V.

3 New Paragraph; Renewable Energy Fund. Amend RSA 362-F:10 by inserting after paragraph IX the following new paragraph:

X. The commission shall, over each 2-year period commencing July 1, 2010, reasonably balance overall amounts expended from the fund, net of administrative expenditures, between residential and nonresidential sectors. Funds from the renewable energy fund awarded to renewable projects and initiatives in the residential sector shall be in approximate proportion to the amount of electricity sold at retail to that sector in New Hampshire, and the remaining funds from the renewable energy fund shall be awarded to projects and initiatives in the nonresidential sector which includes commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation and initiatives in New Hampshire.

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

AMENDED ANALYSIS

This bill requires the public utilities commission to balance amounts expended from the renewable energy fund between residential and nonresidential sectors.

2010-0659h

Amendment to HB 1279-FN-A

Proposed by the Committee on Commerce and Consumer Affairs -

Amend the bill by replacing all after section 12 with the following:

13 License Application; Investigation. Amend RSA 397-A:5, IV-c(a)(2)(A) to read as follows:

(A) During the ~~[7-year]~~ **10-year** period preceding the date of the application for licensing and registration; or

14 License Grant. Amend RSA 397-A:6, VI to read as follows:

VI. A license issued under this chapter shall not be transferable or assignable between persons ~~[unless, in the case of mortgage bankers and mortgage brokers, the approval of the commissioner is first secured at least 10 calendar days prior to said assignment or transfer]~~.

15 Confidentiality. Amend RSA 397-A:12-a, I to read as follows:

I. In order to promote more effective regulation and reduce regulatory burden through supervisory information sharing and except as otherwise provided in the S.A.F.E. Mortgage Licensing Act of 2008, Public Law 110-289, Title V, section 1512, the requirements under any federal law or RSA 383:10-b, RSA 383:10-c, RSA 397-A:12, X, and RSA 91-A regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry. Such information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or RSA 383:10-b, ~~[RSA 383:10-e]~~ **RSA 383:10-e**, RSA 397-A:12, X, and RSA 91-A.

16 Confidentiality. Amend RSA 397-A:12-a, V to read as follows:

V. RSA 383:10-b, ~~[RSA 383:10-e]~~ **RSA 383:10-e**, RSA 397-A:12, X, and RSA 91-A, relating to the disclosure of confidential supervisory information or any information or material described in paragraph I of this section that is inconsistent with paragraph I shall be superseded by the requirements of this section.

17 Definitions; Mortgage Servicing Company. Amend RSA 397-B:1, III to read as follows:

III. "Mortgage servicing company" means an individual, partnership, corporation, association, or other entity however organized and wherever located which, for itself or on behalf of the holder of a ~~[first or second]~~ mortgage loan, **holds the servicing rights or** records such payments on its books and records and performs such other administrative functions as may be necessary to properly carry out the mortgage holders obligations under the mortgage agreement including, when applicable, the receipt of funds from the mortgagor to be held in escrow for payment of real estate taxes and insurance premiums and the distribution of such funds to the taxing authority and insurance company.

18 Examinations and Investigations. Amend RSA 399-A:10, II to read as follows:

II. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or the commissioners examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination. The expense of such examination shall be chargeable to and paid by the licensee or person being examined. The ~~[procedure for such]~~ payment shall be **calculated by** the same **method** as for payments by institutions for cost of examinations under RSA 383:11, except when the principal office of the licensee or person is located outside of this state and the department has determined that the examination must be conducted at that out-of-state location, the actual cost of travel, lodging, meals, and other expenses of examination personnel making the examination, shall be chargeable to and paid by such licensee or person in addition to the per diem charge for examination personnel set forth in RSA 383:11.

19 Records and Filings. Amend RSA 399-A:17, I to read as follows:

I. A document is filed when it is received by the commissioner. **Examination expenses, fines, penalties, and other moneys obliged to be paid to the department shall be paid within 7 days of receipt of notice by the licensee or other person or such later time as determined by the commissioner.** If any filing deadline date falls on a weekend or on a New Hampshire state or federal legal holiday, the due date shall be automatically extended to the next business day following such weekend or holiday.

20 Effective Date. This act shall take effect July 1, 2010.

AMENDED ANALYSIS

This bill makes various changes relative to the licenses of mortgage bankers and mortgage brokers.

This bill is a request of the banking department.

2010-0653h

Amendment to HB 1304

Proposed by the Committee on Legislative Administration - C

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

AN ACT extending the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process.

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

1 Task Force on Homeless Teenagers; Report Date Extended. Amend 2008, 273:5 to read as follows:

273:5 Report. The task force shall report its findings and make 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 **in an interim report submitted** on or before September 1, 2009 **and in a final report submitted on or before September 1, 2010.**

2 Commission to Study Alternate Fuel Vehicles; Report Date Extended. Amend 2010, 189:5 to read as follows:

189:5 Report. The commission 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, 2009]~~ **March 1, 2010**.

3 Task Force to Study Access to Dental Care Extended. Amend 2009, 129:7 to read as follows:

129:7 Report. The task force 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, ~~[2009]~~ **2010**.

4 Committee to Study the Certificate of Need Process; Report Date Extended. Amend 2009, 77:5 to read as follows:

77:5 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 ~~[February]~~ **November 1, 2010**.

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

AMENDED ANALYSIS

This bill extends the task force on homeless teenagers, the commission to study alternate fuel vehicles, the task force to study access to dental care, and the committee to study the certificate of need process.

2010-0731h

Amendment to HB 1318

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

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

AN ACT relative to victim services while the court is considering post-conviction DNA testing.

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

1 New Section; Victim Services. Amend RSA 651-D by inserting after section 4 the following new section:

651-D:5 Victim Services. When post-conviction DNA testing is being considered by the court, the state shall, upon request, reactivate victim services for the victim of the crime being reinvestigated during the reinvestigation of the case, during the pendency of the proceedings, and, as determined by the court after consultation with the victim and/or victim advocate, following final adjudication of the case.

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

AMENDED ANALYSIS

This bill makes victim services available, upon request, to a victim of the crime being reinvestigated while the court is considering post-conviction DNA testing.

2010-0532h

Amendment to HB 1322

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

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

AN ACT establishing the legislative committee on the maintenance of state-owned dams.

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

1 New Section; Committee Established. Amend RSA 482 by inserting after section 93 the following new section:

482:94 Legislative Committee on the Maintenance of State-Owned Dams.

I. There is established a committee to review the maintenance of state-owned dams.

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

(a) Three members of the house of representatives, including one member of the public works and highways committee, one member of the ways and means committee, and one member of the resources, recreation and development committee, appointed by the speaker of the house of representatives, one of whom shall be designated by the speaker as chairman of the committee.

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

(c) Members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this paragraph.

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

IV. At least annually, the committee shall review the fiscal condition of the dam maintenance fund and associated regional dam trust funds for Winnepesaukee, Connecticut-Coos, Mascoma, Piscataquog, Sugar, Squam, and Newfound Lakes, and make recommendations for sustainability of the funds, including consideration of the decommissioning, breach, sale, rental, or other action related to specific dams, and consideration of other revenue sources to fund proper maintenance.

V. The members of the committee shall elect a secretary 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.

VI. The committee shall report its findings and any recommendations for proposed legislation annually 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.

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

AMENDED ANALYSIS

This act establishes the legislative committee on the maintenance of state-owned dams.

2010-0658h

Amendment to HB 1340

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 356-B:46, I (c) as inserted by section 1 of the bill by replacing it with the following:

(c) Notwithstanding subparagraph (a), the lien for regular monthly common assessments unpaid with respect to a residential condominium unit during the 6-month period immediately preceding the filing of the memorandum specified in paragraph III, together with all costs of collection, including reasonable attorney's fees, shall be prior to the first mortgage; provided that the unit owners' association sends, within 70 days of the occurrence of any delinquency, the unit owner and the institutional lender holding the first mortgage written notice of the delinquency by certified mail and first class mail that the account is at least 60 days delinquent; and additionally, sends such lender notice by certified mail and first class mail, at least 30 days prior, of its intent to file said memorandum of lien. The lien shall not include any amounts attributable to special assessments, late charges, fines, penalties, or interest assessed by the unit owners' association, nor shall the lien apply to regular assessments or costs of collection coming due prior to the effective date of this section. In giving the foregoing notices, the unit owners' association may rely on the records of the applicable registry of deeds as to the address of the first institutional lender unless such lender has notified the unit owners' association by certified mail of a different address.

(d) The priority lien rights established under subparagraph (c) shall not entitle or permit the unit owners' association to assert more than one priority lien unless and until the existing priority lien is first discharged by the unit owners' association. The priority lien rights established under subparagraph (c) also shall not apply to any mortgage executed prior to the effective date of this section.

(e) After notification to the first mortgage institutional lender of a delinquency, in addition to any previously agreed to or required escrow amounts, the institutional lender may also require a residential unit owner to place an amount equal to not more than 6 months of current regular assessments in escrow to cover the cost of any delinquency.

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

AMENDED ANALYSIS

This bill provides that under certain circumstances, condominium liens for unpaid monthly common expenses may be granted priority over the first mortgage.

2010-0690h

Amendment to HB 1353

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

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

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

II-b. “Eligible customer-generator” **“or “customer-generator”** means an electric utility customer who owns ~~and~~ **or** operates electrical generating facilities powered by renewable energy with a total peak generating capacity of not more than 100 kilowatts, **or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more up to one megawatt**, that is located **behind a retail meter** on the customer’s premises, is interconnected and operates in parallel with the electric grid, and is ~~intended primarily~~ **used in the first instance** to offset ~~part or all of~~ the customer’s own electricity requirements.

3 Net Energy Metering. RSA 362-A:9 is repealed and reenacted to read as follows:

362-A:9 Net Energy Metering.

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to 50 megawatts multiplied by each such utility’s percentage share of the total 2010 annual coincident peak energy demand distributed by all such utilities as determined by the commission.

II. Competitive electricity suppliers registered under RSA 374-F:7 may determine the terms, conditions, and prices under which they agree to provide generation supply to and purchase net generation output from eligible customer-generators.

III. Metering shall be done in accordance with normal metering practices. A single net meter that shows the customer’s net energy usage by measuring both the inflow and outflow of electricity internally shall be the extent of metering that is required at facilities with a total peak generating capacity of not more than 100 kilowatts. A bi-directional metering system that records the total amount of electricity that flows in each direction from the customer premises, either instantaneously or over intervals of an hour or less, shall be required at facilities with a total peak generating capacity of more than 100 kilowatts. Customer-generators shall not be required to pay for the installation of net meters, but shall pay for the installation of all bi-directional metering systems as outlined in utility interconnection tariffs or rules.

IV.(a) For facilities with a total peak generating capacity of not more than 100 kilowatts, when billing a customer-generator under a net energy metering tariff that is not time-based, the utility shall apply the customer’s net energy usage when calculating all charges that are based on kilowatt hour usage. Customer net energy usage shall equal the kilowatt hours supplied to the customer over the electric distribution system minus the kilowatt hours generated by the customer-generator and fed into the electric distribution system over a billing period.

(b) For facilities with a total peak generating capacity of more than 100 kilowatts, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, less a credit on default service charges equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

V. When a customer-generator's net energy usage is negative (more electricity is fed into the distribution system than is received) over a billing period, such surplus shall either:

(a) Be credited to the customer-generator's account on an equivalent basis for use in subsequent billing cycles as a credit against the customer's net energy usage or bill in a manner consistent with either paragraph IV(a) or IV(b), as applicable; or

(b) Except as provided in paragraph VI, the customer-generator may elect to be paid or credited by the electric distribution utility for their excess generation at rates that are equal to the utility's avoided costs for energy and capacity to provide default service as determined by the commission consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA). The commission shall determine reasonable conditions for such an election, including the frequency of payment and the how often a customer-generator may choose this option versus the option in subparagraph (a).

VI. Instead of the option in paragraph V(b), an electric distribution utility providing default service to customer-generators may voluntarily elect, annually, on a generic basis, by notification to the commission, to purchase or credit such excess generation from customer-generators at a rate that is equal to the generation supply component of the applicable default service rate, provided that payment is issued at least as often as whenever the value of such credit, in excess of amounts owed by the customer-generator, is greater than \$50.

VII. A distribution utility may perform an annual calculation to determine the net effect this section had on its default service and distribution revenues and expenses in the prior calendar year. The method of performing the calculation and applying the results, as well as a reconciliation mechanism to collect or credit any such net effects with appropriate carrying charges and credits applied, shall be determined by the commission.

VIII. Notwithstanding other provisions of this section, the commission may establish, on a utility-specific or generic basis, a methodology by which customer-generators may be provided service under time-based, net energy metering tariffs. The methodology shall specify how a customer's energy usage and generation shall be metered, how net energy usage shall be calculated and any applicable charges applied, and how excess generation shall be credited, consistent with size limits and the terms and conditions and intent of this section and other requirements of state and federal law.

IX. Renewable energy credits shall remain the property of the customer-generator until such credits are sold or transferred. If an electric distribution utility acquires renewable energy credits from a customer-generator in conjunction with purchasing excess generation, it may apply such generation and credits to its renewable energy source default service option under RSA 374-F:3, V(f).

X. The commission shall adopt rules, pursuant to RSA 541-A, to:

(a) Establish reasonable interconnection requirements for safety, reliability, and power quality as it determines the public interest requires. Such rules shall not exceed applicable test standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL); and

(b) Implement the provisions of this section.

XI. The commission may by order, after notice and hearing:

(a) Waive any of the limitations set forth in this chapter for targeted net energy metering arrangements that are part of a utility strategy to minimize distribution or other costs; and

(b) Implement any utility-specific provisions authorized under this section.

XII. Once the commission has established standards for equipment used by eligible customer-generators, electric distribution utilities shall not require any additional standards or testing for transmission equipment as a condition of net energy metering.

XIII. Customer-generators shall be responsible for all costs associated with interconnection with the distribution system.

4 Renewable Energy Fund. Amend RSA 362-F:10, IV to read as follows:

IV. The commission shall make an annual report by October 1 of each year, beginning in 2009, to the legislative oversight committee on electric utility restructuring under RSA 374-F:5 detailing how the renewable energy fund is being used and any recommended changes to such use. ***The report shall also include information on the total peak generating capacity that is net energy metered under RSA 362-A:9 within the franchise area of each electric distribution utility, and the percentage this represents of the amount that is allowed to be net metered within each franchise area.***

5 Small Wind Energy Systems; Definitions. Amend RSA 674:62, I to read as follows:

I. "Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity ~~[consistent with the net metering specifications of RSA 362-A:9]~~ ***of not more than 100 kilowatts*** and which will be used ~~[primarily]~~ ***in the first instance*** for onsite consumption.

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

2010-0718h

Amendment to HB 1367-FN

Proposed by the Committee on Election Law - C

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

AN ACT relative to political advertising and campaign expenditures and contributions by business organizations and labor unions.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 9:

4 New Paragraph; Reporting by Political Committees; Business Organization Political Committees. Amend RSA 664:6 by inserting after paragraph VIII the following new paragraph:

IX. A political committee established by a business organization shall report to the secretary of state each contribution made by the committee. The report shall be made in writing or by electronic or facsimile transmission and shall be received by the secretary of state by noon on the business day next following the contribution. The report shall identify the recipient and amount of the contribution. Reports under this paragraph shall be in addition to any other reports required by this section.

5 Reporting by Committees; Independent Expenditures. Amend RSA 664:6, IV-a to read as follows:

IV-a. Any political committee whose independent expenditures, in aggregate, exceed \$500 shall file an itemized statement with the secretary of state ~~[not later than 24 hours]~~ ***by noon on the business day*** after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure; and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

6 New Section; Reporting by Business Organizations and Labor Unions. Amend RSA 664 by inserting after section 6 the following new section:

664:6-a Reporting by Business Organizations and Labor Unions. Any business organization or labor union whose independent expenditures, in the aggregate, exceed \$500 shall file an

itemized statement with the secretary of state by noon on the business day after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. Each statement shall include a certification by the business organization or labor union that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure; and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this section shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this section, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements under this section shall be in addition to any other filings required under this chapter, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

7 Political Advertising; Identification; Television. Amend RSA 664:14, IV(b) to read as follows:

(b) All political advertising broadcast on television shall identify the name of the candidate, **political committee, or organization** who pays for the advertisement ~~[or whose advertisement is paid for by a campaign committee]~~. Such identification shall be made both aurally and visually. The visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall air ~~[for not less than 4 seconds at the conclusion of the]~~ **during the entire** broadcast. ~~[For the purpose of this section, "campaign committee" means any committee established to elect a particular candidate to office, including raising funds for that purpose.]~~

8 Political Advertising not Authorized by Candidate. Amend RSA 664:14, VI to read as follows:

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee, **business organization, or labor union** shall comply with this paragraph. If the advertising is not authorized by the candidate or candidate committee, the advertising shall so state and shall identify the sponsor of the advertisement. All such political advertising shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if broadcast on television. The visual presentation on television shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast ~~[for not less than 4 seconds at the conclusion of the]~~ **during the entire** advertisement.

AMENDED ANALYSIS

This bill:

- I. Permits business organizations and labor unions to establish political committees.
- II. Establishes additional reporting requirements for contributions made by political committees of business organizations.
- III. Establishes reporting requirements for business organizations and labor unions making independent expenditures.
- IV. Modifies requirements for political advertising on television and political advertising not authorized by a candidate.

2010-0695h

Amendment to HB 1377

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

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

1 New Subdivision; Renewable Energy and Energy Efficiency Project Loan Programs. Amend RSA 374 by inserting after section 60 the following new subdivision:
Renewable Energy and Energy Efficiency Project Loan Programs

374:61 Renewable Energy and Energy Efficiency Project Loan Programs. A public utility may seek commission authorization, either individually or in combination with other public utilities, to establish loan, financing, or cost amortization programs for owners and tenants of residential, public, nonprofit, and business property to finance or otherwise amortize cost effective fuel neutral renewable energy and energy efficiency investments and improvements to the owner's or tenant's premises. The commission may authorize terms, conditions, and tariffs for the repayment of such loans and financed or underwritten investments and improvements through charges billed through and that run with the meter or meters assigned to the location where the investments are located, provided that such investments or improvements to a tenant's premises are only made with the written consent of the owner or the owner's authorized management representative. Pursuant to RSA 477:4-h, the owner, seller, lessor, or transferor of any real property subject to unamortized or ongoing charges under such a tariff shall disclose such fact to a prospective buyer, lessee, or occupant who might be responsible for paying such charges as a condition of utility service.

2 New Section; Conveyances of Realty and Interests Therein. Amend RSA 477 by inserting after section 4-g the following new section:

477:4-h Notification Required Prior to Sale, Transfer, Lease, or Rental of Real Property Subject to a Public Utility Tariff Pursuant to RSA 374:61 For the Financing or Amortization of Energy Efficiency or Renewable Energy Improvements.

I. Prior to or during the preparation of an offer for the purchase and sale of any interest in real property and in conjunction with an offer to lease or rent real property and before signing an agreement to sell, transfer, lease, or rent real property the seller, transferor, lessor, or owner shall disclose in writing to the buyer, transferee, lessee, or occupant if, to the seller's, transferor's, lessor's or owner's knowledge, any metered public utility services at the premises that the buyer, transferee, lessee, or occupant may be responsible for paying as a condition of such utility service is provided under a tariff with unamortized or ongoing charges for energy efficiency or renewable energy improvements pursuant to RSA 374:61. Such disclosure should include, if known, the remaining term and amount of such charges and any estimates or documentation of gross or net energy or fuel savings resulting from such financed or amortized improvements and investments. The buyer shall acknowledge receipt of the disclosure by signing a copy of the disclosure.

II. In the case of a sale or transfer of real property, the fact that information regarding such required disclosure is not available shall also be conveyed, in writing, when such is the case.

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

2010-0660h

Amendment to HB 1384

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

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

1 New Section; Suicide Fatality Review Committee Established. Amend RSA 126-R by inserting after section 3 the following new section:

126-R:4 Suicide Fatality Review Committee Established.

I. There is hereby established the suicide fatality review committee, which shall be a committee of the council on suicide prevention established in RSA 126-R:2.

II. The council shall appoint members and alternate members to the suicide fatality review committee. The members of the committee shall include the chief medical examiner, or his or her designee, individuals representing the health care field, organizations with expertise in suicide prevention, mental health and substance abuse treatment and prevention, law enforcement, injury prevention, organizations or individuals who advocate for individuals and families with mental illness, survivors of suicide, and such other members as the council determines will assist the committee in fulfilling its objectives.

III. The committee shall adopt a protocol defining which suicide deaths, as determined by the office of the chief medical examiner, shall be reported to the committee and subject to review, and which suicide deaths may be screened out for review. The committee may also review deaths which are ruled as accidental which may inform suicide prevention efforts. The committee shall not review any case where there is pending litigation. The committee may establish different levels of review, such as comprehensive or more limited review, depending on the nature of the incident or the purpose of the review.

IV. The committee shall:

(a) Review suicide deaths in New Hampshire to determine trends, risk factors, and prevention strategies.

(b) Determine and report on trends and patterns of suicide deaths in New Hampshire.

(c) Identify and evaluate the prevalence of risk factors for preventable deaths in New Hampshire.

(d) Evaluate and report on high risk factors, current practices, gaps in systematic responses, and barriers to safety and well-being for individuals at risk for suicide in New Hampshire.

(e) Recommend improvements in the sources of data relative to investigating reported suicide deaths and preventing suicide.

V. Records of the committee, including testimony by persons participating in or appearing before the committee and deliberations by committee members relating to the review of any death, shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. However, information, documents, or records otherwise available from original sources shall not be construed as immune from discovery from the original sources or used in any such civil or administrative action merely because they were presented to the committee, and any person who appears before the committee or supplies information as part of a committee review, or who is a member of the committee, may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her statements before the committee, participation as a member of the committee, or opinions formed by him or her or any other member of the committee, as a result of participation in a review conducted by the committee.

VI. The suicide fatality review committee shall consult and collaborate with the existing fatality review committees as appropriate.

VII. The committee shall report annually to the council, on or before the first day of September, 1, 2011, describing any trends and patterns of deaths or serious injuries or risk factors together with any recommendations for changes in law, policy, and practice that will prevent suicide deaths and related serious occurrences. The committee may also issue special reports when doing so is necessary to alert authorities or the public to the need for prompt corrective action.

VIII. The meetings and records of the committee shall be exempt from the provisions of RSA 91-A. The committee's reports shall not include any private or privileged information. Members of the committee may be required to sign a confidentiality agreement that prohibits any unauthorized dissemination of information disclosed to the committee.

IX. Members shall be appointed within 30 days of the effective date of this section, and the first meeting shall be called by the chairperson of the council, or his or her designee, within 45 days of the effective date of this section.

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

AMENDED ANALYSIS

This bill establishes, as part of the council on suicide prevention, a suicide fatality review committee to study trends, risks factors, and prevention strategies for suicide deaths in New Hampshire.

2010-0420h

Amendment to HB 1387

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

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

AN ACT establishing a committee to study the need for supportive housing for homeless veterans.

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

1 Committee Established. There is established a committee to study the need for supportive housing for homeless veterans.

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

II. The committee may seek input from:

(a) The department of health and human services.

(b) The department of corrections.

(c) The housing finance authority.

(d) The state veterans council.

(e) The New Hampshire Municipal Association.

(f) New Hampshire Legal Assistance.

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

3 Duties. The committee shall study the need for providing supportive housing for veterans who are homeless in New Hampshire. For purposes of the committee's study, supportive housing is permanent, independent, and affordable housing combined with on-site or visiting case management and support and employment services. The committee shall consider financing methods for such supportive housing, including available federal funding.

4 Chairperson; Quorum. The members of the 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.

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, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study the need for supportive housing for homeless veterans.

2010-0529h

Amendment to HB 1393

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT relative to the treatment of New Hampshire investment trusts.

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

1 Definitions. RSA 293-B:2 is repealed and reenacted to read as follows:

293-B:2 Definitions. As used in this chapter, unless the context otherwise requires:

I. "Bank" means bank as such term is defined in RSA 384-B:1, I and shall also include any national banking association authorized to conduct business in this state.

II. "Beneficial owner" means any owner of a beneficial interest in a New Hampshire investment trust, the fact of ownership to be determined and evidenced (whether by means of

registration, the issuance of certificates, or otherwise) in conformity to the applicable provisions of the governing instrument of the New Hampshire investment trust.

III. “Foreign investment trust” means an investment trust formed under the laws of any state or under the laws of any foreign country or other foreign jurisdiction and denominated as such under the laws of such state or foreign country or other foreign jurisdiction.

III.(a) “Governing instrument” means any instrument (whether referred to as a trust agreement, declaration of trust, or otherwise) which creates a New Hampshire investment trust or provides for the governance of the affairs of the New Hampshire investment trust and the conduct of its investment activities. A governing instrument:

(1) May provide that a person shall become a beneficial owner or a trustee if such person (or, in the case of a beneficial owner, a representative authorized by such person orally, in writing, or by other action such as payment for a beneficial interest) complies with the conditions for becoming a beneficial owner or a trustee set forth in the governing instrument or any other writing and, in the case of a beneficial owner, acquires a beneficial interest;

(2) May consist of one or more agreements, instruments, or other writings and may include or incorporate bylaws containing provisions relating to the business of the New Hampshire investment trust, the conduct of its affairs, and its rights or powers or the rights or powers of its trustees, beneficial owners, agents, or employees; and

(3) May contain any provision that is not inconsistent with law or with the information contained in the certificate of trust.

(b) A New Hampshire investment trust is not required to execute its governing instrument. A New Hampshire investment trust is bound by its governing instrument whether or not it executes the governing instrument. A beneficial owner or a trustee is bound by the governing instrument whether or not such beneficial owner or trustee executes the governing instrument.

IV. “New Hampshire investment trust” means a “qualified investment company” as defined .

V. “Independent trustee” means, solely with respect to a New Hampshire investment trust that is registered as an investment company under the Investment Company Act of 1940, as amended (15 U.S.C. section 80a-1 et seq.), or any successor statute thereto, any trustee who is not an “interested person” of the New Hampshire investment trust; provided that the receipt of compensation for service as an independent trustee of the New Hampshire investment trust and also for service as an independent trustee of one or more other investment companies managed by a single investment adviser, or an affiliated person of such investment adviser, shall not affect the status of a trustee as an independent trustee under this chapter. An independent trustee as defined hereunder shall be deemed to be independent and disinterested for all purposes. For purposes of this definition, the terms “affiliated person” and “interested person” have the meanings set forth in the Investment Company Act of 1940, as amended (15 U.S.C. section 80a-1 et seq.) or any rule adopted thereunder.

VI. “Other investment entity” means an out-of-state investment entity which meets the definition of a “qualified investment company” as defined in RSA 77-A:1, XXI, with the exception that such other investment entity need not submit certification to the commissioner.

VII. “Person” means a natural person, partnership, limited partnership, limited liability company, trust, statutory trust, estate, association, corporation, government (including a country, state, county or any other governmental subdivision, agency or instrumentality), custodian, nominee or any other individual or entity (or series thereof) in its own or any representative capacity, in each case, whether domestic or foreign.

VIII. “Trustee” means the person or persons appointed as a trustee in accordance with the governing instrument of a New Hampshire investment trust to manage the business, investment activity, and affairs of such New Hampshire investment trust, and may include the beneficial owners or any of them.

2 Contributions by Beneficial Owners. RSA 293-B:4 through RSA 293-B:23 are repealed and reenacted to read as follows:

293-B:4 Contributions by Beneficial Owners.

I. A contribution of a beneficial owner to the New Hampshire investment trust may be in cash, property, or services rendered, or a promissory note or other obligation to contribute cash or property or to perform services; provided however, that a person may become a beneficial owner of a New Hampshire investment trust and may receive a beneficial interest in a New Hampshire investment trust without making a contribution or being obligated to make a contribution to the New Hampshire investment trust.

II. Except as provided in the governing instrument of the New Hampshire investment trust, a beneficial owner is obligated to the New Hampshire investment trust to perform any promise to contribute cash or property or to perform services, even if the beneficial owner is unable to perform because of death, disability, or any other reason. If a beneficial owner does not make the required contribution of property or services, the beneficial owner is obligated at the option of the New Hampshire investment trust to contribute cash equal to that portion of the agreed value (as stated in the records of the New Hampshire investment trust) of the contribution that has not been made. The foregoing option shall be in addition to, and not in lieu of, any other rights, including the right to specific performance, that the New Hampshire investment trust may have against such beneficial owner under the governing instrument of applicable law.

III. A governing instrument of a New Hampshire investment trust may provide that the interest of any beneficial owner who fails to make any contribution that the beneficial owner is obligated to make shall be subject to specific penalties for, or specified consequences of, such failure. Such penalty or consequence may take the form of reducing or eliminating the defaulting beneficial owner's proportionate interest in the New Hampshire investment trust, subordinating the beneficial interest to that of nondefaulting beneficial owners, a forced sale of the beneficial interest, forfeiture of the beneficial interest, the lending by other beneficial owners of the amount necessary to meet the beneficiary's commitment, a fixing of the value of the defaulting beneficial owner's beneficial interest by appraisal or by formula and redemption or sale of the beneficial interest at such value, or any other penalty or consequence.

293-B:5 Liability of Beneficial Owners and Trustees.

I. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, the beneficial owners shall be entitled to the same limitation of personal liability extended to stockholders of business corporations.

II. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, a trustee, when acting in such capacity, shall not be personally liable to any person for any act, omission, or obligation of the New Hampshire investment trust or any trustee thereof, other than any liabilities to the New Hampshire investment trust or a beneficial owner which arise under the terms of the governing instrument of the New Hampshire investment trust.

III. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, an officer, employee, manager, or other person acting pursuant to RSA 293-B:8, II(i), when acting in such capacity, shall not be personally liable to any person other than the New Hampshire investment trust or a beneficial owner for any act, omission, or obligation of the New Hampshire investment trust or any trustee thereof.

293-B:6 Legal Proceedings.

I. A New Hampshire investment trust may sue and be sued, and service of process upon one of the trustees shall be sufficient. In furtherance of the foregoing, a New Hampshire investment trust may be sued for debts and other obligations or liabilities contracted or incurred by the trustees, or by the duly authorized agents of such trustees, in the performance of their respective duties under the governing instrument of the New Hampshire investment trust, and for any damages to persons or property resulting from the negligence of such trustees or agents acting in the performance of such respective duties. The property of a New Hampshire investment trust shall be subject to attachment and execution as if it were a corporation, in accordance with the relevant provisions of New Hampshire law.

II. Notwithstanding paragraph I, if the governing instrument of a New Hampshire investment trust which is a registered investment company under the Investment Company Act

of 1940, as amended (15 U.S.C. section 80a-1 et seq.), or which is otherwise excluded from the definition of investment company pursuant to section 3(c)(1), 3(c)(3), 3(c)(7) or 3(c)(11) of the Investment Company Act of 1940, as amended (15 U.S.C. section 80a-1 et seq.), creates one or more series as provided in RSA 293-B:8, II(d), and if separate and distinct records are maintained for any such series and the assets associated with any such series are held in such separate and distinct records (directly or indirectly, including through a nominee or otherwise) and accounted for in such separate and distinct records separately from the other assets of the New Hampshire investment trust, or any other series thereof, and if the governing instrument so provides, and notice of the limitation on liabilities of a series as referenced in this sentence is set forth in the certificate of trust of the New Hampshire investment trust, then the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the New Hampshire investment trust generally or any other series thereof, and, unless otherwise provided in the governing instrument of the New Hampshire investment trust, none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the New Hampshire investment trust generally or any other series thereof shall be enforceable against the assets of such series.

III. A trustee of a New Hampshire investment trust may be served with process in the manner prescribed in paragraph IV of this section in all civil actions or proceedings brought in this state involving or relating to the activities of the New Hampshire investment trust or a violation by a trustee of a duty to the New Hampshire investment trust, or any beneficial owner, whether or not the trustee is a trustee at the time suit is commenced. Every resident or nonresident of this state who accepts election or appointment or serves as a trustee of a New Hampshire investment trust shall, by such acceptance or service, be deemed thereby to have consented to the appointment of the New Hampshire trustee or registered agent of such New Hampshire investment trust required by RSA 293-B:9, or, if there is none, the secretary of state, as such person's agent upon whom service of process may be made as provided in this paragraph. Such acceptance or service shall signify the consent of such trustee that any process when so served shall be of the same legal force and validity as if served upon such trustee within this state and such appointment of such New Hampshire trustee or registered agent, or, if there is none, the secretary of state, shall be irrevocable.

IV. Service of process shall be effected by serving the New Hampshire trustee or registered agent of such New Hampshire investment trust required by RSA 293-B:9, or, if there is none, the secretary of state, with one copy of such process in the manner provided by law for service of writs of summons. In the event service is made under this section upon the secretary of state, the plaintiff shall pay to the secretary of state the sum of \$50 for the use of the state, which sum shall be taxed as part of the costs of the proceeding if the plaintiff shall prevail therein. In addition, the clerk of the court in which the civil action or proceeding is pending shall, within 7 days of such service, deposit in the United States mails, by registered mail, postage prepaid, true and attested copies of the process, together with a statement that service is being made pursuant to this section, addressed to the defendant at the defendant's address last known to and furnished by the party desiring to make such service.

V. In any action in which any such trustee has been served with process as hereinafter provided, the time in which a defendant shall be required to appear and file a responsive pleading shall be computed from the date of mailing by the clerk of the court as provided in paragraph IV of this section; provided however, the court in which such action has been commenced may order such continuance or continuances as may be necessary to afford such trustee reasonable opportunity to defend the action.

VI. In the governing instrument of the New Hampshire investment trust or other writing, a trustee or beneficial owner or other person may consent to be subject to the nonexclusive jurisdiction of the courts of, or arbitration in, a specified jurisdiction, or the exclusive jurisdiction of the courts of this state, or the exclusivity of arbitration in a specified jurisdiction or this state, and to be served with legal process in the manner prescribed in such

governing instrument of the New Hampshire investment trust or other writing. Except by agreeing to arbitrate any arbitrable matter in a specified jurisdiction or in this state, a beneficial owner who is not a trustee may not waive its right to maintain a legal action or proceeding in the courts of this state with respect to matters relating to the organization or internal affairs of a New Hampshire investment trust.

VII. Nothing herein contained limits or affects the right to serve process in any other manner now or hereafter provided by law. This section is an extension of and not a limitation upon the right otherwise existing of service of legal process upon nonresidents.

VIII. The New Hampshire supreme court may make all necessary rules respecting the form of process, the manner of issuance and return thereof and such other rules which may be necessary to implement this section and are not inconsistent with this section. The courts of this state shall have jurisdiction over New Hampshire investment trusts to the same extent as they have jurisdiction over common law trusts formed under the laws of this state.

293-B:7 Rights of Beneficial Owners in Trust Property.

I. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, a beneficial owner shall have an undivided beneficial interest in the property of the New Hampshire investment trust or, if applicable, in accordance with the provisions of RSA 293-B:8, specified property of the New Hampshire investment trust, and shall share in the profits and losses of the New Hampshire investment trust in the proportion, expressed as a percentage, of the entire undivided beneficial interest in the New Hampshire investment trust owned by such beneficial owner or, if applicable, in accordance with the provisions of RSA 293-B:8, in the proportion, expressed as a percentage, of the entire undivided beneficial interest in the series or class of beneficial interests in the New Hampshire investment trust owned by such beneficial owner. The governing instrument of a New Hampshire investment trust may provide that the New Hampshire investment trust or the trustees, acting for and on behalf of the New Hampshire investment trust, shall be deemed to hold beneficial ownership of any income earned on securities of the New Hampshire investment trust issued by any business entities formed, organized, or existing under the laws of any jurisdiction, including the laws of any foreign country.

II. No creditor of the beneficial owner shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the New Hampshire investment trust.

III. A beneficial owner's beneficial interest in the New Hampshire investment trust is personal property notwithstanding the nature of the property of the New Hampshire investment trust. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, a beneficial owner has no interest in specific New Hampshire investment trust property.

IV. A beneficial owner's beneficial interest in the New Hampshire investment trust is freely transferable except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust.

V. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, at the time a beneficial owner becomes entitled to receive a distribution, the beneficial owner has the status of, and is entitled to all remedies available to, a creditor of the New Hampshire investment trust with respect to the distribution. A governing instrument may provide for the establishment of record dates with respect to allocations and distributions by a New Hampshire investment trust.

VI. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, legal title to the property of the New Hampshire investment trust or any part thereof may be held in the name of any trustee of the New Hampshire investment trust, in its capacity as such, with the same effect as if such property were held in the name of the New Hampshire investment trust.

VII. No creditor of the trustee shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the New Hampshire

investment trust with respect to any claim against, or obligation of, such trustee in its individual capacity and not related to the New Hampshire investment trust.

VIII. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, where the New Hampshire investment trust is a registered investment company under the Investment Company Act of 1940, as amended (15 U.S.C. section 80a-1 et seq.), any class, group or series of beneficial interests established by the governing instrument with respect to such New Hampshire investment trust shall be a class, group, or series preferred as to distribution of assets or payment of dividends over all other classes, groups, or series in respect to assets specifically allocated to the class, group or series as contemplated by section 18 (or any amendment or successor provision) of the Investment Company Act of 1940 (15 U.S.C. section 80a-18), as amended, and any regulations issued thereunder, provided that this section is not intended to affect in any respect the provisions of RSA 293-B:6, II.

IX. Unless otherwise provided in the governing instrument of a New Hampshire investment trust or another agreement, a beneficial owner shall have no preemptive right to subscribe to any additional issue of beneficial interests or another interest in a New Hampshire investment trust.

293-B:8 Management of a New Hampshire Investment Trust.

I. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, the business and affairs of a New Hampshire investment trust shall be managed by or under the direction of its trustees. To the extent provided in the governing instrument of a New Hampshire investment trust, any person, including a beneficial owner, shall be entitled to direct the trustees or other persons in the management of a New Hampshire investment trust, including without limitation the investment of securities, real estate, mortgages, and other assets of the New Hampshire investment trust. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, neither the power to give direction to a trustee or other persons nor the exercise thereof by any person, including a beneficial owner, shall cause such person to be a trustee or be subject to any duties or liabilities.

II. A governing instrument may contain any provision relating to the management of the business or investment affairs of the New Hampshire investment trust, and the rights, duties, and obligations of the trustees, beneficial owners, and other persons, which is not contrary to any provision or requirement of this chapter and, without limitation:

(a) May provide that a person shall become a beneficial owner and shall become bound by the governing instrument if such person, or a representative authorized by such person orally, in writing or by other action such as payment for a beneficial interest, complies with the conditions for becoming a beneficial owner set forth in the governing instrument or any other writing and acquires a beneficial interest;

(b) May consist of one or more agreements, instruments or other writings and may include or incorporate bylaws containing provisions relating to the business or investment activities of the New Hampshire investment trust, the conduct of its affairs, and its rights or powers or the rights or powers of its trustees, beneficial owners, agents, or employees;

(c) May provide for classes, groups, or series of trustees or beneficial owners, or classes, groups, or series of beneficial interests, having such relative rights, powers, and duties as the governing instrument may provide, and may make provision for the future creation in the manner provided in the governing instrument of additional classes, groups, or series of trustees, beneficial owners or beneficial interests, having such relative rights, powers, and duties as may from time to time be established, including rights, powers, and duties senior or subordinate to existing classes, groups, or series of trustees, beneficial owners, or beneficial interests;

(d) May establish or provide for the establishment of designated series of trustees, beneficial owners or beneficial interests having separate rights, powers, or duties with respect to specified property or obligations of the New Hampshire investment trust or specified profits and specified losses associated with specified property or obligations, and to the extent provided in the governing instrument, any such series may have a separate investment objective;

(e) May provide for the taking of any action, including the amendment of the governing instrument; the accomplishment of a merger, conversion, or consolidation; the appointment of one or more trustees; the sale, lease, exchange, transfer, pledge, or other disposition of all or any part of the assets of the New Hampshire investment trust or the assets of any series; or the dissolution of the New Hampshire investment trust, or may provide for the taking of any action to create under the provisions of the governing instrument a class, group, or series of beneficial interests that was not previously outstanding, in any such case without the vote or approval of any particular trustee, beneficial owner, or other person with an interest in the New Hampshire investment trust or class, group or series of trustees, beneficial owners, or other persons with an interest in the New Hampshire investment trust;

(f) May grant to or withhold from all or certain trustees, beneficial owners, or other persons with an interest in the New Hampshire investment trust or a specified class, group, or series of trustees, beneficial owners, or other persons with an interest in the New Hampshire investment trust the right to vote, separately or with any or all other classes, groups, or series of the trustees, beneficial owners, or other persons with an interest in the New Hampshire investment trust, on any matter, such voting being on a per capita, number, financial interest, class, group, series, or any other basis;

(g) May, if and to the extent that voting rights are granted under the governing instrument, set forth provisions relating to notice of the time, place, or purpose of any meeting at which any matter is to be voted on; waiver of any such notice; action by consent without a meeting; the establishment of record dates, quorum requirements, voting in person, by proxy or in any other manner; or any other matter with respect to the exercise of any such right to vote;

(h) May provide for the present or future creation of more than one New Hampshire investment trust, including the creation of a future New Hampshire investment trust to which all or any part of the assets, liabilities, profits, or losses of any existing New Hampshire investment trust will be transferred, and for the conversion of beneficial interests in an existing New Hampshire investment trust, or series thereof, into beneficial interests in the separate New Hampshire investment trust, or series thereof;

(i) May provide for the appointment, election, or engagement, either as agents or independent contractors of the New Hampshire investment trust or as delegates of the trustees, of officers, employees, managers, or other persons who may manage the business and affairs of the New Hampshire investment trust and may have such titles and such relative rights, powers, and duties as the governing instrument shall provide. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, the trustees shall choose and supervise such officers, managers, employees, and other persons;

(j) May provide rights to any person, including a person who is not a party to the governing instrument of the New Hampshire investment trust, to the extent set forth therein; or

(k) May provide for the manner in which it may be amended, including by requiring the approval of a person who is not a party to the governing instrument of the New Hampshire investment trust or the satisfaction of conditions, and to the extent the governing instrument of the New Hampshire investment trust provides for the manner in which it may be amended such governing instrument may be amended only in that manner or as otherwise permitted by law, provided that the approval of any person may be waived by such person and that any such conditions may be waived by all persons for whose benefit such conditions were intended.

III.(a) Unless otherwise provided in the governing instrument of a New Hampshire investment trust, meetings of beneficial owners may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this paragraph shall constitute presence in person at the meeting. Unless otherwise provided in the governing instrument of a New Hampshire investment trust, on any matter that is to be voted on by the beneficial owners:

(1) The beneficial owners may take such action without a meeting, without a prior notice, and without a vote if a consent or consents in writing, setting forth the action so taken, shall be signed by the beneficial owners having not less than the minimum number of

votes that would be necessary to authorize or take such action at a meeting at which all interests in the New Hampshire investment trust entitled to vote thereon were present and voted; and

(2) The beneficial owners may vote in person or by proxy, and such proxy may be granted in writing, by means of electronic transmission, or as otherwise permitted by applicable law.

(b) Unless otherwise provided in a governing instrument of a New Hampshire investment trust, a consent transmitted by electronic transmission by a beneficial owner or by a person or persons authorized to act for a beneficial owner shall be deemed to be written and signed for purposes of this paragraph. For purposes of this paragraph, the term “electronic transmission” means any form of communication not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed, by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated or other process.

IV.(a) Unless otherwise provided in the governing instrument of a New Hampshire investment trust, meetings of trustees may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this paragraph shall constitute presence in person at the meeting. Unless otherwise provided in the governing instrument of a New Hampshire investment trust, on any matter that is to be voted on by the trustees:

(1) The trustees may take such action without a meeting, without a prior notice and without a vote if a consent or consents in writing, setting forth the action so taken, shall be signed by the trustees having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all trustees entitled to vote thereon were present and voted and

(2) The trustee may vote in person or by proxy, and such proxy may be granted in writing, by means of electronic transmission, or as otherwise permitted by applicable law.

(b) Unless otherwise provided in a governing instrument of a New Hampshire investment trust, a consent transmitted by electronic transmission by a trustee or by a person or persons authorized to act for a trustee shall be deemed to be written and signed for purposes of this paragraph. For purposes of this subsection, the term “electronic transmission” means any form of communication not directly involving the physical transmission of paper that creates a record that may be retained, retrieved and reviewed by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated or other process.

V. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, a beneficial owner, trustee, officer, employee, or manager may lend money to, borrow money from, act as a surety, guarantor, or endorser for, guarantee or assume one or more obligations of, provide collateral for, and transact other business with a New Hampshire investment trust and, subject to other applicable law, has the same rights and obligations with respect to any such matter as a person who is not a beneficial owner, trustee, officer, employee, or manager.

VI. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, a trustee of a New Hampshire investment trust has the power and authority to delegate to one or more other persons the trustee’s rights and powers to manage and control the business and affairs of the New Hampshire investment trust, including to delegate to agents, officers, and employees of the trustee or the New Hampshire investment trust, and to delegate by management agreement or other agreement with, or otherwise to, other persons. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, such delegation by a trustee of a New Hampshire investment trust shall not cause the trustee to cease to be a trustee of the New Hampshire investment trust or cause the person to whom any such rights and powers have been delegated to be a trustee of the New Hampshire investment trust.

VII. The governing instrument of a New Hampshire investment trust may provide that:

(a) A beneficial owner who fails to perform in accordance with, or to comply with the terms and conditions of, the governing instrument shall be subject to specified penalties or specified consequences;

(b) At the time or upon the happening of events specified in the governing instrument, a beneficial owner shall be subject to specified penalties or specified consequences; and

(c) The specified penalties or specified consequences under subparagraphs (X)(a) and (X)(b) of this section may include and take the form of any penalty or consequence set forth in RSA 293-B:4, III.

VIII. A trustee, beneficial owner or an officer, employee, manager or other person designated in accordance with subparagraph II(i) of this section shall be fully protected in relying in good faith upon the records of the New Hampshire investment trust and upon information, opinions, reports, or statements presented by another trustee, beneficial owner or officer, employee, manager, or other person designated in accordance with subparagraph II(i) of this section, or by any other person as to matters the trustee, beneficial owner or officer, employee, manager, or other person designated in accordance with subparagraph II(i) of this section reasonably believes are within such other person's professional or expert competence, including information, opinions, reports, or statements as to the value and amount of the assets, liabilities, profits, or losses of the New Hampshire investment trust, or the value and amount of assets or reserves or contracts, agreements or other undertakings that would be sufficient to pay claims and obligations of the New Hampshire investment trust or to make reasonable provision to pay such claims and obligations, or any other facts pertinent to the existence and amount of assets from which distributions to beneficial owners or creditors might properly be paid.

293-B:9 Trustee in State.

I. Every New Hampshire investment trust shall at all times have at least one trustee which may either be a natural person or a bank, and in the case of a natural person shall be a person who is a resident of this state. As long as this requirement is satisfied, any additional trustee need not be a bank or natural person who is a resident of this state.

II. Notwithstanding the provisions of paragraph I, if a New Hampshire investment trust is or becomes a registered investment company under the Investment Company Act of 1940, as amended (15 U.S.C. section 80a-1 et seq.), such New Hampshire investment trust shall not be required to have a trustee who is a resident of this state or a bank if and for so long as such New Hampshire investment trust shall be in compliance with paragraph III.

III. Each New Hampshire investment trust shall have and maintain in this state:

(a) A registered office, which may but need not be a place of business in this state; and

(b) A registered agent for service of process on the New Hampshire investment trust, which agent may be either an individual resident of this state or a business entity authorized to do business in this state.

IV. A New Hampshire investment trust may change the location of its registered office in this state to any other place in this state, or may change the registered agent to any other individual resident of this state or business entity having its principal place of business in this state, by delivering for filing an amendment to its certificate of trust to the secretary of state in accordance with the applicable provisions of this chapter. If a New Hampshire investment trust which is an investment company registered as aforesaid maintains a registered office and registered agent in this state as herein provided, then the reference in RSA 293-B:12, I(b) to the "name and the business address of each of the trustees" shall be deemed a reference to the name and the business address of the registered agent and registered office maintained under this section, and the certificate of trust filed under RSA 293-B:12 shall reflect such information in lieu of the information otherwise required by RSA 293-B:12, I(b).

V. Service of process upon a registered agent maintained by a New Hampshire investment trust pursuant to paragraph III of this section shall be as effective as if served upon one of the trustees of the New Hampshire investment trust pursuant to RSA 293-B:6.

VI. A trustee or registered agent of a New Hampshire investment trust whose address, as set forth in a certificate of trust pursuant to RSA 293-B:12, I(b), has changed may change such address in the certificates of trust of all New Hampshire investment trusts for which such trustee or registered agent is appointed to another address in the state by paying a fee as set forth in RSA 293-B:15 and filing with the secretary of state a certificate, executed by such trustee or registered agent, setting forth the address of such trustee or registered agent before it was changed, and further certifying as to the new address of such trustee or registered agent for each of the New Hampshire investment trusts for which it is trustee or registered agent. Upon the filing of such certificate, the secretary of state shall furnish to the trustee or registered agent a certified copy of the same under the secretary's hand and seal of office, and thereafter, or until further change of address, as authorized by law, the address of such trustee or registered agent in this state for each of the New Hampshire investment trusts for which it is trustee or registered agent shall be located at the new address of the trustee or registered agent thereof as given in the certificate. A trustee or registered agent of a New Hampshire investment trust whose name, as set forth in a certificate of trust pursuant to RSA 293-B:12, I(b), has changed may change such name in the certificates of trust of all New Hampshire investment trusts for which such trustee or registered agent is appointed to its new name by paying a fee as set forth in RSA 293-B:15 and filing with the secretary of state a certificate, executed by such trustee or registered agent, setting forth the name of such trustee or registered agent before it was changed and further certifying as to the new name of such trustee or registered agent for each of the New Hampshire investment trusts for which it is a trustee or registered agent. Upon the filing of such certificate and payment of such fee, the secretary of state shall furnish to the trustee or registered agent a certified copy of the certificate under the secretary's hand and seal of office. A change of name of any person acting as a trustee or registered agent of a New Hampshire investment trust as a result of a merger or consolidation of the trustee or registered agent with another person who succeeds to its assets and liabilities by operation of law shall be deemed a change of name for purposes of this section. Filing a certificate under this section shall be deemed to be an amendment of the certificate of trust of each New Hampshire investment trust affected thereby, and no further action with respect thereto to amend its certificate of trust under RSA 293-B:12 shall be required. Any trustee or registered agent filing a certificate under this section shall promptly, upon such filing, deliver a copy of any such certificate to each New Hampshire investment trust affected thereby.

293-B:10 Existence of New Hampshire Investment Trust.

I. A New Hampshire investment trust shall exist as a separate legal entity.

II. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, the New Hampshire investment trust shall have perpetual existence, and a New Hampshire investment trust may not be terminated or revoked by a beneficial owner or other person except in accordance with the terms of its governing instrument.

III. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, the death, incapacity, dissolution, termination, or bankruptcy of a beneficial owner shall not result in the termination or dissolution of a New Hampshire investment trust.

IV. In the event that a New Hampshire investment trust does not have perpetual existence, a New Hampshire investment trust is dissolved and its affairs shall be wound up at the time or upon the happening of events specified in the governing instrument. Notwithstanding the happening of events specified in the governing instrument, the New Hampshire investment trust shall not be dissolved and its affairs shall not be wound up if, prior to the filing of a certificate of cancellation as provided in RSA 293-B:12, the New Hampshire investment trust is continued, effective as of the happening of such event, pursuant to the affirmative vote or written consent of all remaining beneficial owners of the New Hampshire investment trust and any other person whose approval is required under the governing instrument to revoke a dissolution pursuant to this section, provided, however, if the dissolution was caused by a vote or written consent, the dissolution shall not be revoked unless each beneficial owner and other person or his or her

respective personal representatives who voted in favor of, or consented to, the dissolution has voted or consented in writing to continue the New Hampshire investment trust.

V. Upon dissolution of a New Hampshire investment trust and until the filing of a certificate of cancellation as provided in RSA 293-B:12, the persons who, under the governing instrument of the New Hampshire investment trust, are responsible for winding up the New Hampshire investment trust's affairs may, in the name of and for and on behalf of the New Hampshire investment trust, prosecute and defend suits, whether civil, criminal, or administrative, gradually settle and close the New Hampshire investment trust business, dispose of and convey the New Hampshire investment trust property, discharge or make reasonable provision for the New Hampshire investment trust liabilities, and distribute to the beneficial owners any remaining assets of the New Hampshire investment trust.

VI. A New Hampshire investment trust which has dissolved shall pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional, or unmatured claims and obligations, known to the New Hampshire investment trust and all claims and obligations which are known to the New Hampshire investment trust but for which the identity of the claimant is unknown and claims and obligations that have not been made known to the New Hampshire investment trust or that have not arisen but that, based on the facts known to the New Hampshire investment trust, are likely to arise or to become known to the New Hampshire investment trust within 10 years after the date of dissolution. If there are sufficient assets, such claims and obligations shall be paid in full and any such provision for payment shall be made in full. If there are insufficient assets, such claims and obligations shall be paid or provided for according to their priority and, among claims and obligations of equal priority, ratably to the extent of assets available therefor. Unless otherwise provided in the governing instrument of a New Hampshire investment trust, any remaining assets shall be distributed to the beneficial owners. Any person, including any trustee, who under the governing instrument of the New Hampshire investment trust is responsible for winding up a New Hampshire investment trust's affairs who has complied with this section shall not be personally liable to the claimants of the dissolved New Hampshire investment trust by reason of such person's actions in winding up the New Hampshire investment trust.

VII. Except to the extent otherwise provided in the governing instrument of the New Hampshire investment trust, a series established in accordance with RSA 293-B:6, II may be dissolved and its affairs wound up without causing the dissolution of the New Hampshire investment trust or any other series thereof. Unless otherwise provided in the governing instrument of the New Hampshire investment trust, the dissolution, winding up, liquidation, or termination of the New Hampshire investment trust or any series thereof shall not affect the limitation of liability with respect to a series established in accordance with RSA 293-B:6, II. A series established in accordance with RSA 293-B:6, II is dissolved and its affairs shall be wound up at the time or upon the happening of events specified in the governing instrument of the New Hampshire investment trust. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, the death, incapacity, dissolution, termination, or bankruptcy of a beneficial owner of such series shall not result in the termination, or dissolution of such series and such series may not be terminated or revoked by a beneficial owner of such series or other person except in accordance with the terms of the governing instrument of the New Hampshire investment trust.

VIII. Upon dissolution of a series of a New Hampshire investment trust, the persons who under the governing instrument of the New Hampshire investment trust are responsible for winding up such series' affairs may, in the name of the New Hampshire investment trust and for and on behalf of the New Hampshire investment trust and such series, take all actions with respect to the series as are permitted under paragraph V of this section and shall provide for the claims and obligations of the series and distribute the assets of the series as provided under paragraph VI of this section. Any person, including any trustee, who under the governing instrument is responsible for winding up such series' affairs who has complied with paragraph VI

of this section shall not be personally liable to the claimants of the dissolved series by reason of such person's actions in winding up the series.

293-B:11 Applicability of Trust Law. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust or in this chapter, the laws of this state pertaining to trusts are hereby made applicable to New Hampshire investment trusts.

293-B:12 Certificate of Trust; Amendment; Cancellation; Restatement; Correction.

I. One original and one exact copy of a certificate of trust for a New Hampshire investment trust shall be executed and shall be delivered for filing to the secretary of state. The certificate of trust shall set forth:

- (a) The name of the New Hampshire investment trust;
- (b) The name and the business address of each of the trustees;
- (c) The name and the business address of the registered agent for service of process;
- (d) The future effective date or time, which shall be a date or time certain, of effectiveness of the certificate if it is not to be effective upon the filing of the certificate; and
- (e) Any other information the trustees determine to include.

II. A New Hampshire investment trust is formed at the time of the filing of the initial certificate of trust with the secretary of state or at any later date or time specified in the certificate of trust if, in either case, there has been substantial compliance with the requirements of this section. A New Hampshire investment trust formed under this chapter shall be a separate legal entity, the existence of which as a separate legal entity shall continue until cancellation of the New Hampshire investment trust's certificate of trust.

III. A certificate of trust may be amended by delivering for filing one original and one exact copy of a certificate of amendment to the secretary of state. The certificate of amendment shall set forth:

- (a) The name of the New Hampshire investment trust;
- (b) The amendment to the certificate; and
- (c) The future effective date or time, which shall be a date or time certain, of effectiveness of the certificate if it is not to be effective upon the filing of the certificate.

IV. Except to the extent otherwise provided in the certificate of trust or in the governing instrument of a New Hampshire investment trust, a certificate of trust may be amended at any time for any purpose as the trustees may determine. A trustee who becomes aware that any statement in a certificate of trust was false when made or that any matter described has changed, making the certificate false in any material respect, shall promptly file a certificate of amendment.

V.(a) A certificate of trust may be restated by integrating into a single instrument all of the provisions of the certificate of trust which are then in effect and operative as a result of there having been theretofore filed one or more certificates of amendment pursuant to paragraph III, and the certificate of trust may be amended or further amended by the filing of a restated certificate of trust. The restated certificate of trust shall be specifically designated as such in its heading and shall set forth:

- (1) The present name of the New Hampshire investment trust, and if it has been changed, the name under which the New Hampshire investment trust was originally formed;
- (2) The date of filing of the original certificate of trust with the secretary of state;
- (3) The information required to be included pursuant to subparagraph (a) of this section; and

(d) Any other information the trustees determine to include therein.

(b) A certificate of trust may be restated at any time for any purpose as the trustees may determine. A trustee who becomes aware that any statement in a restated certificate of trust was false when made or that any matter described has changed making the restated certificate false in any material respect shall promptly file a certificate of amendment or a restated certificate of trust.

VI. A certificate of trust shall be cancelled upon the completion of winding up of the New Hampshire investment trust and its termination, or shall be deemed to be cancelled upon

the filing of a certificate of merger or consolidation if the New Hampshire investment trust is not the surviving or resulting entity in a merger or consolidation, or upon the filing of a certificate of transfer, or upon the filing of a certificate of conversion to a non-New Hampshire other business entity. One original and one exact copy of a certificate of cancellation and a statement from the department of revenue administration that all taxes due from or accrued by the New Hampshire investment trust through the effective date of cancellation have been either assessed and paid or adequately provided for in a manner acceptable to the department of revenue administration shall be delivered for filing to the secretary of state and shall set forth:

- (a) The name of the New Hampshire investment trust;
- (b) The date of filing of its certificate of trust;
- (c) The future effective date or time, which shall be a date or time certain, of cancellation if it is not to be effective upon the filing of the certificate; and
- (d) Any other information the trustees determine to include.

VII. Whenever any certificate authorized to be filed with the secretary of state under this chapter has been so filed and is an inaccurate record of the action therein referred to or was defectively or erroneously executed, such certificate may be corrected by filing with the secretary of state a certificate of correction of such certificate. The certificate of correction shall specify the inaccuracy or defect to be corrected, shall set forth the portion of the certificate in corrected form and shall be executed and filed as required by this chapter. In lieu of filing a certificate of correction, the certificate may be corrected by filing with the secretary of state a corrected certificate which shall be executed and filed in accordance with this chapter. The corrected certificate shall be specifically designated as such in its heading, shall specify the inaccuracy or defect to be corrected and shall set forth the entire certificate in corrected form. The corrected certificate shall be effective as of the date the original certificate was filed, except as to those persons who are substantially and adversely affected by the corrections, and as to those persons the corrected certificate shall be effective from the filing date.

VIII. If any certificate filed in accordance with this chapter provides for a future effective date or time and if the transaction is terminated or amended to change the future effective date or time prior to the future effective date or time, the certificate shall be terminated or amended by the filing, prior to the future effective date or time set forth in such original certificate, of a certificate of termination or amendment of the original certificate, executed and filed in accordance with this chapter, which shall identify the original certificate which has been terminated or amended and shall state that the original certificate has been terminated or amended.

293-B:13 Execution.

I. Each certificate required by this chapter to be delivered for filing to the secretary of state shall be executed in one original and one exact copy in the following manner:

- (a) A certificate of trust shall be signed by all of the trustees;
- (b) A certificate of amendment, a certificate of correction, a corrected certificate, a certificate of termination or amendment, and a restated certificate of trust shall be signed by at least one of the trustees;
- (c) A certificate of cancellation shall be signed by all of the trustees or as otherwise provided in the governing instrument of the New Hampshire investment trust; and
- (d) If a New Hampshire investment trust is filing a certificate of merger or consolidation, certificate of conversion, certificate of New Hampshire investment trust domestication, certificate of transfer, certificate of transfer and continuance, or certificate of termination or amendment to any such certificate, than the certificate of merger or consolidation, certificate of conversion, certificate of New Hampshire investment trust domestication, certificate of transfer, certificate of transfer and continuance, or certificate of termination or amendment to any such certificate shall be signed by all of the trustees or as otherwise provided in the governing instrument of the New Hampshire investment trust, or, if the certificate of merger or consolidation, certificate of conversion, certificate of New Hampshire investment trust domestication, certificate of transfer, certificate of transfer and continuance, or certificate of

termination or amendment to any such certificate is being filed by another investment entity, than the certificate of merger or consolidation, certificate of conversion, certificate of New Hampshire investment trust domestication, certificate of transfer, certificate of transfer and continuance, or certificate of termination or amendment to any such certificate shall be signed by a person authorized to execute such instrument on behalf of such other investment entity.

II. Unless otherwise provided in the governing instrument of a New Hampshire investment trust, any person may sign any certificate or amendment thereof or enter into a governing instrument or amendment thereof by any agent, including any attorney-in-fact. An authorization, including a power of attorney, to sign any certificate or amendment thereof or to enter into a governing instrument or amendment thereof need not be in writing, need not be sworn to, verified or acknowledged, and need not be filed with the secretary of state, but if in writing, must be retained by the New Hampshire investment trust or a trustee or other person authorized to manage the business and affairs of the New Hampshire investment trust.

III. The execution of a certificate by a trustee constitutes an oath or affirmation, under the penalties of perjury that, to the best of the trustee's knowledge and belief, the facts stated in the certificate are true.

IV. Documents filed electronically need not be accompanied by an exact or conformed copy, but shall be accompanied by the correct filing fee required by this chapter.

293-B:14 Filing.

I. One original and one exact copy of any certificate authorized to be filed with the secretary of state under this chapter shall be delivered to the secretary of state. Documents filed electronically need not be accompanied by an exact or conformed copy. Unless the secretary of state finds that any certificate does not conform to law, upon receipt of all filing fees required by law the secretary of state shall:

(a) Certify that the certificate has been filed in the secretary of state's office by endorsing upon the original certificate the word "Filed," and the date of the filing. This endorsement is conclusive of the date of its filing in the absence of actual fraud;

(b) File and index the endorsed certificate; and

(c) Return the exact copy or acknowledged copy, similarly endorsed, to the person who filed it or his or her representative.

II. Upon the filing of a certificate of trust with the secretary of state, or upon the future effective date or time of a certificate of trust as provided for therein, the certificate of trust shall be effective. Upon the filing of a certificate of amendment, certificate of correction, corrected certificate, or restated certificate in the office of the secretary of state, or upon the future effective date or time of a certificate of amendment or restated certificate as provided for therein, the certificate of trust shall be amended or restated as set forth therein. Upon the filing of a certificate of cancellation or a certificate of merger or consolidation which acts as a certificate of cancellation or a certificate of transfer or a certificate of conversion to a non-New Hampshire entity with the secretary of state, or upon the future effective date or time of a certificate of cancellation or a certificate of merger or consolidation which acts as a certificate of cancellation or a certificate of transfer or a certificate of conversion to a non-New Hampshire entity, as provided for therein, the certificate of trust shall be cancelled. Upon the filing of a certificate of termination or amendment, the original certificate identified in the certificate of termination or amendment shall be terminated or amended, as the case may be.

III. A fee as set forth in RSA 293-B:15, I shall be paid at the time of the filing of a certificate of trust, a certificate of amendment, a certificate of correction, a corrected certificate, a certificate of termination or amendment, a certificate of cancellation, a certificate of merger or consolidation, a certificate of conversion, a certificate of transfer, a certificate of transfer and continuance, a certificate of New Hampshire investment trust domestication, or a restated certificate.

IV. The fact that a certificate of trust is on file with the secretary of state is notice that the entity formed in connection with the filing of the certificate of trust is a New Hampshire investment trust formed under the laws of this state and is notice of all other facts set forth

therein which are required to be set forth in a certificate of trust by RSA 293-B:12, I and is notice of the limitation on liability of a series of a New Hampshire investment trust which is permitted to be set forth in a certificate of trust by RSA 293-B:6, II.

293-B:15 Fees.

I. No documents required to be filed under this chapter shall be effective until the applicable fee required by this paragraph is paid. The secretary of state shall charge and collect the following fees:

- (a) A fee of \$100 for filing a certificate of trust.
- (b) A fee of \$70 for:
 - (1) Filing a certificate of amendment;
 - (2) Filing a certificate of cancellation;
 - (3) Filing a certificate of merger or consolidation;
 - (4) Filing a certificate of correction;
 - (5) Filing a corrected certificate;
 - (6) Filing a certificate of conversion;
 - (7) Filing a certificate of New Hampshire investment trust domestication;
 - (8) Filing a certificate of transfer;
 - (9) Filing a certificate of transfer and continuance;
 - (10) Filing a certificate of termination or amendment; or
 - (11) Filing a restated certificate.
- (c) A fee of \$30 for:
 - (1) Filing an application for reservation of name;
 - (2) Filing an application for renewal of reservation;
 - (3) Filing a notice of cancellation of reservation; or
 - (4) Filing a notice of cancellation of reservation.

II. In addition to the fee provided in subparagraph I(a), the secretary of state shall charge and collect a registration fee of \$100 from each New Hampshire investment trust at the time of filing a certificate of trust.

III. For the privilege of maintaining its certificate of trust in good standing and continuing to exercise its authority to transact the business of a New Hampshire investment trust in this state, the secretary of state shall charge and collect a fee of \$400 from each New Hampshire investment trust established under this chapter, payable on or before April 1 of each year. Each New Hampshire investment trust that fails or refuses to pay the fees required for any year on or before April 1 shall be subject to an additional fee of \$100.

IV. The certificate of trust of a New Hampshire investment trust may be revoked pursuant to RSA 293-A:14.21 by the secretary of state if the New Hampshire investment trust fails to comply with any provision of this chapter applicable to it.

V. Upon the receipt for filing of a certificate under RSA 293-B:9, VI, the secretary of state shall charge and collect a fee of \$100.

VI. The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (a) \$2 a page for copying; and
- (b) \$10 for the certificate.

VII. The secretary of state may collect fees for certain services, including but not limited to:

- (a) Expedited service or filing requests.
- (b) Direct access to corporations data.
- (c) Computer tapes.
- (d) Microfiche.
- (e) Customized lists and reports.
- (f) Corporate information via telephone-based systems or facsimile machine.
- (g) Other information services.
- (h) Electronic copies of data and/or images.

VIII. The secretary of state may establish and collect such fees for the special services listed in paragraph VII as determined from time to time by the secretary of state.

IX. Except as provided by this section, all other fees for the secretary of state shall be as provided for in RSA 293-A:1.22.

293-B:16 Collection of Fees; Administration.

I. The secretary of state shall collect all fees required under this chapter and shall pay them to the treasurer to be deposited in the general fund as unrestricted revenue, except as provided in paragraph II.

II. The state treasurer shall pay the expense of administering this chapter out of any money in the treasury not otherwise appropriated until the fees collected pursuant to RSA 293-B:15, I, have been received. Thereafter, the expenses of administering this chapter shall be paid out of the fees collected under RSA 293-B:15, I, and the treasurer shall reimburse the treasury for the previous expenses paid. The governor is authorized to draw his warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

293-B:17 Use of Names Regulated.

I.(a) A New Hampshire investment trust name shall not contain language stating or implying that the New Hampshire investment trust is organized for a purpose other than that permitted by RSA 293-B:3 and its certificate of trust.

(b) Except as authorized by subparagraphs (c) and (d), a New Hampshire investment trust name, based upon the records of the secretary of state, shall be distinguishable from, and not the same as, or likely to be confused with or mistaken for:

(1) The name of an entity incorporated, authorized, formed, or registered to do business in this state under RSA 292, RSA 293-A, RSA 293-B, RSA 294-A, RSA 301, RSA 301-A, RSA 304-A, RSA 304-B, RSA 304-C, RSA 305-A, or RSA 349.

(2) A name reserved under RSA 293-A, RSA 293-B, RSA 304-A, RSA 304-B, or RSA 304-C.

(3) The fictitious name of another foreign corporation authorized to transact business in this state.

(4) The name of an agency or instrumentality of the United States or this state or a subdivision thereof.

(5) The name of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of the political organization.

(c) A New Hampshire investment trust may apply to the secretary of state for authorization to use a name that is not distinguishable from, or is the same as, or likely to be confused with or mistaken for one or more of the names described in subparagraph (b), as determined from review of the records of the secretary of state. The secretary of state shall authorize use of the name applied for if:

(1) The holder or holders of the name as described in subparagraph (b) gives written consent to use the name that is not distinguishable from or likely to be confused with or mistaken for the name of the applying corporation; or if the name is the same, one or more words are added to the name to make the new name distinguishable from the other name; or

(2) The other entity consents to the use in writing and submits an undertaking in a form satisfactory to the secretary of state to change its name to a name that is distinguishable from, and not the same as, or likely to be confused with or mistaken for the name of the applying corporation; or

(3) The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(d) A New Hampshire investment trust may use the name, including the fictitious name, of another domestic or foreign entity that is used in this state if the other entity is incorporated, authorized, formed, or registered to transact business in this state and the proposed user New Hampshire investment trust:

(1) Has merged with the other entity;

(2) Has been formed by reorganization of the other entity; or
(3) Has acquired all or substantially all of the assets, including the name, of the other entity.

(e) This chapter does not control the use of fictitious names.

(f) Nothing in this section shall prohibit the owner or owners of a trade name registered under RSA 349 from forming a New Hampshire investment trust under the same name as the trade name.

II. The exclusive right to the use of a name may be reserved by:

(a) Any person intending to form a New Hampshire investment trust and to adopt that name; and

(b) Any New Hampshire investment trust registered in this state which proposes to change its name.

III. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, which may either be a signed or conformed copy, specifying the name to be reserved and the name and address of the applicant. If the secretary of state finds that the name is available for use by a New Hampshire investment trust, the name shall be reserved for the exclusive use of the applicant for a period of 120 days. The same applicant may not reserve the same name until a period of 60 days has passed since the expiration of that applicant's prior reservation. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, which may be either a signed or conformed copy, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be cancelled by filing with the secretary of state a notice of cancellation, executed by the applicant or transferee, which may be either a signed or conformed copy, specifying the name reservation to be cancelled and the name and address of the applicant or transferee.

IV. A fee as set forth in RSA 293-B:15, I(c) shall be paid at the time of the initial reservation of any name, and at the time of the filing of a notice of the transfer or cancellation of any such reservation.

293-B:18 Merger and Consolidation.

I. Pursuant to an agreement of merger or consolidation, a New Hampshire investment trust may merge or consolidate with or into one or more New Hampshire investment trusts or other investment entities formed or organized or existing under the laws of any other state or the United States or any foreign country or other foreign jurisdiction, with such New Hampshire investment trust or other investment entity as the agreement shall provide being the surviving or resulting New Hampshire investment trust or other investment entity. Unless otherwise provided in the governing instrument of a New Hampshire investment trust, a merger or consolidation shall be approved by each New Hampshire investment trust which is to merge or consolidate by all of the trustees and the beneficial owners of such New Hampshire investment trust. In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a New Hampshire investment trust or other investment entity which is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving or resulting New Hampshire investment trust or other investment entity or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interest in, a New Hampshire investment trust or other investment entity which is not the surviving or resulting New Hampshire investment trust or other investment entity in the merger or consolidation or may be cancelled. Notwithstanding prior approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger or consolidation.

II. If a New Hampshire investment trust is merging or consolidating under this section, the New Hampshire investment trust or other investment entity surviving or resulting in or from

the merger or consolidation shall deliver one original and one exact copy of a certificate of merger or consolidation to the secretary of state. The certificate of merger or consolidation shall state:

(a) The name and jurisdiction of formation or organization of each of the New Hampshire investment trusts or other investment entities which is to merge or consolidate;

(b) That an agreement of merger or consolidation has been approved and executed by each of the New Hampshire investment trusts or other investment entities which is to merge or consolidate;

(c) The name of the surviving or resulting New Hampshire investment trust or other investment entity;

(d) In the case of a merger in which a New Hampshire investment trust is the surviving entity, such amendments, if any, to the certificate of trust of the surviving New Hampshire investment trust to change its name as are desired to be effected by the merger;

(e) The future effective date or time, which shall be a date or time certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation;

(f) That the executed agreement of merger or consolidation is on file at the principal place of business of the surviving or resulting New Hampshire investment trust or other investment entity, and shall state the address thereof;

(g) That a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting New Hampshire investment trust or other investment entity, on request and without cost, to any beneficial owner of any New Hampshire investment trust or any person holding an interest in any other investment entity which is to merge or consolidate; and

(h) If the surviving or resulting entity is not a New Hampshire investment trust, a statement that such surviving or resulting other investment entity agrees that it may be served with process in the state of New Hampshire in any action, suit, or proceeding for the enforcement of any obligation of any New Hampshire investment trust which is to merge or consolidate, irrevocably appointing the secretary of state as its agent to accept service of process in any such action, suit, or proceeding and specifying the address to which a copy of such process shall be mailed to it by the secretary of state. In the event of service under this subparagraph upon the secretary of state, the plaintiff in any such action, suit, or proceeding shall furnish the secretary of state with the address specified in the certificate of merger or consolidation provided for in this section and any other address which the plaintiff may elect to furnish, together with copies of such process as required by the secretary of state, and the secretary of state shall notify such surviving or resulting other investment entity thereof at all such addresses furnished by the plaintiff by letter, certified mail, return receipt requested. Such letter shall enclose a copy of the process and any other papers served upon the secretary of state. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the secretary of state that service is being made pursuant to this subparagraph, and to pay the secretary of state the sum of \$50 for use of the state of New Hampshire, which sum shall be taxed as part of the costs in the proceeding, if the plaintiff shall prevail therein. The secretary of state shall maintain an alphabetical record of any such process setting forth the names of the plaintiff and defendant, the title, docket number and nature of the proceedings in which process has been served upon him or her, the return date thereof, and the day and hour when the service was made. The secretary of state shall not be required to retain such information for a period longer than 5 years from his or her receipt of the service of process.

III. Any failure to file a certificate of merger or consolidation in connection with a merger or consolidation which was effective prior to the effective date of this chapter shall not affect the validity or effectiveness of any such merger or consolidation.

IV. Unless a future effective date or time is provided in a certificate of merger or consolidation, in which event a merger or consolidation shall be effective at any such future effective date or time, a merger or consolidation shall be effective upon the filing in the office of the secretary of state of a certificate of merger or consolidation.

V. A certificate of merger or consolidation shall act as a certificate of cancellation for a New Hampshire investment trust which is not the surviving or resulting entity in the merger or consolidation. A certificate of merger that sets forth any amendment in accordance with subparagraph II(d) of this section shall be deemed to be an amendment to the certificate of trust of the New Hampshire investment trust, and the New Hampshire investment trust shall not be required to take any further action to amend its certificate of trust under RSA 293-B:12 with respect to such amendments set forth in the certificate of merger. Whenever this section requires the filing of a certificate of merger or consolidation, such requirement shall be deemed satisfied by the filing of an agreement of merger or consolidation containing the information required by this section to be set forth in the certificate of merger or consolidation.

VI.(a) Notwithstanding anything to the contrary contained in the governing instrument of a New Hampshire investment trust, a governing instrument of a New Hampshire investment trust containing a specific reference to this paragraph may provide that an agreement of merger or consolidation approved in accordance with paragraph I may:

(1) Effect any amendment to the governing instrument of the New Hampshire investment trust; or

(2) Effect the adoption of a new governing instrument of the New Hampshire investment trust if it is the surviving or resulting New Hampshire investment trust in the merger or consolidation.

(b) Any amendment to the governing instrument of a New Hampshire investment trust or adoption of a new governing instrument of the New Hampshire investment trust made pursuant to this paragraph shall be effective at the effective time or date of the merger or consolidation. The provisions of this paragraph shall not be construed to limit the accomplishment of a merger or consolidation or of any of the matters referred to herein by any other means provided for in the governing instrument of a New Hampshire investment trust or other agreement or as otherwise permitted by law, including that the governing instrument of any constituent New Hampshire investment trust to the merger or consolidation, including a New Hampshire investment trust formed for the purpose of consummating a merger or consolidation, shall be the governing instrument of the surviving or resulting New Hampshire investment trust.

VII. When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of New Hampshire, all of the rights, privileges and powers of each of the New Hampshire investment trusts and other investment entities that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of said New Hampshire investment trusts and other investment entities, as well as all other things and causes of action belonging to each of such New Hampshire investment trusts and other investment entities, shall have vested in the surviving or resulting New Hampshire investment trust or other investment entity, and shall thereafter be the property of the surviving or resulting New Hampshire investment trust or other investment entity as they were of each of the New Hampshire investment trusts and other investment entities that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of New Hampshire, in any of such New Hampshire investment trusts and other investment entities, shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of any of said New Hampshire investment trusts and other investment entities shall be preserved unimpaired, and all debts, liabilities, and duties of each of the said New Hampshire investment trusts and other investment entities that have merged or consolidated shall thenceforth attach to the surviving or resulting New Hampshire investment trust or other investment entity, and may be enforced against it to the same extent as if said debts, liabilities, and duties had been incurred or contracted by it.

VIII. A governing instrument or an agreement of merger or consolidation may provide that contractual appraisal rights with respect to a beneficial interest or another interest in a New Hampshire investment trust shall be available for any class or group of beneficial owners or beneficial interests in connection with any amendment of a governing instrument, any merger or consolidation in which the New Hampshire investment trust is a constituent party to the merger

or consolidation, or the sale of all or substantially all of the New Hampshire investment trust's assets. The New Hampshire courts shall have jurisdiction to hear and determine any matter relating to any such appraisal rights.

293-B:19 Derivative Actions.

I. A beneficial owner may bring an action in the right of a New Hampshire investment trust in the same state court of New Hampshire as derivative proceedings with respect to corporations under RSA 293-A:7.40 through RSA 293-A:7.47 to recover a judgment in its favor if trustees with authority to do so have refused to bring the action or if an effort to cause those trustees to bring the action is not likely to succeed.

II. In a derivative action, the plaintiff shall be a beneficial owner at the time of bringing the action:

(a) At the time of the transaction of which he or she complains; or

(b) His or her status as a beneficial owner had devolved upon him or her by operation of law or pursuant to the terms of the governing instrument of the New Hampshire investment trust from a person who was a beneficial owner at the time of the transaction.

III. In a derivative action, the complaint shall set forth with particularity the effort, if any, of the plaintiff to secure initiation of the action by the trustees, or the reasons for not making the effort.

IV. If a derivative action is successful, in whole or in part, or if anything is received by a New Hampshire investment trust as a result of a judgment, compromise, or settlement of any such action, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees. If anything is so received by the plaintiff, the court shall make such award of plaintiff's expenses payable out of those proceeds and direct plaintiff to remit to the New Hampshire investment trust the remainder thereof, and if those proceeds are insufficient to reimburse plaintiff's reasonable expenses, the court may direct that any such award of plaintiff's expenses or a portion thereof be paid by the New Hampshire investment trust.

293-B:20 Indemnification.

I. Subject to such standards and restrictions, if any, as are set forth in the governing instrument of a New Hampshire investment trust, a New Hampshire investment trust shall have the power to indemnify and hold harmless any trustee or beneficial owner or other person from and against any and all claims and demands whatsoever.

II. The absence of a provision for indemnity in the governing instrument of a New Hampshire investment trust shall not be construed to deprive any trustee or beneficial owner or other person of any right to indemnity which is otherwise available to such person under the laws of this state.

293-B:21 Treasury Interests. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, a New Hampshire investment trust may acquire, by purchase, redemption, or otherwise, any beneficial interest in the New Hampshire investment trust held by a beneficial owner of the New Hampshire investment trust. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, any such interest so acquired by a New Hampshire investment trust shall be deemed canceled.

293-B:22 Access to and Confidentiality of Information; Records.

I. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, each beneficial owner of a New Hampshire investment trust has the right, subject to such reasonable standards, including standards governing what information and documents are to be furnished at what time and location and at whose expense, as may be established by the trustees, to obtain from the New Hampshire investment trust from time to time upon reasonable demand for any purpose reasonably related to the beneficial owner's interest as a beneficial owner of the New Hampshire investment trust:

(a) A copy of the governing instrument and certificate of trust and all amendments thereto, together with copies of any written powers of attorney pursuant to which the governing instrument and any certificate and any amendments thereto have been executed;

(b) A current list of the name and last known business, residence, or mailing address of each beneficial owner and trustee;

(c) Information regarding the business and financial condition of the New Hampshire investment trust, provided that, notwithstanding any other provision of this chapter to the contrary, unless the governing instrument of a New Hampshire investment trust so expressly provides, information regarding the identity or trading positions of any securities or other assets held by the New Hampshire investment trust at any time or the investment strategy or proposed purchase or sale of any securities or other assets need not be disclosed to any beneficial owners who are also not trustees; and

(d) Other information regarding the affairs of the New Hampshire investment trust as is just and reasonable.

II. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, each trustee shall have the right to examine all the information described in paragraph I of this section for any purpose reasonably related to the trustee's position as a trustee.

III. Except to the extent otherwise provided in the governing instrument of a New Hampshire investment trust, the trustees of a New Hampshire investment trust shall have the right to keep confidential from the beneficial owners, for such period of time as the trustees deem reasonable, any information that the trustees reasonably believe to be in the nature of trade secrets or other information, the disclosure of which the trustees in good faith believe is not in the best interest of the New Hampshire investment trust or could damage the New Hampshire investment trust or its business or which the New Hampshire investment trust is required by law or by agreement with a third party to keep confidential.

IV. A New Hampshire investment trust may maintain its records in other than a written form if such form is capable of conversion into a written form within a reasonable time.

V. Any demand by a beneficial owner or trustee under this section shall be in writing and shall state the purpose of such demand.

293-B:23 Conversion of Other Business Entities to a New Hampshire Investment Trust.

I. Any other business entity, including, without limitation, a statutory trust, a limited partnership, or a limited liability partnership, formed or organized or existing under the laws of this state or any other state or the United States or any foreign country or other foreign jurisdiction may convert to a New Hampshire investment trust by complying with paragraph VII of this section and filing with the secretary of state in accordance with RSA 293-B:14:

(a) A certificate of conversion to New Hampshire investment trust that has been executed by the trustees in accordance with RSA 293-B:13; and

(b) A certificate of trust that complies with RSA 293-B:12 and has been executed by the trustees in accordance with RSA 293-B:13.

II. The certificate of conversion to New Hampshire investment trust shall state:

(a) The date on which and jurisdiction where the other business entity was first formed or organized or otherwise came into being and, if it has changed, its jurisdiction immediately prior to its conversion to a New Hampshire investment trust;

(b) The name of the other business entity immediately prior to the filing of the certificate of conversion to New Hampshire investment trust;

(c) The name of the New Hampshire investment trust as set forth in its certificate of trust filed in accordance with paragraph I of this section; and

(d) The future effective date or time, which shall be a date or time certain, of the conversion to a New Hampshire investment trust if it is not to be effective upon the filing of the certificate of conversion to New Hampshire investment trust and the certificate of trust.

III. Upon the filing with the secretary of state of the certificate of conversion to New Hampshire investment trust and the certificate of trust or upon the future effective date or time of the certificate of conversion to New Hampshire investment trust and the certificate of trust, the other business entity shall be converted into a New Hampshire investment trust and the New Hampshire investment trust shall thereafter be subject to all of the provisions of this

chapter, except that notwithstanding RSA 293-B:12, II, the existence of the New Hampshire investment trust shall be deemed to have commenced on the date the other business entity commenced its existence in the jurisdiction in which the other business entity was first formed or organized or otherwise came into being.

IV. The conversion of any other business entity into a New Hampshire investment trust shall not be deemed to affect any obligations or liabilities of the other business entity incurred prior to its conversion to a New Hampshire investment trust, or the personal liability of any person incurred prior to such conversion.

V. When any conversion shall have become effective under this section, for all purposes of the laws of this state, all of the rights, privileges, and powers of the other business entity that has converted, and all property, real, personal and mixed, and all debts due to such other business entity, as well as all other things and causes of action belonging to such other business entity, shall remain vested in the New Hampshire investment trust to which such other business entity has converted and shall be the property of such New Hampshire investment trust, and the title to any real property vested by deed or otherwise in such other business entity shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of such other business entity shall be preserved unimpaired, and all debts, liabilities, and duties of the other business entity that has converted shall remain attached to the New Hampshire investment trust to which such other business entity has converted, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it in its capacity as a New Hampshire investment trust. The rights, privileges, powers, and interests in property of the other business entity, as well as the debts, liabilities, and duties of the other business entity, shall not be deemed, as a consequence of the conversion, to have been transferred to the New Hampshire investment trust to which such other business entity has converted for any purpose of the laws of this state, provided that this sentence shall not limit any of the foregoing provisions of this paragraph.

VI. Unless otherwise agreed, for all purposes of the laws of the state of New Hampshire, the converting other business entity shall not be required to wind up its affairs or pay its liabilities and distribute its assets, and the conversion shall not be deemed to constitute a dissolution of such other business entity and shall constitute a continuation of the existence of the converting other business entity in the form of a New Hampshire investment trust. When the other business entity has been converted to a New Hampshire investment trust pursuant to this section, the New Hampshire investment trust shall, for all purposes of the laws of this state, be deemed to be the same entity as the converting other business entity.

VII. Prior to filing a certificate of conversion to New Hampshire investment trust with the secretary of state, the conversion shall be approved in the manner provided for by the document, instrument, agreement, or other writing, as the case may be, governing the internal affairs of the other business entity and the conduct of its business or by applicable law, as appropriate, and a governing instrument shall be approved by the same authorization required to approve the conversion.

VIII. This section shall not be construed to limit the accomplishment of a change in the law governing, or the domicile of, any other business entity to this state by any other means provided for in an agreement governing the internal affairs of the other business entity or as otherwise permitted by law, including by the amendment of an agreement governing the internal affairs of the other business entity.

IX. In connection with a conversion hereunder, rights or securities of or interests in the other business entity which is to be converted to a New Hampshire investment trust may be exchanged for or converted into cash, property, rights or securities of, or interests in, such New Hampshire investment trust or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, another New Hampshire investment trust or other business entity or may be cancelled.

293-B:24 Conversion of a New Hampshire Investment Trust.

I. Upon compliance with this section, a New Hampshire investment trust may convert to another business entity including, without limitation, a statutory trust, a limited partnership, or a limited liability partnership.

II. If the governing instrument of the New Hampshire investment trust specifies the manner of authorizing a conversion of the New Hampshire investment trust, the conversion shall be authorized as specified in the governing instrument. If the governing instrument of the New Hampshire investment trust does not specify the manner of authorizing a conversion of the New Hampshire investment trust and does not prohibit a conversion of the New Hampshire investment trust, the conversion shall be authorized in the same manner as is specified in the governing instrument for authorizing a merger or consolidation that involves the New Hampshire investment trust as a constituent party to the merger or consolidation. If the governing instrument of the New Hampshire investment trust does not specify the manner of authorizing a conversion of the New Hampshire investment trust or a merger or consolidation that involves the New Hampshire investment trust as a constituent party and does not prohibit a conversion of the New Hampshire investment trust, the conversion shall be authorized by the approval by all of the beneficial owners and all of the trustees.

III. Unless otherwise agreed, the conversion of a New Hampshire investment trust to another business entity pursuant to this section shall not require such New Hampshire investment trust to wind up its affairs under RSA 293-B:10 or pay its liabilities and distribute its assets under RSA 293-B:10.

IV. In connection with a conversion of a New Hampshire investment trust to an other business entity pursuant to this section, rights or securities of, or interests in, the New Hampshire investment trust which is to be converted may be exchanged for or converted into cash, property, rights or securities of, or interests in, the other business entity into which the New Hampshire investment trust is being converted or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, any other business entity or may be cancelled.

V. If a New Hampshire investment trust shall convert in accordance with this section to an other business entity organized, formed, or created under the laws of a jurisdiction other than the state of New Hampshire, a certificate of conversion to a non-New Hampshire entity executed in accordance with RSA 293-B:13, shall be filed with the secretary of state in accordance with RSA 293-B:14. The certificate of conversion to a non-New Hampshire entity shall state:

(a) The name of the New Hampshire investment trust and, if it has been changed, the name under which its certificate of trust was originally filed;

(b) The date of filing of its original certificate of trust with the secretary of state;

(c) The jurisdiction in which the other business entity, to which the New Hampshire investment trust shall be converted, is organized, formed, or created;

(d) The future effective date or time, which shall be a date or time certain, of the conversion if it is not to be effective upon the filing of the certificate of conversion to a non-New Hampshire entity;

(e) That the conversion has been approved in accordance with this section;

(f) The agreement of the New Hampshire investment trust that it may be served with process in the state of New Hampshire in any action, suit, or proceeding for enforcement of any obligation of the New Hampshire investment trust arising while it was a New Hampshire investment trust of the state of New Hampshire, and that it irrevocably appoints the secretary of state as its agent to accept service of process in any such action, suit, or proceeding; and

(g) The address to which a copy of the process referred to in subparagraph V(f) of this section shall be mailed to it by the secretary of state. In the event of service under this section upon the secretary of state, the secretary of state shall forthwith notify the New Hampshire investment trust that has converted out of this state thereof by letter, certified mail, return receipt requested, directed to the New Hampshire investment trust at the address specified in this paragraph and any other address furnished to the secretary of state by the plaintiff in such action, suit, or proceeding. Such letter shall enclose a copy of the process and any other papers

served upon the secretary of state. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the secretary of state that service is being made pursuant to this paragraph, and to pay to the secretary of state the sum of \$50 for the use of this state, which sum shall be taxed as part of the costs in the proceeding, if the plaintiff shall prevail therein. The secretary of state shall maintain an alphabetical record of any such process setting forth the name of the plaintiff and defendant, the title, docket number, and nature of the proceeding in which process has been served upon the secretary of state, the return date thereof, and the day and hour when the service was made. The secretary of state shall not be required to retain such information for a period longer than 5 years from receipt of the service of process.

VI. Upon the filing to the secretary of state of the certificate of conversion to a non-New Hampshire entity or upon the future effective date or time of the certificate of conversion to a non-New Hampshire entity and payment to the secretary of state of all fees prescribed in this chapter, the secretary of state shall certify that the New Hampshire investment trust has filed all documents and paid all fees required by this chapter, and thereupon the New Hampshire investment trust shall cease to exist as a New Hampshire investment trust. Such certificate of the secretary of state shall be prima facie evidence of the conversion by such New Hampshire investment trust out of the state of New Hampshire.

VII. The conversion of a New Hampshire investment trust out of the state of New Hampshire in accordance with this section and the resulting cessation of its existence as a New Hampshire investment trust pursuant to a certificate of conversion to a non-New Hampshire entity shall not be deemed to affect any obligations or liabilities of the New Hampshire investment trust incurred prior to such conversion or the personal liability of any person incurred prior to such conversion, nor shall it be deemed to affect the choice of law applicable to the New Hampshire investment trust with respect to matters arising prior to such conversion.

VIII. When a New Hampshire investment trust has been converted to an other business entity pursuant to this section, the other business entity shall, for all purposes of the laws of the state of New Hampshire, be deemed to be the same entity as the New Hampshire investment trust. When any conversion becomes effective under this section, for all purposes of the laws of the state of New Hampshire, all of the rights, privileges, and powers of the New Hampshire investment trust that has converted, and all property, real, personal, and mixed, and all debts due to such New Hampshire investment trust, as well as all other things and causes of action belonging to such New Hampshire investment trust, shall remain vested in the other business entity to which such New Hampshire investment trust has converted and shall be the property of such other business entity, and the title to any real property vested by deed or otherwise in such New Hampshire investment trust shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of such New Hampshire investment trust shall be preserved unimpaired, and all debts, liabilities, and duties of the New Hampshire investment trust that has converted shall remain attached to the other business entity to which such New Hampshire investment trust has converted, and may be enforced against it to the same extent as if said debts, liabilities, and duties had originally been incurred or contracted by it in its capacity as such other business entity. The rights, privileges, powers, and interests in property of the New Hampshire investment trust that has converted, as well as the debts, liabilities, and duties of such New Hampshire investment trust, shall not be deemed, as a consequence of the conversion, to have been transferred to the other business entity to which such New Hampshire investment trust has converted for any purpose of the laws of the state of New Hampshire, provided that this sentence shall not limit any of the foregoing provisions of this paragraph.

293-B:25 Domestication of Non-United States Entities.

I. As used in this section, “non-United States entity” means a foreign investment trust other than one formed under the laws of a state, or a corporation, a limited liability company, a business trust or association, a statutory trust, a real estate investment trust, a common-law trust, or any other unincorporated business, including a partnership (whether general (including

a limited liability partnership) or limited (including a limited liability limited partnership), formed, incorporated, created or that otherwise came into being under the laws of any foreign country or other foreign jurisdiction other than any state.

II. Any non-United States entity may become domesticated as a New Hampshire investment trust by complying with paragraph VII of this section and filing with the secretary of state in accordance with RSA 293-B:14:

(a) A certificate of New Hampshire investment trust domestication that has been executed in accordance with RSA 293-B:13; and

(b) A certificate of trust that complies with RSA 293-B:12 and has been executed in accordance with RSA 293-B:13.

III. The certificate of New Hampshire investment trust domestication shall state:

(a) The date on which and jurisdiction where the non-United States entity was first formed, incorporated, created, or otherwise came into being;

(b) The name of the non-United States entity immediately prior to the filing of the certificate of New Hampshire investment trust domestication;

(c) The name of the New Hampshire investment trust as set forth in the certificate of trust filed in accordance with paragraph II of this section;

(d) The future effective date or time, which shall be a date or time certain, of the domestication as a New Hampshire investment trust if it is not to be effective upon the filing of the certificate of New Hampshire investment trust domestication and the certificate of trust; and

(e) The jurisdiction that constituted the seat, siege social, or principal place of business or central administration of the non-United States entity, or any other equivalent thereto under applicable law, immediately prior to the filing of the certificate of New Hampshire investment trust domestication.

IV. Upon the filing with the secretary of state of the certificate of New Hampshire investment trust domestication and the certificate of trust or upon the future effective date or time of the certificate of New Hampshire investment trust domestication and the certificate of trust, the non-United States entity shall be domesticated as a New Hampshire investment trust in the state of New Hampshire and the New Hampshire investment trust shall thereafter be subject to all of the provisions of this chapter, except that notwithstanding RSA 293-B:12, II, the existence of the New Hampshire investment trust shall be deemed to have commenced on the date the non-United States entity commenced its existence in the jurisdiction in which the non-United States entity was first formed, incorporated, created, or otherwise came into being.

V. The domestication of any non-United States entity as a New Hampshire investment trust shall not be deemed to affect any obligations or liabilities of the non-United States entity incurred prior to its domestication as a New Hampshire investment trust, or the personal liability of any person therefor.

VI. The filing of a certificate of New Hampshire investment trust domestication shall not affect the choice of law applicable to the non-United States entity, except that from the effective date or time of the domestication, the law of the state of New Hampshire, including the provisions of this chapter, shall apply to the non-United States entity to the same extent as if the non-United States entity had been formed as a New Hampshire investment trust on that date.

VII. Prior to filing a certificate of New Hampshire investment trust domestication with the secretary of state, the domestication shall be approved in the manner provided for by the document, instrument, agreement or other writing, as the case may be, governing the internal affairs of the non-United States entity and the conduct of its business or by applicable non-New Hampshire law, as appropriate, and a governing instrument shall be approved by the same authorization required to approve the domestication.

VIII. When any domestication shall have become effective under this section, for all purposes of the laws of the state of New Hampshire, all of the rights, privileges, and powers of the non-United States entity that has been domesticated, and all property, real, personal, and mixed, and all debts due to such non-United States entity, as well as all other things and causes of action belonging to such non-United States entity, shall remain vested in the New Hampshire

investment trust to which such non-United States entity has been domesticated and shall be the property of such New Hampshire investment trust, and the title to any real property vested by deed or otherwise in such non-United States entity shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of such non-United States entity shall be preserved unimpaired, and all debts, liabilities, and duties of the non-United States entity that has been domesticated shall remain attached to the New Hampshire investment trust to which such non-United States entity has been domesticated, and may be enforced against it to the same extent as if said debts, liabilities, and duties had originally been incurred or contracted by it in its capacity as a New Hampshire investment trust. The rights, privileges, powers, and interests in property of the non-United States entity, as well as the debts, liabilities, and duties of the non-United States entity, shall not be deemed, as a consequence of the domestication, to have been transferred to the New Hampshire investment trust to which such non-United States entity has domesticated for any purpose of the laws of the state of New Hampshire, provided that this sentence shall not limit any of the foregoing provisions of this paragraph.

IX. When a non-United States entity has become domesticated as a New Hampshire investment trust pursuant to this section, the New Hampshire investment trust shall, for all purposes of the laws of the state of New Hampshire, be deemed to be the same entity as the domesticating non-United States entity. Unless otherwise agreed, for all purposes of the laws of the state of New Hampshire, the domesticating non-United States entity shall not be required to wind up its affairs or pay its liabilities and distribute its assets, and the domestication shall not be deemed to constitute a dissolution of such non-United States entity and shall constitute a continuation of the existence of the domesticating non-United States entity in the form of a New Hampshire investment trust. If, following domestication, a non-United States entity that has become domesticated as a New Hampshire investment trust continues its existence in the foreign country or other foreign jurisdiction in which it was existing immediately prior to domestication, the New Hampshire investment trust and such non-United States entity shall, for all purposes of the laws of the state of New Hampshire, constitute a single entity formed, incorporated, created, or otherwise having come into being, as applicable, and existing under the laws of the state of New Hampshire and the laws of such foreign country or other foreign jurisdiction.

X. In connection with a domestication hereunder, rights or securities of, or interests in, the non-United States entity that is to be domesticated as a New Hampshire investment trust may be exchanged for or converted into cash, property, rights or securities of, or interests in, such New Hampshire investment trust or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, an other New Hampshire investment trust or other entity or may be cancelled.

293-B:26 Transfer or Continuance of New Hampshire Investment Trusts.

I. Upon compliance with the provisions of this section, any New Hampshire investment trust may transfer to or domesticate in any jurisdiction, other than any state, and, in connection therewith, may elect to continue its existence as a New Hampshire investment trust in the state of New Hampshire.

II. If the governing instrument of a New Hampshire investment trust specifies the manner of authorizing a transfer or domestication or continuance described in paragraph I of this section, the transfer or domestication or continuance shall be authorized as specified in the governing instrument. If the governing instrument of a New Hampshire investment trust does not specify the manner of authorizing a transfer or domestication or continuance described in paragraph I of this section and does not prohibit such a transfer or domestication or continuance, the transfer or domestication or continuance shall be authorized in the same manner as is specified in the governing instrument for authorizing a merger or consolidation that involves the New Hampshire investment trust as a constituent party to the merger or consolidation. If the governing instrument of a New Hampshire investment trust does not specify the manner of authorizing a transfer or domestication or continuance described in paragraph I of this section or

a merger or consolidation that involves the New Hampshire investment trust as a constituent party and does not prohibit such a transfer or domestication or continuance, the transfer or domestication or continuance shall be authorized by the approval by all of the beneficial owners and all of the trustees. If a transfer or domestication or continuance described in paragraph I of this section shall be approved as provided in this paragraph II, a certificate of transfer if the New Hampshire investment trust's existence as a New Hampshire investment trust is to cease in the state of New Hampshire, or a certificate of transfer and continuance if the New Hampshire investment trust's existence as a New Hampshire investment trust is to continue, executed in accordance with RSA 293-B:13, shall be filed with the secretary of state in accordance with RSA 293-B:14. The certificate of transfer or the certificate of transfer and continuance shall state:

(a) The name of the New Hampshire investment trust and, if it has been changed, the name under which its certificate of trust was originally filed;

(b) The date of the filing of its original certificate of trust with the secretary of state;

(c) The jurisdiction to which the New Hampshire investment trust shall be transferred or in which it shall be domesticated;

(d) The future effective date or time, which shall be a date or time certain, of the transfer or domestication to the jurisdiction specified in subparagraph II(c) of this section if it is not to be effective upon the filing of the certificate of transfer or the certificate of transfer and continuance;

(e) That the transfer or domestication or continuance of the New Hampshire investment trust has been approved in accordance with the provisions of this section;

(f) In the case of a certificate of transfer:

(1) That the existence of the New Hampshire investment trust shall cease in the state of New Hampshire when the certificate of transfer becomes effective; and

(2) The agreement of the New Hampshire investment trust that it may be served with process in the state of New Hampshire in any action, suit, or proceeding for enforcement of any obligation of the New Hampshire investment trust arising while it was a New Hampshire investment trust of the state of New Hampshire, and that it irrevocably appoints the secretary of state as its agent to accept service of process in any such action, suit, or proceeding;

(g) The address to which a copy of the process referred to in subparagraph II(f) of this section shall be mailed to it by the secretary of state. In the event of service under this section upon the secretary of state, the secretary of state shall forthwith notify the New Hampshire investment trust that has converted out of this state thereof by letter, certified mail, return receipt requested, directed to the New Hampshire investment trust at the address specified in this paragraph and any other address furnished to the secretary of state by the plaintiff in such action, suit, or proceeding. Such letter shall enclose a copy of the process and any other papers served upon the secretary of state. It shall be the duty of the plaintiff in the event of such service to serve process and any other papers in duplicate, to notify the secretary of state that service is being made pursuant to this paragraph, and to pay to the secretary of state the sum of \$50 for the use of this state, which sum shall be taxed as part of the costs in the proceeding, if the plaintiff shall prevail therein. The secretary of state shall maintain an alphabetical record of any such process setting forth the name of the plaintiff and defendant, the title, docket number, and nature of the proceeding in which process has been served upon the secretary of state, the return date thereof, and the day and hour when the service was made. The secretary of state shall not be required to retain such information for a period longer than 5 years from receipt of the service of process; and

(h) In the case of a certificate of transfer and continuance, that the New Hampshire investment trust will continue to exist as a New Hampshire investment trust of the state of New Hampshire after the certificate of transfer and continuance becomes effective.

III. Upon the filing with the secretary of state of the certificate of transfer or upon the future effective date or time of the certificate of transfer and payment to the secretary of state of all fees prescribed in this chapter, the secretary of state shall certify that the New Hampshire investment trust has filed all documents and paid all fees required by this chapter, and thereupon

the New Hampshire investment trust shall cease to exist in the state of New Hampshire. Such certificate of the secretary of state shall be prima facie evidence of the transfer or domestication by such New Hampshire investment trust out of the state of New Hampshire.

IV. The transfer or domestication of a New Hampshire investment trust out of the state of New Hampshire in accordance with this section and the resulting cessation of its existence as a New Hampshire investment trust of the state of New Hampshire pursuant to a certificate of transfer shall not be deemed to affect any obligations or liabilities of the New Hampshire investment trust incurred prior to such transfer or domestication or the personal liability of any person incurred prior to such transfer or domestication, nor shall it be deemed to affect the choice of law applicable to the New Hampshire investment trust with respect to matters arising prior to such transfer or domestication. Unless otherwise agreed, the transfer or domestication of a New Hampshire investment trust out of the state of New Hampshire in accordance with this section shall not require such New Hampshire investment trust to wind up its affairs or pay its liabilities and distribute its assets.

V. If a New Hampshire investment trust files a certificate of transfer and continuance, after the time the certificate of transfer and continuance becomes effective, the New Hampshire investment trust shall continue to exist as a New Hampshire investment trust of the state of New Hampshire, and the laws of the state of New Hampshire, including the provisions of this chapter, shall apply to the New Hampshire investment trust, to the same extent as prior to such time. So long as a New Hampshire investment trust continues to exist as a New Hampshire investment trust of the state of New Hampshire following the filing of a certificate of transfer and continuance, the continuing New Hampshire investment trust and the other business entity formed, incorporated, created or that otherwise came into being as a consequence of the transfer of the New Hampshire investment trust to, or its domestication in, a foreign country or other foreign jurisdiction shall, for all purposes of the laws of the state of New Hampshire, constitute a single entity formed, incorporated, created or otherwise having come into being, as applicable, and existing under the laws of the state of New Hampshire and the laws of such foreign country or other foreign jurisdiction.

VI. In connection with a transfer or domestication of a New Hampshire investment trust to or in another jurisdiction pursuant to paragraph I of this section, rights or securities of, or interests in, such New Hampshire investment trust may be exchanged for or converted into cash, property, rights or securities of, or interests in, the other business entity in which the New Hampshire investment trust will exist in such other jurisdiction as a consequence of the transfer or domestication or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, any other business entity or may be cancelled.

VII. When a New Hampshire investment trust has transferred or domesticated out of the state of New Hampshire pursuant to this section, the transferred or domesticated other business entity shall, for all purposes of the laws of the state of New Hampshire, be deemed to be the same entity as the New Hampshire investment trust. When any transfer or domestication of a New Hampshire investment trust out of the state of New Hampshire shall have become effective under this section, for all purposes of the laws of the state of New Hampshire, all of the rights, privileges, and powers of the New Hampshire investment trust that has transferred or domesticated, and all property, real, personal, and mixed, and all debts due to such New Hampshire investment trust, as well as all other things and causes of action belonging to such New Hampshire investment trust, shall remain vested in the transferred or domesticated other business entity and shall be the property of such transferred or domesticated other business entity, and the title to any real property vested by deed or otherwise in such New Hampshire investment trust shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of such New Hampshire investment trust shall be preserved unimpaired, and all debts, liabilities, and duties of the New Hampshire investment trust that has transferred or domesticated shall remain attached to the transferred or domesticated other business entity, and may be enforced against it to the same extent as if said debts, liabilities, and duties had originally been incurred or contracted by it in its capacity as the

transferred or domesticated other business entity. The rights, privileges, powers, and interests in property of the New Hampshire investment trust that has transferred or domesticated, as well as the debts, liabilities, and duties of such New Hampshire investment trust, shall not be deemed, as a consequence of the transfer or domestication out of the state of New Hampshire, to have been transferred to the transferred or domesticated other business entity for any purpose of the laws of the state of New Hampshire, provided that this sentence shall not limit any of the foregoing provisions of this paragraph.

293-B:27 Applicability. To the extent that any provision of any other chapter of the New Hampshire Revised Statutes Annotated conflicts with any provision in this chapter, the provisions in this chapter shall be controlling, with respect to a New Hampshire investment trust or other investment entity.

293-B:28 Short Title. This chapter may be cited as the “New Hampshire Investment Trust Act.”

293-B:29 Other Trusts Not Affected. This chapter shall not be interpreted to limit or to enlarge the power of trusts that are organized under any other law and shall apply only to a New Hampshire investment trust as defined in RSA 293-B:2, IV and an other investment entity as defined in RSA 293-B:2, VI.

293-B:30 Insurance Not Affected. This chapter shall not be interpreted to limit or to enlarge the power of any state-chartered or federally-chartered financial institution to engage in the business of insurance or in any activity requiring licensing under RSA 401 or RSA 405.

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

AMENDED ANALYSIS

This bill makes various changes to the laws regarding New Hampshire investment trusts.

2010-0468h

Amendment to HB 1395

Proposed by the Committee on Municipal and County Government - C

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

1 New Paragraph; Procedure. Amend RSA 674:60 by inserting after paragraph III the following new paragraph:

IV. A municipality may 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.

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

AMENDED ANALYSIS

This bill authorizes municipalities to require workforce housing applicants to record restrictive covenants.

2010-0727h

Amendment to HB 1400

Proposed by the Majority of the Committee on Education - R

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

1 New Section; Postsecondary Education Commission; Reporting Crimes. Amend RSA 188-D by inserting after section 9-b the following new section:

188-D:9-c Reporting Crimes.

I. Absent a memorandum of understanding, every nonpublic postsecondary educational institution that employs or contracts unsworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency.

II. Any memorandum of understanding executed under this section shall reflect the agreement between the nonpublic postsecondary educational institution and the local law enforcement agency as to what constitutes an “immediate report” and the extent to which offenses listed in group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement. The nonpublic postsecondary educational institution and the local law enforcement agency shall have the discretion to determine which crimes outside of NIBRS group A offenses shall be covered by the immediate reporting requirement.

III. Every nonpublic postsecondary institution in the state shall annually inform students of the provisions of this section by including information about this section in the student handbook, student code of conduct, or other similar online or printed material provided to students.

2 New Section; Community College System of New Hampshire; Reporting Crimes. Amend RSA 188-F by inserting after section 21 the following new section:

188-F:21-a Reporting Crimes.

I. Absent a memorandum of understanding, every institution within the community college system that employs or contracts unsworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency.

II. Any memorandum of understanding executed under this section shall reflect the agreement between the community college system institution and the local law enforcement agency as to what constitutes an “immediate report” and the extent to which offenses listed in group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement. The community college system institution and the local law enforcement agency shall have the discretion to determine which crimes outside of NIBRS group A offenses shall be covered by the immediate reporting requirement.

III. Every community college system institution in the state shall annually inform students of the provisions of this section by including information about this section in the student handbook, student code of conduct, or other similar online or printed material provided to students.

3 New Section; University System of New Hampshire; Reporting Crimes. Amend RSA 187-A by inserting after section 16 the following new section:

187-A:16-a Reporting Crimes.

I. Absent a memorandum of understanding, every institution within the university system that employs or contracts unsworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency.

II. Any memorandum of understanding executed under this section shall reflect the agreement between the university system institution and the local law enforcement agency as to what constitutes an “immediate report” and the extent to which offenses listed in group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement. The university system institution and the local law enforcement agency shall have the discretion to determine which crimes outside of NIBRS group A offenses shall be covered by the immediate reporting requirement.

III. Every university system institution in the state shall annually inform students of the provisions of this section by including information about this section in the student handbook, student code of conduct, or other similar online or printed material provided to students.

4 Applicability. Every memorandum of understanding required by this act shall be executed no later than January 1, 2011.

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

AMENDED ANALYSIS

This bill provides that all colleges and universities in the state shall immediately report crimes occurring on campus property to local law enforcement officials, or they shall enter into a memorandum of understanding with the local law enforcement agency as to the procedure for reporting crimes on campus property.

2010-0812h

Floor Amendment to HB 1411

Proposed by Rep. Stiles

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

AN ACT requiring notice to educational support personnel and non-certified school district employees.

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

1 New Section; Notice for Educational Support Personnel and Non-Certified School District Employees. Amend RSA 189 by inserting after section 14-g the following new section:

189:14-h Notice to Education Support Personnel and Non-Certified School District Employees Required. No later than the last day of school each year, the superintendent shall notify, in writing, all education support personnel and non-certified school district employees who have completed their probationary employment period of the intent to continue or not to continue that employment into the next school year. The notification may contain special circumstances as may be defined by the employer. Nothing in this section shall be construed to amend, replace, or otherwise modify a school district's policy on dismissal, collective bargaining agreements, or any employee benefits package.

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

AMENDED ANALYSIS

This bill requires the superintendent to notify, in writing, all qualified education support personnel and non-certified school district employees who have completed their probationary employment period of the intent to continue or not to continue that employment into the next school year.

2010-0601h

Amendment to HB 1418

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing section 1 with the following:

1 Town of Hinsdale; Bridge Named. Pursuant to RSA 4:43, the smaller or eastern Parker truss bridge that spans the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont on Route 119, bridge number 042/044, shall be named the Charles Dana Bridge.

2010-0599h

Amendment to HB 1419

Proposed by the Committee on Public Works and Highways - C

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

AN ACT naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge.

Amend the bill by replacing section 1 with the following:

1 Town of Hinsdale; Bridge Named. Pursuant to RSA 4:43, the larger or western Pennsylvania truss bridge built in 1920, informally known as the Hinsdale Bridge, that spans the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont on Route 119, bridge number 041/040, shall be named the Anna Hunt Marsh Bridge.

AMENDED ANALYSIS

This bill names the larger Route 119 bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge.

2010-0676h

Amendment to HB 1422

Proposed by the Committee on Executive Departments and Administration - C

Amend section 2 of the bill by replacing paragraph I with the following:

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, one of whom shall be a member of the executive departments and administration committee and one of whom shall be a member of the resources, recreation, and development committee.

(b) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the executive departments and administration committee and one of whom shall be a member of the energy, environment, and economic development committee.

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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

2010-0661h

Amendment to HB 1427

Proposed by the Committee on Local and Regulated Revenues - C

Amend RSA 76:15-aa, I as inserted by section 1 of the bill by replacing it with the following:

I. In a city or town that adopts the provisions of RSA 76:15-b, III, the first quarterly bill shall be due and payable ***(a) in a city or town that has adopted a charter under RSA 49-C or RSA 49-D, on April 1, or (b) in a town other than a town that has adopted a charter under RSA 49-D, on a date determined by the governing body not sooner than 30 days and not later than 45 days following the date of town meeting,*** during the 6-month conversion period prior to the fiscal year beginning on July 1. This bill shall be an amount based on 1/4 of the total previous year's complete city or town, school, and county levy. The entire amount collected on ~~April 1~~ ***the first quarterly billing date,*** except for the county portion, shall be credited to the city or town to fund the 6-month conversion period budget as adopted by the legislative body.

2010-0138h

Amendment to HB 1439-LOCAL

Proposed by the Committee on Local and Regulated Revenues - R

Amend the bill by replacing section 1 with the following:

1 Water and Air Pollution Control Installations. Amend RSA 72:12-a, I to read as follows:

I. Any person, firm, or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section. This paragraph shall not apply to privately-owned landfills or ancillary facilities located at such landfills ***or to sewage disposal systems installed pursuant to RSA 485-A:29 through RSA 485-A:44 and rules adopted pursuant thereto, except that any exemption for a sewage disposal system granted prior to January 1, 2010 shall remain in effect.***

AMENDED ANALYSIS

This bill makes the property tax exemption for water control facilities inapplicable to certain sewage disposal systems.

2010-0579h

Floor Amendment to HB 1447

Proposed by Rep. Welch

Amend RSA 644:13, I as inserted by section 1 of the bill by replacing it with the following:

I. A person is guilty of a violation if, within the compact part of a town or city, such person fires or discharges any cannon, gun, pistol, or other firearm, except ~~by~~ **after providing** written ~~[permission of]~~ **notification by certified mail to** the chief of police ~~[or governing body]~~ **of the town or city at least 48 hours in advance of the activity, not including Saturdays, Sundays, or holidays. Notification as required in this paragraph shall be made annually for ongoing activity. The chief of police may not permit the activity if he or she determines that it is not safe.**

2010-0554h

Floor Amendment to HB 1447

Proposed by Rep. Willette

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

AN ACT repealing the law relative to the unauthorized use of firearms in the compact part of a town or city.

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

1 Repeal. RSA 644:13, relative to the unauthorized use of firearms in the compact part of a town or city, is repealed.

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

AMENDED ANALYSIS

This bill repeals RSA 644:13, relative to the unauthorized use of firearms in the compact part of a town or city.

2010-0709h

Amendment to HB 1448

Proposed by the Committee on Municipal and County Government - C

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

1 New Sections; Town Auditors. Amend RSA 41 by inserting after section 31 the following new sections:

41:31-a Purpose. Financial audits play a fundamentally vital role in helping to preserve the integrity of the public finance functions and by maintaining citizens' confidence in their elected leaders. Properly performed audits provide independent assurance that financial information presented is reliable.

41:31-b Choice; Election. Any municipality that has not hired an auditor under REA 21-J:19 shall, at the annual meeting, under an article in the warrant, choose one or more auditors. The terms of office shall be staggered so that after the year of adoption one auditor shall be chosen for a term of office for the same number of years as there are auditors on the board, provided however that in the year of adoption the members of the board shall be chosen for varying terms so that the term of one member shall expire in the next succeeding year, the term of the second member, the next year, and so on for the number of years as there are members of the board. The auditor or board of auditors shall perform the duties under RSA 41:31-c and RSA 41:31-d. If a municipality has adopted an official ballot for the election of its officers, the election of an auditor or board of auditors shall not take place until the annual meeting following the meeting at which the provisions of this section are adopted.

41:31-c Duties.

I. All municipalities shall annually, or more often as necessary, conduct an audit of the accounts of any officer or agent handling funds of the municipality. Elected auditors conducting such audits shall follow audit procedures in rules adopted by the commissioner pursuant to RSA 541-A.

II. Any municipality, or any political subdivision exclusively within a municipality, with a population of fewer than 750 as of the most recent federal census, provided a financial statement audit is not required by another law, regulation, or contract, may, not less than 45 days before the end of the fiscal year, petition the commissioner to waive the annual audit requirement for that fiscal year and provide an alternative plan for reviewing the municipality's financial accounts. If the commissioner approves the scope of services as proposed by the municipality, such services shall be completed by either the locally elected auditor or a CPA. If the commissioner does not approve or no alternative procedures or scope of services is provided by the municipality, then the commissioner shall determine the appropriate scope of services.

41:31-d Reports.

I. A complete report of any audit or procedure conducted under RSA 41:31-c shall, upon completion, be made available to the public in accordance with RSA 21-J:19.

II. Unless otherwise required by law, within 10 days of the receipt of any completed audit a complete copy of the audit and any accompanying management letter shall be submitted to the commissioner by the governing body.

III. Any municipality that has not completed an audit or procedure by 9 months after the close of the fiscal year shall notify the commissioner in writing with an explanation of the reason or reasons for the delay and a timetable for adoption of the audit by the municipality.

2 School Districts; Auditors. Amend RSA 671:5 to read as follows:

671:5 Auditors. At each district election, each district which is not a cooperative school district as defined in RSA 195:1 shall elect one or more auditors. In a district voting to elect 2 or more auditors, their terms shall be staggered so that one auditor shall be elected each year for a term of office of the same number of years as there are auditors; provided, however, that, in the first year, the auditors shall be chosen for varying terms so that the term of one auditor shall expire in the next succeeding year, the term of the second auditor, the next year, and so on for the number of years as there are number of auditors. When voters of the district direct the school board to request an audit ~~[by the municipal services division of the department of revenue administration or]~~ by independent public accountants from outside the district, they shall not be required to choose auditors for the year covered by said audit.

3 New Paragraph; District Taxes; Reports Required; Cities and School Districts. Amend RSA 198:4-d by inserting after paragraph V the following new paragraph:

VI. If a city or school district is audited under RSA 671:5, the procedures in RSA 41:31-a through 41:31-d shall be followed.

4 Auditors. RSA 197:25 is repealed and reenacted to read as follows:

197:25 Auditors. If a district has not hired an auditor under RSA 21-J:19, the locally elected auditors shall carefully examine the accounts of the treasurer and school board at the close of each fiscal year by following the procedures in RSA 41:31-a through 41:31-d.

5 Selectmen's Lists and Warrant. Amend RSA 76:10, II to read as follows:

II. If the municipal tax collector finds a discrepancy of 1/2 of one percent or more between the amount of the warrant as committed to the tax collector of the municipality and the total property tax commitment calculated by the commissioner of revenue administration, based on the pertinent information provided by the municipality under RSA 21-J:34, the collector shall return the warrant to the municipality's assessing officials for correction. If a correction cannot be made to generate a warrant with less than 1/2 of one percent discrepancy, the assessing officials shall submit a revised property summary inventory of valuation form as required under RSA 21-J:34, I, for recalculation of the tax rate by the commissioner of revenue administration. The municipality shall not issue property tax bills until such discrepancy is resolved. ***A copy of the signed warrant total page and an actual tax bill shall be submitted to the department of revenue administration by the tax collector.***

6 Method of Adopting Official Ballot Referendum Form of Meeting. Amend RSA 40:14, VII to read as follows:

VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in ~~[RSA 40:13,]~~ ***paragraphs*** III-VI. The wording of the

question shall be: "Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the (local political subdivision) on (date of adoption), so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

7 Petition and Ballot. Amend RSA 41:8-b to read as follows:

41:8-b Petition and Ballot. Upon written [~~petition of not less than 2 percent of the legal voters of any town, addressed and delivered to the selectmen~~] **application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them** not later than the fifth Tuesday before any annual meeting, the following question, as requested in the application, shall be submitted to the voters at the meeting: "Are you in favor of increasing the board of selectmen to 5 members?" In towns having an official ballot the question shall appear upon the ballot, pursuant to RSA 656:13. In towns where no official ballot is used, the vote on this question shall be by special ballot. After the question, squares with the words "yes" and "no" shall be printed on the ballot in which the voter may mark his **or her** choice, pursuant to RSA 656:13.

8 Taxation, Procedure. Amend RSA 52:16, I to read as follows:

I. Whenever the district votes to raise money by taxation or otherwise for any of its purposes, the clerk shall, within [49] **20** days thereafter, deliver a certified copy of such vote to the selectmen of each town which contains any part of the district and to the commissioner of revenue administration. Whether or not the district is situated wholly within one town, the selectmen of each town shall assess the tax on that part of the district lying within their own town and commit it to the collector of taxes from their own town. The collectors shall then collect the tax as required by law. The selectmen may make such assessments in the manner provided under RSA 76:4.

9 Repeal. RSA 41:31, relative to the choice and duties of town auditors, is repealed.

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

2010-0350h

Amendment to HB 1450

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

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

2 Cocheco River Designation. Amend RSA 483:15,XVI(c) to read as follows:

(c) As a rural-community river from **0.7 miles** south of the Cocheco Road Bridge north of Route 11 in Farmington to Little Falls Bridge crossing in Rochester.

AMENDED ANALYSIS

This bill:

I. Designates a portion of the Cocheco River as a protected river.

II. Designates a portion of the Cocheco River as a rural-community river.

2010-0541h

Amendment to HB 1470

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 New Section; Condominium Act; Committee to Study the Laws Relating to Condominium and Homeowners' Associations. Amend RSA 356-B by inserting after section 69 the following new section:

356-B:70 Committee to Study the Laws Relating to Condominium and Homeowners' Associations.

I. There is established a committee to study laws relating to condominium and homeowners' associations.

II. 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) One member of the senate, appointed by the president of the senate.

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

IV. The committee shall:

(a) Study laws relevant to condominium and other homeowners' associations.

(b) Evaluate the need to distinguish smaller and larger associations in the statutes and to differentiate between condominium associations and homeowners' associations.

(c) Study model laws for possible improvement to New Hampshire laws.

(d) Recommend statutory changes.

(e) Solicit information and testimony from the Community Associations Institute and others with expertise or information relevant to the committee's study.

V. The members of the 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. Three members of the committee shall constitute a quorum.

VI. The committee shall submit an annual report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010 and each November 1 thereafter.

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

2010-0655h

Amendment to HB 1474

Proposed by the Committee on Children and Family Law - C

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

AN ACT establishing a legislative committee to review the New Hampshire child support guidelines.

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

1 Legislative Committee to Review the New Hampshire Child Support Guidelines.

I. There is hereby established a legislative committee to review the New Hampshire child support guidelines. The committee shall be composed of the following members:

(a) Two members of the house of representatives, children and family law committee, appointed by the speaker of the house of representatives.

(b) One member 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.

III. The committee shall review the current child support formula and evaluate the merits of both the income shares model and the Melson formula as potential theories upon which child support may be calculated. Specifically, the committee shall consider:

(a) The income shares model, which is based on the concept that the child should receive the same proportion of parental income that he or she would have received if the parents lived together.

(b) The Melson formula, developed by Delaware Family Court Judge Melson and more fully explained in Dalton v. Clanton, 559 A.2d 1197 (Del. 1989), which is designed to insure that each parent's basic needs are met in addition to the children's.

(c) The finding of the 2009 New Hampshire Child Support Guidelines Review and Recommendations, that the current New Hampshire guidelines should be revised to more accurately reflect recent estimates of child rearing expenditures, which show a lower fraction of

total expenditures on children at higher income levels, and to produce results that are consistent with the income shares philosophy.

(d) The need to clarify and provide uniformity in the calculation of child support in cases of equal or nearly equal residential responsibility.

IV. The committee shall solicit information and testimony from those agencies and individuals that may be of assistance to the committee, including but not limited to the department of health and human services, the authors of the 2009 New Hampshire Child Support Guidelines Review and Recommendations, and members of the legal and judicial community with expertise in the child support guidelines.

V. On or before November 1, 2010, the committee shall report its findings and recommendations, including any proposed changes to the child support guidelines, to the speaker of the house of representatives, the senate president, the governor, and the state library.

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

AMENDED ANALYSIS

This bill establishes a legislative committee to study the New Hampshire child support guidelines and child support models, including the income shares model and the Melson formula.

2010-0763h

Amendment to HB 1480

Proposed by the Committee on Public Works and Highways - C

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

AN ACT relative to the New Hampshire rail transit authority.

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

1 Bonds. Amend RSA 238-A:10, I to read as follows:

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

2 New Section; Semiannual Reports. Amend RSA 238-A by inserting after section 12 the following new section:

238-A:12-a Semiannual Reports. The authority shall provide informational reports on its activities to the capital budget overview committee on March 30 and September 30 of each year.

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

AMENDED ANALYSIS

This bill:

I. Limits the amount of bonds that may be issued by the New Hampshire rail transit authority.

II. Requires the authority to report semiannually to the capital budget overview committee.

2010-0633h

Amendment to HB 1483

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to appropriations in the county budget.

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

1 Counties; Appropriations. Amend RSA 24:14 to read as follows:

24:14 Appropriations.

I. Appropriations by the county convention shall be itemized in detail and a record thereof shall be kept by the clerk of the convention. The executive committee of the county shall have authority to review the expenditures of the county after adoption of the county budget. Such review may occur as often as voted by the executive committee, but no less than ~~quarterly~~ ***twice*** each year. The convention may require the county commissioners to report once each quarter to

the convention or to the executive committee the expenditures of the county as compared to the budget as voted, in such detail as determined by the convention. The county convention may require that the county commissioners obtain written authority from the executive committee before transferring any appropriation or part thereof under RSA 24:15. ***The county convention may adopt a policy regarding the acceptance of grants.***

I-a. In this chapter, an appropriation means an amount of money authorized for a specified purpose by the legislative body.

II. The county convention shall adopt ~~its~~ ***the*** annual budget within 90 days after the beginning of the county's fiscal year if the county operates on a calendar year basis. If the county operates on an optional fiscal year basis pursuant to RSA 31:94-a, then the county convention shall adopt ~~its~~ ***the*** annual budget not later than September 1. If the county convention does not adopt ~~its~~ ***the*** annual budget by the time specified, the budget, as recommended by the commissioners, shall take effect ***as the county budget.***

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

AMENDED ANALYSIS

This bill allows the executive committee of the county convention to review the expenditures of the county budget no less than twice each year, and clarifies appropriations in the county budget.

2010-0702h

Amendment to HB 1487

Proposed by the Committee on Executive Departments and Administration - C

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

1 Certified Wetland Scientist; Definition. Amend RSA 310-A:76, II-a to read as follows:

II-a. "Certified wetland scientist" means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and ***to prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands' functions and values; and to prepare associated reports, all*** in accordance with standards for identification of wetlands adopted by the New Hampshire department of environmental services or the United States Army Corps of Engineers or ~~its successor~~ ***their successors***, and who has been duly certified by the board.

2 Qualifications for Certification. Amend RSA 310-A:84, II-b(a)(3) to read as follows:

(3) Actual field mapping experience, defined as the delineation of wetland boundaries and the preparation of wetland maps; ***the classification of wetlands; the preparation of wetland function and value assessments; the design of wetland mitigation; the implementation of wetland mitigation; the monitoring of wetlands' functions and values; and preparation of associated reports, all*** in accordance with standards for the identification of wetlands adopted by the department of environmental services or the United States Army Corps of Engineers or ~~its successor~~ ***their successors***.

2010-0784h

Amendment to HB 1491

Proposed by the Committee on Children and Family Law - C

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

AN ACT relative to the child support calculation in cases of shared parenting.

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

2 New Paragraph; Application of Guidelines; Calculation of Child Support in Cased of Shared Parenting. Amend RSA 458-C:3 by inserting after paragraph II the following new paragraph:

II-a. In the case of equal or nearly equal residential responsibility as determined by the parenting plan adopted pursuant to RSA 461-A:4, the child support obligation shall be determined in a separate calculation for each parent. The parent with the greater annual child

support obligation shall be designated as the obligor, and the child support owed to the other parent shall be based on the obligor's annual child support obligation less the annual child support obligation of the other parent. If both parents have an equal annual child support obligation, no child support payment shall be ordered by the court. For purposes of this paragraph, equal or nearly equal residential responsibility means each parent has residential responsibility for between 165 and 183 nights per year.

3 Adjustments to Child Support Guidelines; Parenting Schedule. Amend RSA 458-C:5, I(h) to read as follows:

(h) Parenting schedule.

~~[(1) Equal or approximately equal parenting residential responsibilities in and of itself shall not eliminate the need for child support and shall not by itself constitute ground for an adjustment.~~

~~[(2) In considering requests for adjustments to the application of the child support guidelines based on the parenting schedule, the court may consider the following factors:~~

~~(A) Whether, in cases of equal or approximately equal residential responsibility, the parties have agreed to the specific apportionment of variable expenses for the children, including but not limited to education, school supplies, day care, after school, vacation and summer care, extracurricular activities, clothing, health insurance costs and uninsured health costs, and other child-related expenses.~~

~~(B) Whether the obligor parent has established that the equal or approximately equal residential responsibility will result in a reduction of any of the fixed costs of child rearing incurred by the obligee parent.~~

~~(C) Whether the income of the lower earning parent enables that parent to meet the costs of child rearing in a similar or approximately equal style to that of the other parent.]~~

4 New Subparagraph; Adjustments to Child Support Guidelines; Variable Expenses. Amend RSA 458-C:5, I by inserting after subparagraph (j) the following new subparagraph:

(k) Whether the parties have agreed to a specific apportionment of variable expenses for the children, including but not limited to education, school supplies, child care, after school, vacation, and summer care, extracurricular activities, clothing, health insurance costs and uninsured health costs, and other child-related expenses.

5 Effective Date. This act shall take effect January 1, 2011.

AMENDED ANALYSIS

This bill revises the child support formula in cases where the parents have approximately equal residential responsibility for the child. The bill also grants the court discretion to adjust the child support guidelines under special circumstances based on the parenting schedule generally or based on an agreement between the parents regarding variable, child-related expenses.

2010-0270h

Amendment to HB 1493

Proposed by the Committee on Commerce and Consumer Affairs - R

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

AN ACT establishing a committee to study comprehensive mental health and substance use disorders parity.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study comprehensive mental health and substance use disorders parity.

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) Two 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 comprehensive mental health and substance use disorders parity. The committee shall include in its study the following:

I. A review of other state parity laws and experiences to determine the best comprehensive coverage for New Hampshire.

II. A review of the cost and benefits associated with the possible expansion of mental health and substance use disorders coverage to the citizens of New Hampshire.

III. Whether the law should include all clinical diagnoses as found in the latest version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

IV. Whether the law should include self-funded health plans.

V. Whether the law should mandate group health plans to have mental health and substance use disorders coverage.

VI. Whether the law should require companies with more than 25 employees to provide mental health and substance use disorders coverage if they have health plans.

VII. Whether deductibles and copayments should be capped to a certain percent of the cost.

VIII. Any other matter the committee deems relevant to its study.

AMENDED ANALYSIS

This bill establishes a committee to study comprehensive mental health and substance use disorders parity.

2010-0555h

Amendment to HB 1508-FN

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

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

AN ACT relative to communications between offenders convicted of certain sexual assaults and the victims of the crime.

Amend RSA 651-B:9, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII.(a) Except as provided in subparagraph (b), any sexual offender or offender against children who is required to register under this chapter who is convicted of aggravated felonious sexual assault pursuant to RSA 632-A:2, or felonious sexual assault pursuant to RSA 632-A:3, or sexual assault pursuant to RSA 632-A:4, and who initiates contact with the victim of the offense at any time shall be guilty of a class A misdemeanor. In this paragraph, "contact" means any action to communicate with the victim either directly or indirectly, including, but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.

(b) Subparagraph (a) shall not apply to contact between a sexual offender or an offender against children and a victim where there is an ongoing relationship between the victim and the offender that existed prior to the commission of the offense and that necessitates contact between them, such as the shared custody of a child or an emergency involving a shared sibling or parent, provided that any contact by the offender shall be strictly limited to the immediate issue that needs to be communicated.

AMENDED ANALYSIS

This bill limits communication between a person convicted of certain sexual assaults and the victim.

2010-0588h

Amendment to HB 1515-FN

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

Amend RSA 643:1 as inserted by section 1 of the bill by replacing it with the following:

643:1 Official Oppression.

I. A public servant, as defined in RSA 640:2, II, is guilty of a **class B** misdemeanor if, with a purpose to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office; or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

II. *A public servant, as defined in RSA 640:2, II, is guilty of a violation if, without purpose to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office; or knowingly refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office.*

AMENDED ANALYSIS

This bill makes certain official oppression offenses class B misdemeanors and violations.

2010-0540h

Amendment to HB 1519

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT repealing the surety bond requirement for meals and rentals operators.

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

1 Repeal. RSA 78-A:8-b, I-a, relative to the \$5,000 surety bond requirement for meals and rentals operators, is repealed.

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

AMENDED ANALYSIS

This bill repeals the \$5,000 surety bond requirement for meals and rentals operators.

2010-0681h

Amendment to HB 1526

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

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

1 Program Management and Control Costs. Amend RSA 151-E:11, II to read as follows:

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. ~~[Average annual costs shall be the net medicaid costs exclusive of provider payments.]~~ No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services. ***The prior approval shall include a comparison of the mid-level or home-based care costs of the person with the costs of a facility qualified to provide any specialized services necessary for the proper care and treatment of the individual.*** The department shall provide a report semi-annually on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee.

2 New Paragraphs; Long-Term Care; Methodology Required. Amend RSA 151-E:11 by inserting after paragraph II the following new paragraphs:

III.(a) The methodology for determining the cost of care for recipients in the home and community-based care waiver program for the elderly and chronically ill shall include the cost of:

(1) Waiver program services; and

(2) Other medicaid long-term care services, including but not limited to personal care, home health services, physical therapy, occupational therapy, speech therapy, adult medical day program services, private duty nursing, and case management services.

(b) Such methodology shall not include services rendered for the treatment of an acute illness or injury.

IV. Pursuant to RSA 541-A, the commissioner of the department of health and human services, with prior reporting to the oversight committee on health and human services, shall adopt by rule:

(a) Methodologies for determining the cost and average annual cost of home-based care, mid-level care, and intermediate, skilled, or specialized nursing facility care, including:

- (1) Bases for the methodologies;
- (2) Identification of services considered in determining costs;
- (3) Average annual costs based on the annual average number of recipients in the

setting; and

(4) The requirement that nursing facility care include both the initial Medicaid rate and supplemental rates paid through the Medicaid Quality Incentive Program; and

(5) The requirement that nursing facility will include the cost for transitional case management.

(b) A process to identify persons in home-based or mid-level care whose costs are expected to exceed 80 percent of the average annual cost for the provision of services to a person in a nursing facility; and

(c) A standard of review and process for prior approval by the commissioner, in accordance with paragraph II of this section, for the cases identified through the process in subparagraph (b).

3 Effective Date. This act shall take effect January 1, 2011.

2010-0733h

Amendment to HB 1529

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 4 with the following:

4 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official ~~absent-voting~~ **absentee** ballots have been sent, and shall identify those official ~~absent-voting~~ **absentee** ballots which have been returned to the clerk **and shall record the absentee voter applicant information in the statewide centralized voter registration database.** Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain ~~copies of such lists~~ **a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B;** the lists shall not be available for public inspection at any time without a court order.

Amend the bill by replacing all after section 6 with the following:

7 Absentee Voting; Federal Post Card Application. Amend RSA 657:19-a to read as follows:

657:19-a Federal Post Card Application. An armed services voter or federal overseas citizen voter who is domiciled outside the United States qualified to vote in New Hampshire may request an absentee ballot by completing a federal post card application form provided by the United States government, and sending it to the town or city clerk of his or her last domicile. The applicant may request an absentee ballot for all elections in which he or she is qualified to cast a ballot during the calendar year. **The town or city clerk shall forward a copy of the armed**

services or federal overseas citizen voter registration form to the supervisors of the checklist.

8 Absentee Voting; Cutoff. Amend RSA 657:22 to read as follows:

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed absentee ballots delivered to the clerk after 5:00 p.m. on election day ***except as provided in RSA 657:21-a, V.*** Ballots received after such time shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

9 Absentee Voting; Delivery to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA ~~[659]~~ ***659:49***, the clerk shall deliver all such envelopes, ~~[and]~~ the applications therefor received by him ***or her, and the list of absentee voter applicants compiled pursuant to RSA 657:15*** to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no armed services ballot shall be rejected by a moderator for lack of an attached application.

10 New Subdivision; Absentee Voter Website. Amend RSA 657 by inserting after section 25 the following new subdivision:

Absentee Voter Website

657:26 Absentee Voter Website. The secretary of state shall make available by July 31, 2010 a public website by which an absentee voter, in the 2010 general election and every subsequent state election, may determine whether the voter's absentee ballot request has been received by the clerk, whether the absentee ballot has been sent pursuant to such request, and whether the envelope purporting to contain the absentee ballot has been received by the clerk. The town and city clerk shall, without delay, enter into the statewide centralized voter registration database the dates that all valid requests for absentee ballots are received, the dates all absentee ballots are sent, and the dates all envelopes purporting to contain absentee ballots are received. The secretary of state shall allow free and secure access to any voter who enters on the website his or her full first name, full last name, the town where the voter has requested an absentee ballot, and the voter's date of birth as they appear in the statewide centralized voter registration database. The city and town clerk shall provide instructions to absentee voter applicants describing how to access this website.

11 Delivery of Ballots to Additional Polling Place. Amend RSA 658:33 to read as follows:

658:33 Delivery of Ballots to Additional Polling Place. Before the polls are opened at the central polling place on the day of an election, the town clerk shall seal up the 2 duplicate copies of the checklist for each additional polling place lodged with ~~[him]~~ ***the clerk*** by the supervisors with a number of blank ballots equal to the number of voters on such checklist and 50 additional ballots. If the moderator has authorized the counting of votes and thereby authorized the processing of absentee ballots at the additional polling place, the absentee ballots of those persons qualified to vote in that additional polling place shall be sealed up along with a list of those persons qualified to vote at that additional polling place to whom absentee ballots have been sent ***pursuant to RSA 657:15.*** This package shall be prepared and sealed in the presence of the moderator and selectmen and shall be delivered immediately to the assistant moderator of the additional polling place by 2 election officers designated by the moderator.

12 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the affidavit envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the

challenge is well grounded, ~~[he]~~ **the moderator** shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 **and shall record next to the name of the absentee voter on the clerk's list of absentee voter applicants prepared pursuant to RSA 657:15 the word "challenged" and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database.** If the moderator decides that the challenge is not well grounded, he **or she** shall open the affidavit envelope so the affidavit thereon is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. ~~[He]~~ **The moderator** shall then proceed to deposit the ballot as provided in RSA 659:52.

13 Opening Envelope; Depositing Ballot. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the affidavit envelope containing the ballot so the affidavit on the envelope is not destroyed. ~~[He]~~ **The moderator** shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and ~~[he]~~ shall preserve the affidavit envelope ~~[with the ballots cast at the election as provided in RSA 659:101]~~ **separately from the ballots and deliver it to the town or city clerk upon the closing of the polls.** The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

14 Forms Not in Order. Amend RSA 659:53 to read as follows:

659:53 Forms Not in Order. If the moderator finds that the absentee voter is not entitled to vote, ~~[he]~~ **the moderator** shall not open the envelope and shall mark across the face of the envelope the reason the ballot is rejected, such as "rejected as not a voter," "voted in person," "affidavit improperly executed," "not signed by proper person," or whatever the reason is **and shall record next to the name of the absentee voter on the clerk's list of absentee voter applicants prepared pursuant to RSA 657:15 the word "rejected" and the reason for the rejection. The clerk shall record this information in the statewide centralized voter registration database.** The moderator shall save all the unopened envelopes and shall preserve the envelopes with the ballots cast at the election as provided in RSA 659:101.

15 New Paragraph; Contact and Polling Place Information. Amend RSA 654:45 by inserting after paragraph VI the following new paragraph:

VII. The city and town clerk shall enter, maintain, and keep up to date election official contact information and polling place information as determined by the secretary of state in the statewide centralized voter registration database for use by the secretary of state in effecting election laws.

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

2010-0391h

Amendment to HB 1533

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

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

AN ACT establishing a committee to study the statute governing annulment of criminal records.

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

1 Committee Established. There is established a committee to study the statute governing annulment of criminal records.

2 Membership and Compensation.

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

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

(b) Two members of the senate appointed by the president of the senate.

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

3 Duties.

I. The committee shall:

(a) Study the history of the state annulment statute (RSA 651:5) as it has been interpreted and applied in New Hampshire.

(b) Study whether the application of the annulment statute in criminal cases affects the ability of the press to report on matters of public safety and the public's right to know.

(c) Study how press coverage of criminal cases involving the annulment statute has been affected by the emergence of the Internet's increasing importance to the public.

(d) Study any other issue which it deems relevant to its purpose.

II. The committee may solicit testimony from any person or organization with information or expertise relevant to the subject of its study.

4 Chairperson; Quorum. The members of the 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, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study the interpretation and application of the statute governing annulment of criminal records.

2010-0476h

Amendment to HB 1541-FN

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend the bill by replacing section 10 with the following:

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

2010-0740h

Amendment to HB 1543

Proposed by the Committee on Judiciary - C

Amend RSA 336:1, II as inserted by section 1 of the bill by replacing it with the following:

II. The annual simple rate of interest on judgments shall be 10 percent.

AMENDED ANALYSIS

This bill changes the annual simple rate of interest on judgments.

2010-0539h

Amendment to HB 1553

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

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Maternal Mortality Review Panel. Amend RSA 132 by inserting after section 28 the following new subdivision:

Maternal Mortality Review Panel

132:29 Definitions. In this subdivision "maternal mortality" means the following:

I. "Pregnancy-related" means the death of a woman while pregnant or within one year of the end of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by her pregnancy or its management, but not from accidental or incidental causes.

II. “Pregnancy-associated death” means the death of a woman while pregnant or within one year of the end of pregnancy, irrespective of cause.

III. “Pregnancy-associated, but not pregnancy-related” means the death of a woman while pregnant or within one year of the end of pregnancy due to a cause unrelated to pregnancy.

132:30 Maternal Mortality Review Panel Established.

I. There is established a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire for the purpose of identifying factors associated with the deaths and to make recommendations for system changes to improve services for women in the state. The panel shall consist of:

(a) Two members from the New Hampshire chapter of the American College of Obstetricians and Gynecologists, one of whom shall be a generalist obstetrician, and one of whom shall be a maternal fetal medicine specialist.

(b) One member from the New Hampshire chapter of the American Academy of Pediatrics, specializing in neonatology.

(c) One member from the New Hampshire chapter of the American College of Nurse-Midwives.

(d) One member from the New Hampshire section of the Association for Women’s Health, Obstetric and Neonatal Nurses.

(e) The administrator of maternal and child health who also is the Title V director, division of public health services, department of health and human services.

(f) An epidemiologist from the department of health and human services with experience analyzing perinatal data, or designee.

(g) A representative of the community mental health centers.

(h) A public member.

(i) The chief medical examiner, or designee.

II. Each member in subparagraphs I(a)-(h) shall be appointed by the commissioner of health and human services, or designee, in collaboration with the organizations listed in paragraph I.

III. The term of each member shall be 3 years and the terms shall be staggered. The chair shall be appointed by the commissioner. The initially appointed chair shall call the meeting and panel together and shall serve as chair for 6 months, after which time, the panel shall elect its chair. Members of the panel shall receive no compensation.

IV. The commissioner may delegate to the Northern New England Perinatal Quality Improvement Network (NNEPQIN) the functions of collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the panel, and other substantive and administrative tasks as may be incident to these activities. The activities of NNEPQIN and its employees or agents shall be subject to the same confidentiality provisions as those that apply to the panel.

V. The commissioner shall submit an annual report beginning on June 1, 2011 to the oversight committee on health and human services describing adverse events reviewed by the panel, including statistics and causes, and outlining, in aggregate, corrective action plans, and making recommendations for system change and legislation relative to state health care operations.

VI.(a) The panel, in collaboration with the commissioner of the department of health and human services, or designee, shall conduct comprehensive multidisciplinary reviews of the maternal mortality deaths, as defined in RSA 132:29, I - III, in New Hampshire.

(b) Each member of the panel shall be responsible for the dissemination of panel recommendations to his or her respective institutions and professional organizations. All such information shall be disseminated through each participant's quality assurance program in order to protect the confidentiality of all participants and patients involved in any incident.

(c) The panel shall not:

(1) Call witnesses or take testimony from individuals involved in the investigation of a maternal death.

(2) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding, except if a member of the team is involved in the investigation of the death or resulting prosecution and must participate in a legal proceeding in the course of performing in his or her duties outside the team.

(d) Proceedings, records, and opinions of the maternal mortality review panel are confidential, not subject to RSA 91-A, and not subject to discovery, subpoena, or introduction into evidence in any civil or criminal proceeding. Nothing in this subparagraph shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the proceedings of the panel.

(e) Members of the panel shall not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the team. Nothing in this subparagraph shall be construed to prevent a member of the panel from testifying to information obtained independently of the team or which is public information.

VII. The commissioner of the department of health and human services, with the advice and recommendation of a majority of members of the panel, shall adopt rules, pursuant to RSA 541-A, relative to the following:

(a) The system for identifying and reporting maternal deaths to the commissioner, or designee.

(b) The form and manner through which the program may acquire information under RSA 132:31.

(c) The protocol to be used in carefully and sensitively contacting a family member of the deceased woman for a discussion of the events surrounding the death, allowing grieving family members to refuse such an interview.

(d) Assuring de-identification of all individuals and facilities involved in the panel review of cases.

132:31 Acquisition of Information Related to Maternal Mortality.

I. If a root cause analysis of a maternal mortality event has been completed, such findings shall be included in the records supplied to the review panel.

II. Health care providers, health care facilities, clinics, laboratories, medical records departments, and state offices, agencies and departments shall report all maternal mortality deaths as defined in RSA 132:29, I-III to the chair of the panel and allow the commissioner, or designee, to have access to individually identifiable information relating to the occurrence of maternal deaths. This information includes, but is not limited to: vital records, hospital discharge data, prenatal, fetal, pediatric, or infant medical records, hospital or clinic records, laboratory reports, records of fetal deaths or induced terminations of pregnancies, and autopsy reports. The same case information may be acquired from health care facilities, maternal mortality review programs, and other sources in other states to ensure that its records of New Hampshire maternal mortality cases are accurate and complete. The chair shall not acquire and retain any individually identifiable information from any source unless acquiring such information serves the purposes specified in RSA 132:30, I.

III. The commissioner, or designee, may retain identifiable information regarding facilities where maternal deaths occur and geographical information on each case solely for the purposes of trending and analysis over time. Pursuant to 132:30, VII(d), identifiable information on all individuals and facilities shall be removed prior to any case review by the panel.

2010-0783h

Floor Amendment to HB 1553 Proposed by Reps. DiPentima and Kurk

Amend RSA 132:31, II as inserted by section 2 of the bill by replacing it with the following:

II. Health care providers, health care facilities, clinics, laboratories, medical records departments, and state offices, agencies and departments shall report all maternal mortality deaths as defined in RSA 132:29, I-III to the chair of the panel and the commissioner, or designee. The commissioner shall have access to individually identifiable information relating to the

occurrence of maternal deaths only on a case-by-case basis where public health is at risk. This information includes, but is not limited to: vital records, hospital discharge data, prenatal, fetal, pediatric, or infant medical records, hospital or clinic records, laboratory reports, records of fetal deaths or induced terminations of pregnancies, and autopsy reports. The same case information may be acquired from health care facilities, maternal mortality review programs, and other sources in other states to ensure that its records of New Hampshire maternal mortality cases are accurate and complete. The chair shall not acquire and retain any individually identifiable information.

2010-0614h

Amendment to HB 1568-FN-LOCAL

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

Amend the bill by replacing section 1 with the following:

1 Veteran's Relief; Definition of Terms. RSA 165:17 is repealed and reenacted to read as follows:

165:17 Definition of Terms. The following shall constitute wars or conflicts for purposes of RSA 165:16:

I. Any war or armed conflict that occurred between July 3, 1921 and December 6, 1941 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

II. "World War II" between December 7, 1941 and December 31, 1946.

III. "Korean Conflict" between June 25, 1950 and January 31, 1955.

IV. "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or an armed forces expeditionary medal.

V. "Vietnam Conflict" between August 5, 1964 and May 7, 1975.

VI. Any war or armed conflict that has occurred between May 8, 1975 and August 1, 1990 and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

VII. "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law.

2010-0817h

Amendment to HB 1569-FN

Proposed by the Committee on Finance - C

Amend the bill by replacing section 4 with the following:

4 Chief Pharmacists and Pharmacists; New Hampshire Hospital. Amend RSA 94:1-a, I(b) by inserting:

I. KK	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
	Department of health and human services	pharmacist
II. NN	Department of health and human services	chief pharmacist

AMENDED ANALYSIS

This bill establishes the salary for the positions of director of community corrections, director of security and training, and the professional standards director in the department of corrections. This bill also upgrades the positions of chief pharmacist and certain pharmacists of the New Hampshire hospital, department of health and human services.

This bill is a request of the joint committee on employee classification established under RSA 14:14-c.

2010-0739h

Amendment to HB 1572-FN

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

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

1 Health Facility Licensure; Exemption. Amend the introductory paragraph of RSA 151:2, I(e) to read as follows:

(e) Residential care facilities, ***except integrated residential communities***, whether or not they are private homes or other structures built or adapted for the purpose of providing residential care, offering services beyond room and board to 2 or more individuals who may or may not be elderly or suffering from illness, injury, deformity, infirmity or other permanent or temporary physical or mental disability. Such facilities shall include those:

2 New Chapter; Integrated Residential Communities. Amend RSA by inserting after chapter 151-G the following new chapter:

CHAPTER 151-H

INTEGRATED RESIDENTIAL COMMUNITIES

151-H:1 Definitions. In this chapter:

I. "Client" means an individual receiving residential care and other services in an integrated residential community.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Department" means the department of health and human services.

IV. "Integrated residential community" or "community" means a program that provides a scope of residential and other services in a manner consistent with RSA 151-H:2 to individuals with developmental disabilities, mental illness, or traumatic brain injury, is certified by the department in accordance with this chapter, and is recognized by the department as a service delivery alternative to community living facilities and day programs certified under RSA 126-A and residential care facilities licensed under RSA 151.

151-H:2 Integrated Residential Community Programs. Integrated residential community programs shall be certified by the commissioner. For certification, the following criteria shall be met:

I. The program shall utilize a staffing pattern whereby most staff and volunteers live with the clients. The services of staff and volunteers shall be utilized in a manner that promotes full and active interactions between staff, volunteers, and clients, minimizes disruptions in clients' lives, and maximizes the stability of the residence. The program shall have clients, staff, and volunteers working together. Staff and volunteers shall actively participate in all aspects of daily living with clients interacting with them on a 24-hour, continual basis to provide a home community for clients, staff, and volunteers.

II. The program shall operate in a manner that ensures, to the greatest extent possible, that clients are fully integrated into all aspects of the community's operations while also providing meaningful opportunities for clients to access and integrate with the community at large. Clients, staff, and volunteers shall work together performing the same types of tasks. The environment shall be one of shared activities and mutual interdependence among clients, staff, and volunteers.

III. The residences in each community shall maintain a homelike atmosphere and shall be limited to 6 or fewer clients per residence. Communities shall demonstrate that they provide excellent care or, for new communities, that they could provide such care on behalf of client growth and dignity, at a public cost lower than other programs serving a similar client population and providing comparable services. The residence shall demonstrate that the physical environment, services, care, and nurturance are provided in such a way as to maximize each client's development and the quality of his or her life.

IV. Integrated residential community programs serving persons with developmental disabilities shall be considered a part of the service delivery system, as defined in RSA 171-A.

151-H:3 Individual Narrative Plans. Communities shall develop a narrative description for each client served in the program setting. The narrative shall include:

I. A description of the individual's strengths and needs.

II. An annual summary encompassing the client's activities and interests in all aspects of life, including work, home, social/leisure, community involvement, family involvement, and the client's contribution to the program setting. The client's activities and role in the community shall depend on his or her interests, skill development, and community needs. Included with the narrative shall be a schedule of the client's program activities.

III. A description of the approaches that will be used to address each identified need within the integrated 24-hour setting. Staff responsible for implementing components specified in the narrative shall be identified.

IV. Quarterly notes addressing changes in the client's situation specific to paragraphs I-III. As review of the progress of clients is an ongoing, integral part of the program structure, more frequent reassessments of the individual's strengths and needs as part of the program narrative shall formally occur only when necessary, as indicated by dramatic changes in client behavior or interest, or by staff concerns that warrant such reassessment.

151-H:4 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application process and procedures for certification under this chapter.

II. The process and procedures for denials of applications for certification and for revocation of certifications.

III. The process and procedures for department inspections of integrated residential communities including inspections of client living areas and common areas to ensure the communities comply with the provisions of this chapter as well as rules adopted under this chapter and any applicable codes, such as the state fire code.

IV. The process and procedures for investigations into complaints filed with the department relative to integrated community residences.

V. Form and content of all forms required under this chapter.

VI. Assessment and reassessment procedures for evaluating the individual narrative plans.

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

2010-0535h

Amendment to HB 1581

Proposed by the Committee on Ways and Means - C

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

1 Definition; Company. Amend RSA 82:1, I to read as follows:

I. The word "company" as used in ~~[RSA 82:2]~~ **this chapter** shall apply to ~~[all persons, co-partnerships or associations]~~ **any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization.**

2 Rate; Market Value. Amend RSA 82:2 to read as follows:

82:2 Rate. Every railroad, railway, express, and every parlor, sleeping or dining car ~~[corporation or]~~ company, or other ~~[corporation or]~~ company not a railroad company owning any cars operated for profit on any railroad in this state shall pay to the state an annual tax, as of April 1 of each year, upon the ~~[actual]~~ **market** value of its property and estate, at a rate ~~[as nearly]~~ equal as may be to the average rate of taxation at that time upon other property throughout the state. **Market value means the property's full and true value as defined in RSA 75:1.**

3 Market Value. Amend RSA 82:6 to read as follows:

82:6 Condition of Property. In determining the ~~[actual]~~ **market** value of the property and estate in this state of any such ~~[corporation or]~~ company, the department of revenue administration shall make careful inquiry into the condition of all of the property and estate, whether within or without the state, in order that the ~~[actual]~~ **market** value of all that portion of the property and estate of such ~~[corporation or]~~ company within this state, and subject to taxation hereunder, may be accurately fixed and determined.

4 Evidence of Value. RSA 82:7 is repealed and reenacted to read as follows:

82:7 Evidence of Value.

I. The department shall evaluate all information utilizing generally accepted appraisal methods and techniques to determine the market value of the property, real and personal, in this state, of such railroad company. When only a portion of the property and estate of any such company is located within the state, the department of revenue administration, in determining the market value thereof, shall consider its proportionate value to all the property and estate of such company.

II. In the case of railroads operating on state-owned property, the trackage and real estate owned by the state shall not be used as evidence of value.

5 Information Filing; Penalties. RSA 82:10 is repealed and reenacted to read as follows:

82:10 Information Filing and Penalties.

I.(a) On or before May 1 of each year the company shall file a form, designated by the commissioner, that details the company's actual financial operating performance, including company income and all expenses, original cost, and depreciated value of all the company's assets, since the prior April 1 of the preceding year. This statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

(b) If by May 1 the company is unable to file the form as required under subparagraph (a), the company shall request an extension from the department. Such extension shall be valid only upon written confirmation from the department, and shall not exceed 30 days per request. No more than 2 extensions shall be granted in a given tax year.

II. Taxes and estimated taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J:32 and RSA 21-J:33.

III. Any company that fails to file a completed form as required under paragraph I on or before May 1, or by the date granted by an extension, if applicable, shall pay a penalty of one percent of the property tax for which the person is liable. In no case, however, shall the penalty be less than \$250 or more than \$2,500. This penalty shall be treated as incident to the tax and shall be in addition to any other penalty applicable pursuant to paragraph II.

IV. No later than 30 days subsequent to a sale or transfer of a company's property or assets, the company acquiring such property shall notify the department in writing. Such notice shall include the name and address of the company, the date of the transfer, and all the terms of transaction.

6 Reference Corrected; Notice of Tax. Amend RSA 82:20, I to read as follows:

I. Based on the determination of value specified in ~~[RSA 82:4-a]~~ **this chapter** and the rate specified in RSA 82:2, the commissioner shall assess the tax by issuing a notice to the taxpayer within 15 days of the commissioner's determination. After credit for estimated taxes paid, such net taxes shall be paid to the department within 15 days after the date of such notice.

7 Repeal. The following are repealed:

I. RSA 82:4-a, relative to determination of actual value.

II. RSA 82:5, relative to finding actual value.

III. RSA 82:8, relative to proportionate value.

IV. RSA 82:9, relative to facts material in determining.

V. RSA 82:15, relative to doomage.

8 Effective Date. This act shall take effect July 1, 2010.

2010-0604h

Amendment to HB 1609-FN

Proposed by the Committee on Environment and Agriculture - C

Amend the bill by replacing section 3 with the following:

3 Land Use Change Tax. Amend RSA 79-A:7, II(c) to read as follows:

(c) Upon receipt of the land use change tax warrant and the prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the

notice thereof. Such bill shall be mailed, at the latest, within 12 months of the date upon which the local assessing officials receive written notice of the change of use from the landowner or his ~~or her agent[, or within 12 months of the date the local assessing officials actually discover]~~ **on a form prescribed by the board. If no written notice is received, the local assessing officials shall have 6 years to discover** that the land use change tax is due and payable **and to mail the tax bill.** Upon receipt of payment, but except for proceedings under RSA 79-A:7, VI(e), the collector shall forward the original tax bill to the register of deeds of the county in which the land is located for the purpose of releasing recorded contingent liens required under RSA 79-A:5, VI. The tax bill shall state clearly whether all, or only a portion, of the land affected by the notice of contingent lien is subject to release. The recording fee charged by the register of deeds shall be paid by the owner of the land in accordance with the fees to which the register of deeds is entitled under RSA ~~[478:17; 478:17 f or]~~ 478:17-g, I ~~[as applicable].~~

AMENDED ANALYSIS

This bill changes the procedure for setting current use value of unproductive land, clarifies that the land use change tax is not a property tax but is a change of use tax, allows local assessing officials 6 years to discover that the land use change tax is due and payable and to mail the tax bill if they receive no written notice, and clarifies current use taxation of condominium development areas.

2010-0692h

Amendment to HB 1610-FN

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

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

AN ACT establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire. Amend RSA 21-K:24, II as inserted by section 1 of the bill by replacing it with the following:

II. The commission shall consist of 7 members, appointed by the governor, who are residents of New Hampshire. The governor may appoint up to 5 of the initial members from a list of up to 15 candidates compiled by the New Hampshire Intertribal Native American Council on behalf of Native American groups within the state. Thereafter, the governor shall appoint members based on recommendations submitted by the commission. The Native American commission shall be nonpartisan. Each member of the commission shall serve a 3-year term, and no member shall serve more than 2 consecutive terms. Initial appointments by the governor shall be for staggered terms of one, 2, or 3 years.

Amend the bill by replacing section 2 with the following:

2 Recognition of the Native American People.

I. The state of New Hampshire recognizes all Native American people who reside in New Hampshire as a minority population.

II. Recognition of the Native American people provided in paragraph I shall be for the sole purposes specified in section 1 of this act and shall not be interpreted to provide any Native American with any other special rights or privileges that the state does not confer on or grant to other state residents.

AMENDED ANALYSIS

This bill establishes a New Hampshire commission on Native American affairs. The bill also recognizes Native American residents as a minority population in the state of New Hampshire.

2010-0636h

Amendment to HB 1613

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Notification of Security Breach Required. Amend RSA 359-C:20, V to read as follows:

V. Any person engaged in trade or commerce that is subject to RSA 358-A:3, I which maintains procedures for security breach notification pursuant to the laws, rules, regulations,

guidances, or guidelines issued by a state or federal regulator shall be deemed to be in compliance with this subdivision if it acts in accordance with such laws, rules, regulations, guidances, or guidelines. ***In the case of a financial institution, as defined in RSA 359-C:3, it shall file with the bank commissioner a copy of what it is required to file with its state or federal regulator under such laws, rules, regulations, guidances or guidelines at the same time as it is filed with the regulator. The bank commissioner may adopt rules setting forth the manner of such filing with the bank commissioner.***

2 Annual Audits. Amend RSA 384:43 to read as follows:

384:43 Annual Audits.

I. The board of trustees or directors of every financial institution, except credit unions, under the supervision of the bank commissioner, shall ~~[employ]~~ ***engage*** a certified public accountant or public accountant, at least annually, to serve as its auditor. ***Each financial institution shall give written notice to the bank commissioner of its engagement of an auditor at the time of its engagement and shall require its auditor to confirm the engagement in writing to the commissioner within 30 days of such engagement. Each financial institution shall give written notice to the bank commissioner of the termination of the engagement of an auditor at the time of such termination and shall require the auditor to confirm the termination in writing to the commissioner within 30 days of such termination.***

II. ~~[The auditors selected in]~~ ***Any auditor engaged pursuant to*** paragraph I, shall examine the books, accounts and operating systems of the institution in such a manner as in ~~[their]~~ ***its*** judgment will result in an audit that is in agreement with generally accepted accounting standards.

III. ~~[Institutions subject to this section may satisfy the requirements of paragraphs I and II by:]~~

~~(a) Engaging an independent external accounting firm which renders an audit report and opinion consistent with the duties of the auditor described in paragraph II; or~~

~~(b) Employing an internal audit staff which conducts a continuing internal audit program, provided an independent external auditor reviews the internal audit procedures and reports to the board annually; or~~

~~(c) Entering into an arrangement with the bank commissioner, approved by the directors by duly recorded vote and by the commissioner in writing, under which the commissioner makes one examination each year of the affairs of the institution. The expense of such examination shall be chargeable to and paid by the institution. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. Any such arrangement may be terminated by either party upon at least 30 days notice in writing.~~

~~IV.]~~ Each financial institution shall direct its auditor to provide, ***and the auditor shall provide*** the bank commissioner with a copy of its audit report, within 60 days after each is made available to the financial institution. ~~[Reports on the review of internal audit program shall be submitted in a format prescribed by the commissioner in a rule adopted pursuant to RSA 541 A.]~~ All such reports, memoranda, and correspondence remain the property of the individual financial institution.

~~V.]~~ IV. The bank commissioner shall, in the course of his ***or her*** regular official examination of the institution and at such other times that he ***or she*** considers advisable, review and analyze the work and reports of such ~~[accountants and]~~ auditors. ***The auditors shall provide the commissioner with such work and reports as the commissioner may reasonably request is limited to matters that relate to the safety and soundness of the institution.*** If the commissioner determines that any audit is inadequate or substantially violates the provisions of this section, he ***or she*** shall report his ***or her*** findings with instructions in writing to the trustees or directors, who shall, within 30 days after receiving such report, cause the institution to comply with the report and instructions.

3 Petition. Amend RSA 386-A:4, I to read as follows:

I. A petition requesting approval of the proposed incorporation shall be filed with the bank commissioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall be annexed a signed duplicate of the articles of agreement. An examination fee of [~~\$1,500~~] **\$10,000** shall be paid when the petition is filed. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. The bank commissioner shall examine each petition and if he **or she** finds that it is duly completed, he **or she** shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition as he **or she** considers expedient, for the purpose of more fully informing the board. Said board may, upon request of any interested person or corporation or at its own discretion, order a public hearing, or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the board may order. ***Any petition not deemed complete may be rejected by the bank commissioner. A rejected petition may be re-filed with the bank commissioner upon such form and in such manner as prescribed by the bank commissioner and a re-filing fee of \$10,000 shall be paid.***

4 Petition. Amend RSA 392:5, I to read as follows:

I. A petition setting forth said organizational instrument or its terms, signed by the organizers and requesting that the board of trust company incorporation grant a charter shall be filed with the bank commissioner in the form prescribed by the commissioner. The commissioner shall designate in such form the questions, requests for information and certifications applicable only to deposit taking or lending institutions that need not be responded to by organizers of a nondepository trust company. An examination fee of [~~\$5,000~~] **\$10,000** shall be paid when the petition is filed. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. ***A petition may be rejected as incomplete by the bank commissioner. A rejected petition may be re-filed with the bank commissioner upon such form and in such manner as prescribed by the bank commissioner and a re-filing fee of \$10,000 shall be paid.***

5 Approval of Voluntary Dissolution; Filing Fee. Amend RSA 392:46, III to read as follows:

III. Upon completion of all actions required under the plan of dissolution and conditions, if any, prescribed by the board of incorporation, necessary to liquidate the trust company or to effect the reorganization, the applicant shall submit a written report of its actions to the board of incorporation and the applicant's board of directors shall certify, under oath, that it is true and correct. Following receipt of the report, the bank commissioner may examine the trust company to determine whether the commissioner is satisfied that all required actions have been taken to liquidate or reorganize the trust company in accordance with the plan of dissolution and any conditions prescribed by the board. ***The cost of the examination shall be paid by the applicant.*** Not later than 60 days after the filing of the report, the board of incorporation shall examine the report and the bank commissioner's findings, and, if it is satisfied, shall so notify the applicant in writing that the dissolution has been completed and is final. Thereupon, the applicant shall surrender its charter to the board, and the board shall issue a certificate of dissolution to be filed with the secretary of state pursuant to RSA 392:47. If the board is not satisfied that all required actions have been taken, it shall notify the applicant in writing what additional actions shall be taken to be eligible for a certificate of dissolution. The board shall establish a deadline for the submission of evidence that the additional actions have been taken. The board may extend the deadline for good cause shown. If the applicant fails to file a supplemental report showing that the additional actions have been taken before the deadline, or submits a report that is found not to be satisfactory by the board of incorporation, the board shall notify the applicant in writing that its application is not approved, and the applicant may appeal the decision pursuant to RSA 541.

6 Election; Oath. Amend RSA 384:5 to read as follows:

384:5 Election; Oath.

I. Officers, directors ~~[and]~~, trustees **and managers (in the case of a limited liability company,)** shall be elected **or appointed** as frequently as the charter or bylaws of the bank or savings association may require, but not less than once every 3 years~~[-and they shall hold office until others are elected and qualified].~~

II. All officers, directors ~~[and]~~, trustees **and managers (in the case of a limited liability company) of any bank, trust company, or savings association** upon election, **or appointment** shall be sworn to the faithful discharge of their duties~~[-except that they shall be required to take an oath of office only on the first occasion of their election or appointment and shall not be required to take any such oath thereafter].~~ **Within 30 days of the oath being administered, a certified statement signed by the director, trustee, or manager of a limited liability company stating that he or she was duly sworn into office shall be forwarded to the bank commissioner. The commissioner may adopt rules under RSA 541-A to effectuate this section.**

7 Organization. Amend RSA 392:14 to read as follows:

392:14 Organization. The organizers shall adopt bylaws which may be incorporated in an operating agreement if the company is a limited liability company, and shall also elect, or cause to be elected, such directors or managers and officers as may be required by the organizational instrument or bylaws. All directors, managers, and officers so elected shall be sworn to the faithful performance of their duties **in accordance with RSA 384:5**. A temporary clerk or secretary shall make and attest a record of the proceedings until the clerk or secretary has been chosen and sworn, including a record of such choice and qualification.

8 Oath. Amend RSA 394-B:30 to read as follows:

394-B:30 Oath. All directors ~~[and]~~, members of **the** supervisory ~~[and]~~ **or** credit committees, ~~[as well as]~~ **and** all officers ~~[whom such directors may elect]~~ **upon their election or appointment and at each re-election or re-appointment**, shall be sworn to the faithful performance of their duties. A record of every such qualification shall be filed and preserved with the records of the corporation.

Within 30 days of the oath being administered, a certified statement signed by the director or committee member stating that he or she was duly sworn into office shall be forwarded to the bank commissioner. The commissioner may adopt rules under RSA 541-A to effectuate this section.

9 Duties; Commissioner. Amend RSA 394-B:30 to read as follows:

383:9 Duties.

I. The commissioner shall have general supervision of all banks (except national banks), trust companies, building and loan associations, credit unions, Morris plan banks, small loan companies, and other similar institutions in the state. He **or she** shall examine into the condition and management of all such institutions ~~[at least]~~ every 18 months ~~[with the exception of highly rated institutions provided for in RSA 383:9-d]~~, and more often when necessary in his **or her** judgment or when so directed by the governor. ~~[He]~~ **The commissioner** may regulate the buying or selling of securities by ~~[savings]~~ banks for officers, employees, or customers. He **or she** shall assign to the deputy commissioner and the assistants appointed under RSA 383:7 such of his duties as he **or she** sees fit. **In accordance with RSA 383:9-d, qualified institutions may be examined less often, but at no time shall the commissioner examine into the condition and management of any institution less than every 36 months.**

II. ~~[The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the duties assigned him by paragraph I.]~~ **The commissioner may conduct an examination at any location of the institution's operations, including any place where assets are located or where records are made, posted, or kept. The commissioner shall have the power to conduct such an examination outside the state of New Hampshire and outside the United States and its territories.**

III. The commissioner shall have power to make any special examination, investigation, or visitation of any supervised institution as frequently as the commissioner deems necessary.

IV. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the duties assigned him or her by this section.

10 Examination of Highly Rated Institutions; Nondepository Trust Companies. Amend RSA 383:9-d to read as follows:

383:9-d Examination of Highly Rated Institutions; Nondepository Trust Companies.

I. ~~[The bank commissioner may, at his or her discretion, waive one 18-month examination requirement under RSA 383:9 every 6 years for institutions which have consistently been given high ratings in past examinations. The commissioner may also substitute for an 18-month examination once every 6 years a report of a federal institution examining agency whose reports regularly include a report on New Hampshire institutions.]~~ Within any 6-year period in which 4 18-month examinations are required under RSA 383:9, the commissioner may for ~~[highly rated]~~ institutions **qualified under paragraph II:**

- (a) Waive one examination;
- (b) Substitute for one examination a report of a federal bank examining agency whose reports regularly include a report on New Hampshire banks; and
- (c) Perform 2 examinations as required by 383:9.

II. **An institution qualifies for examination treatment under paragraph I and III if:**

- (a) It has consistently been given high ratings in past exams;**
- (b) It is not currently subject to an enforcement proceeding or order; and**
- (c) The commissioner has deemed it prudent to apply this provision.**

III. The commissioner may, at his or her sole discretion, upon the written request of a ~~[highly rated]~~ nondepository trust company **qualified under paragraph II**, satisfy the examination requirement of RSA 383:9, including modifications under paragraph I, for such trust company through an off-premises examination of:

- (a) An audit report satisfying the requirements of RSA 384:43, I and II [if it is prepared in accordance with RSA 384:43, III(a) and (b),] and a fiduciary audit conforming to applicable generally accepted auditing standards; and
- (b) Such other records and information of the institution as may be required by the commissioner.

11 New Section; Affiliates of Institutions. Amend RSA 383 by inserting after section 9-h the following new section:

383:9-i Affiliates of Institutions.

I. For purposes of this section, “affiliate” shall have the same meaning as in the Federal Reserve Act sections 23A(b), as amended from time to time (12 U.S.C. section 371c(a), and the regulations adopted thereunder.

II. In the course of conducting any examination, special examination, investigation, or visitation of any institution under RSA 383:9, the commissioner shall, subject to the limitations of federal law, have the jurisdiction and power to examine any affiliate of such institution. Such an examination is limited to those issues which, in the determination of the commissioner, affect the safe and sound operation of the institution and the relationship between the institution and the affiliate.

12 Petition; Trust Companies; Criminal History Records Check. RSA 392:5, III is repealed and reenacted to read as follows:

III.(a) The department may complete a background investigation and criminal history records check on the petitioner’s organizers, officers, and directors or managers, and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete

a background investigation and criminal history records check on the individuals who are the indirect owners, as defined in RSA 397-A:1, VIII-a.

(b) If required by the department, the persons described in subparagraph (a) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the petitioner to pay the actual costs of each background investigation and criminal history records check.

IV. The failure of a petitioner to furnish required information, data, other material, or the required fee within 30 days after a request may be considered an abandonment of the petition.

13 Petition; Banks' Criminal History Records Check. RSA 386-A:4, II is repealed and reenacted to read as follows:

II.(a) The department may complete a background investigation and criminal history records check on the petitioner's organizers, officers, and directors, trustees or managers and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including individuals, that owns, beneficially own, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

(b) If required by the department, the persons described in subparagraph (a) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the petitioner to pay the actual costs of each background investigation and criminal history records check.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the petition required by paragraph I.

14 New Section; Savings Associations; Criminal History Records Check. Amend RSA 393 by inserting after section 1-b the following new section:

393:1-c Savings Associations; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the incorporators, officers and directors, and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including individuals, that owns, beneficially own, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

15 New Section; Credit Unions. Amend RSA 394-B by inserting after section 4 the following new section:

394-B:4-a Credit Unions; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the persons seeking to form a credit union, the proposed officers and directors of the credit union and any person in a similar position or performing similar functions.

II. If required by the department, the persons described in paragraph I above shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

16 Credit Unions; Use of Funds. Amend RSA 394-B:16, I-II to read as follows:

I. It may deposit its money in any corporate credit union whose shares and deposits are insured by the National Credit Union Administration or other qualified share and deposit insurance fund deemed acceptable by the bank commissioner, and may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association or national bank in New England that is **federally** insured ~~[by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation]~~.

II. It may invest up to the insured amount in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in the United States, ~~[which]~~ **that is federally** insured ~~[by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation]~~.

17 Minimum Capital Requirements; Investment of Capital; Liquidity Requirements. Amend RSA 392:25, I to read as follows:

I. The initial capital required to organize a trust company shall be not less than \$500,000. The board of trust company incorporation may require, in the exercise of its discretion based on safety and soundness factors, as set forth in paragraph IV, additional capital at such levels as it determines is necessary to protect against the risks inherent in the business of the trust company. Once organized, a nondepository trust company shall maintain a minimum level of capital required by the commissioner to operate in a safe and sound manner based upon his or her examination of the company, provided that the level of capital shall not be less than \$500,000. ***The commissioner may, by rule, order, or declaratory ruling set liquidity requirements for such capital.***

18 New Paragraph; Minimum Capital Requirements; Investment of Capital; Liquidity Requirements. Amend RSA 392:25 by inserting after paragraph X the following new paragraph:

XI. In addition to the capital required by paragraph I, the commissioner may by rule, order, or declaratory ruling set minimum liquidity requirements.

19 Consumer Complaints and Restitution. Amend RSA 383:10-d to read as follows:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate **and enjoin** conduct that is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that may violate any of the provisions of Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. ***The commissioner may issue, amend or rescind such orders as are reasonable necessary to carry out provisions of this section and chapter RSA 358-A.*** The commissioner may request the assistance and services of the consumer protection and antitrust bureau of the department of justice. In the instance of conduct involving an alleged criminal offense, the commissioner shall refer to the department of justice all aspects relevant to the criminal investigation and prosecution of such matter.

20 New Section; Nondepositories; Criminal History Records Check. Amend RSA 383 by inserting after paragraph 9-i the following new section:

383:9-j Nondepository Financial Institutions; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the person or group of persons acting in concert who acquire directly or indirectly 10 percent or more of the beneficial ownership or control of the voting shares of a nondepository financial institution, new officers, and directors and any person in a similar position or performing similar functions. If the acquirer is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the

event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

21 New Section; Merchant Banks; Criminal History Records Check. Amend RSA 392-A by inserting after section 6 the following new section:

392-A:6-a Merchant Bank; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the person or group of persons acting in concert who acquire directly or indirectly 10 percent or more of the beneficial ownership or control of the voting shares, new officers, and directors and any person in a similar position or performing similar functions. If the acquirer is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

22 New Paragraph; PDIP Advisory Committee; Defense and Indemnity. Amend RSA 383:24 by inserting after paragraph II the following new paragraph:

III. Any person who serves on the advisory committee shall be considered a state employee solely for the purpose of defense and indemnification from civil suits under RSA 99-D for claims arising from the performance of his or her duties under this section; provided, however, that such person shall not be indemnified from any civil suit arising out of a criminal act.

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

AMENDED ANALYSIS

This bill:

I. Increases certain fees.

II. Allows the banking commissioner to examine certain financial institutions.

III. Requires a statement be sent to the bank commissioner when new officers are sworn in.

IV. Requires background and criminal history records checks for persons seeking to form a trust company or other banking institution.

This bill is a request of the banking department.

2010-0799h

Amendment to HB 1625

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

Amend the bill by replacing section 1 with the following:

1 New Hampshire Veterans' Home. Amend RSA 119:1, I to read as follows:

I. There is established in this state a home known as the New Hampshire veterans' home for the support, care, and treatment of veterans who have served on active duty ~~[in time of war for a period of at least 90 days]~~ in the armed forces of the United States as defined by 38 U.S.C. section 101, **or in reserve units or in the New Hampshire army or air national guard**, and have been honorably discharged therefrom. Except as provided in paragraph II, the veteran shall have been a resident of the state of New Hampshire for at least one year next preceding the veteran's application.

2010-0693h

Amendment to HB 1649-FN

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

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

AN ACT relative to health information and patient rights.

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

1 New Subparagraphs; Definitions Added. Amend RSA 332-I:1, II by inserting after paragraph (d) the following new subparagraphs:

(e) "Audit trail" means a chronological record identifying specific persons who have accessed an electronic medical record, the date and time the record was accessed, and, if such information is available, the area of the record that was accessed. An audit trail shall not be considered a part of a person's medical care.

(f) "Individual" means the subject of the protected health information, including a guardian or other legal representative.

2 New Subparagraph; Patient Information; Electronic Form. Amend RSA 332-I:2, I by inserting after subparagraph (f) the following new subparagraph:

(g) When an individual's medical record is maintained in electronic form, the individual has the right to a report, based on whatever audit trail of that record is then maintained, of access to the record by a health care provider named by the individual within an identified period in the prior 3 years. The report shall indicate whether the named provider had access, or did not have access, or whether access could not be determined with the available data. If the named provider had access, the report shall summarize, as the available data permit, the extent of access to the record. This subparagraph shall not apply to individuals being held in correctional facilities within the state.

3 Effective Date. This act shall take effect January 1, 2011.

AMENDED ANALYSIS

This bill establishes procedures for access to protected health information for treatment.
2010-0693h

Amendment to HB 1649-FN

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

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

AN ACT relative to health information and patient rights.

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

1 New Subparagraphs; Definitions Added. Amend RSA 332-I:1, II by inserting after paragraph (d) the following new subparagraphs:

(e) "Audit trail" means a chronological record identifying specific persons who have accessed an electronic medical record, the date and time the record was accessed, and, if such information is available, the area of the record that was accessed. An audit trail shall not be considered a part of a person's medical care.

(f) "Individual" means the subject of the protected health information, including a guardian or other legal representative.

2 New Subparagraph; Patient Information; Electronic Form. Amend RSA 332-I:2, I by inserting after subparagraph (f) the following new subparagraph:

(g) When an individual's medical record is maintained in electronic form, the individual has the right to a report, based on whatever audit trail of that record is then maintained, of access to the record by a health care provider named by the individual within an identified period in the prior 3 years. The report shall indicate whether the named provider had access, or did not have access, or whether access could not be determined with the available data. If the named provider had access, the report shall summarize, as the available data permit, the extent of access to the record. This subparagraph shall not apply to individuals being held in correctional facilities within the state.

3 Effective Date. This act shall take effect January 1, 2011.

AMENDED ANALYSIS

This bill establishes procedures for access to protected health information for treatment.

2010-0644h

Amendment to HB 1653-FN

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

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

1 New Section; Controlled Drug Act; Personal Possession of Small Amounts of Marijuana.

Amend RSA 318-B by inserting after section 2-b the following new section:

318-B:2-c Personal Possession of Small Amounts of Marijuana.

I. Any person possessing 1/4 ounce or less of marijuana, including any adulterants or dilutants, for personal use, shall be guilty of a violation.

II.(a) Any person 18 years of age or older who is in possession of 1/4 ounce or less of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of a violation and subject to a fine not to exceed \$200 and forfeiture of the marijuana.

(b) Any person under 18 years of age who is in possession of 1/4 ounce or less of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of a violation and subject to a fine not to exceed \$200 and forfeiture of the marijuana. The offender's parents or legal guardians shall be notified of the offense. The court shall order the offender to complete an approved drug awareness program, at the offenders expense, within one year of the date of the offense. Further, the court shall order the offender to participate in community service which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved drug awareness program and community service. An offender who fails to complete either a drug awareness program or community service, or both, shall be subject to a fine of \$1,000.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

(d) In the case of marijuana *in a quantity of 1/4 ounce or less*, including any adulterants or dilutants~~[-or]~~, *the person shall be guilty of a violation. In the case of* 5 grams or less of hashish, the person shall be guilty of a class A misdemeanor.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) Controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited, *provided that this subparagraph shall not apply if the controlled drug is 1/4 ounce or less of marijuana as provided in RSA 318-B:2-c;*

4 Effective Date. This act shall take effect January 1, 2011.

AMENDED ANALYSIS

This bill provides that any person who possesses 1/4 of an ounce of marijuana or less shall be guilty of a violation and shall be subject to a fine of up to \$200.

2010-0187h

Amendment to HB 1679-FN-A

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

Amend the bill by replacing section 2 with the following:

2 New Chapter; Soft Drinks Tax. Amend RSA by inserting after chapter 83-F the following new chapter:

CHAPTER 83-G SOFT DRINKS TAX

83-G:1 Definitions. In this chapter:

- I. "Commissioner" means the commissioner of the department of revenue administration.
- II. "Department" means the department of revenue administration.
- III. "Distributor" means any person who manufactures, bottles, produces, or purchases for sale to retail dealers any bottled soft drink or soft drink syrup.
- IV. "Natural undiluted fruit juice" shall mean the liquid resulting from the pressing of fruit without sweetener being added, or the liquid resulting from the reconstitution of natural fruit juice concentrate by the restoration of water to dehydrated natural fruit juice without sweetener being added.
- V. "Natural undiluted vegetable juice" shall mean the liquid resulting from the pressing of vegetables without sweetener being added or the liquid resulting from the reconstitution of natural vegetable juice concentrate by the restoration of water to dehydrated natural vegetable juice without sweetener being added.
- VI. "Person" shall mean and include an individual, firm, partnership, association, or corporation.
- VII. "Retail dealer" includes every person other than a wholesale dealer mixing, making, compounding, or manufacturing any drink from a soft drink syrup or powder base, or a person selling such syrup or powder.
- VIII. "Simple syrup" shall mean the making, mixing, compounding, or manufacturing, by dissolving sugar and water or any other mixtures that will create simple syrup to which may or may not be added concentrates or extracts.
- IX. "Soft drinks" means any and all nonalcoholic beverages, whether carbonated or not, such as soda water, ginger ale, colas, root beer, flavored carbonated water, energy drinks, sports drinks, vitamin waters, orangeade, lemonade, fruit juice, vegetable juice, whether sold in individual containers or as fountain drinks, when any sweetener or syrup is added. The term "soft drinks" shall not include fluid milk, flavored or unflavored or natural undiluted fruit juice or vegetable juice.
- X. "Soft drink syrups and powders" shall include the compound mixture or the basic ingredients, whether dry or liquid, practically and commercially usable in making, mixing, or compounding soft drinks by the mixing thereof with carbonated or plain water, ice, fruit, milk, or any other product suitable to make a soft drink such as Coca Cola syrup, Pepsi Cola syrup, Doctor Pepper syrup, root beer syrup, nu-grape syrup, lemon syrup, vanilla syrup, chocolate syrup, cherry smash syrup, rock candy syrup, simple syrup, chocolate drink powder, malt drink powder, or any other prepared syrups or powders sold or used for the purpose of mixing soft drinks commercially at soda fountains, restaurants or similar places as well as those powder bases prepared for the purpose of domestically mixing soft drinks such as Kool Aid and all other similar products.
- XI. "Sweetener" shall mean sugar or high fructose corn syrup.
- XII. "Wholesale dealer" includes only those persons who sell any bottled soft drink or soft drink syrup to retail dealers for the purpose of resale.

83-G:2 Tax on Bottled Soft Drinks, Soft Drink Syrups, and Powders.

I. An ad valorem excise tax is hereby levied and imposed upon wholesale dealers and distributors of all bottled soft drinks and all soft drink syrups and powders, whether manufactured within or without this state, of 2 percent of wholesale price as follows:

- (a) On each bottled soft drink.
- (b) On each gallon of soft drink syrup and in like ratio on each part gallon thereof.
- (c) On each ounce by weight of powder used for making soft drinks or a fraction

thereof.

II. Any person manufacturing or producing within this state any bottled soft drink or soft drink syrup for sale within this state and any distributor, wholesale dealer or retail dealer or any other person who is the original consignee of any bottled soft drink or soft drink syrup manufactured or produced outside this state, or who brings such drinks or syrups into this state, shall be liable for the tax imposed under this section. The tax hereby imposed shall not be collected more than once in respect to any bottled soft drink or soft drink syrup manufactured, sold, used, or distributed in this state.

83-G:3 Due Date of Reports; Additional Reports; Extension of Time.

I. Every person subject to the tax imposed by this chapter shall on or before the fifteenth day of each month pay taxes to the state in accordance with this chapter and file with the commissioner a report of such person's operations for the preceding month to verify liability for tax under this chapter. This report shall be in a form prescribed by the tax commissioner.

II. The commissioner may by 15 days' written notice require the filing of such additional reports as he or she deems necessary to verify a person's liability under this chapter.

III. Upon written application setting forth good cause, the commissioner may extend the time for filing such reports or additional reports on such terms and conditions as he or she may require.

83-G:4 Penalties for Failure to Pay. In addition to amounts due under this chapter penalties shall be imposed after failure to pay taxes in accordance with RSA 21-J. If failure to pay was due to reasonable cause, the commissioner may waive this penalty.

83-G:5 Seizure and Sale of Soft Drinks Stocks, Soft Drink Syrups, or Powders by Commissioner; Forfeiture; Collection of Tax. Whenever the commissioner or any of his or her duly authorized agents shall discover any soft drinks stocks, soft drink syrups or powders, subject to the tax as provided by this chapter and upon which the tax has not been paid as herein required, the commissioner or his or her duly authorized agent is hereby authorized and empowered to seize and take possession of such soft drinks stocks, soft drink syrups or powders, which shall thereupon be deemed to be forfeited to the state, and the commissioner shall within a reasonable time thereafter sell such forfeited soft drinks stocks, soft drink syrups or powders; and from the proceeds of such sale shall collect the tax and interest due thereon, together with a penalty of 50 percent of the tax due and the cost incurred in such proceedings, and pay the balance, if any, to the person in whose possession such soft drinks stocks, soft drink syrups or powders; provided that such seizure and sale shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provision of this chapter. Such sale shall be made in the county where most convenient and economical. Notice of such sale shall be published in a newspaper and the publication area for such publication shall be the county wherein such seizure was made and the county wherein the sale is to take place. Notice shall be published at least 5 days prior to the sale. All moneys collected under the provisions of this section shall be paid into the state obesity prevention and treatment fund established in RSA 83-G:8, and treated as other taxes collected under this chapter.

83-G:6 Penalties; Crimes. Any person who violates any of the provisions of this chapter or any lawful rule adopted by the commissioner under the authority of this chapter, for the violation of which no other penalty is provided by law, shall be guilty of a misdemeanor.

83-G:7 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. The administration of the soft drinks tax.

II. The recovery of any tax, fee, or penalties imposed pursuant to this chapter or RSA 21-J which relate to the soft drinks tax.

83-G:8 Obesity Prevention and Treatment Fund. There is established within the office of the state treasurer a separate, nonlapsing fund to be known as the obesity prevention and treatment fund. All taxes collected by the commissioner under this chapter shall be deposited by the state treasurer in this fund. This fund shall be continually appropriated to the department of health and human services for obesity prevention and treatment programs, childhood nutrition programs, and diabetes prevention programs.

2010-0603h

Amendment to HB 1686

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

Amend the bill by replacing section 1 with the following:

1 Delinquent Children; Definition of Court Approved Diversion Program. Amend RSA 169-B:2, IV-b to read as follows:

IV-b. ***“Court approved diversion program” means a program that has been approved by the administrative office of the courts and has been approved to accept court referrals. An approved diversion program is a community based alternative to the formal court process that integrates restorative justice practices, promotes positive youth development, and reduces juvenile crime and recidivism.***

IV-c. “Intervention” means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regard to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of intervention is to prevent further involvement of the juvenile in the formal legal system. Intervention for a juvenile may take place either at the adjudicatory or dispositional level.

Amend RSA 169-B:2-a, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Pay a portion, or all, of any restitution or fines imposed by the court ***or court approved diversion program fees***, when the court finds the payment by the parent to be in the interest of justice and rehabilitation.

Amend RSA 169-B:10, II and II-a as inserted by section 3 of the bill by replacing them with the following:

II. At any time before or at arraignment pursuant to this chapter, a minor and the minor’s family may be referred to a court-approved diversion program or other ***invention program or*** community resource. Referral may be made by the arresting or prosecuting agency or juvenile probation and parole officer, prior to filing a petition with the court or after the filing of a petition by such agency with the court’s approval, or by the court on its own, or any party’s motion. When the arresting or prosecuting agency, or juvenile probation and parole officer suspects that a minor has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the minor for evaluation to determine if the child is in need of special education and related services.

II-a. The administrative ~~[judge of the district court]~~ ***office of the courts*** shall have the authority to approve diversion referral procedures for use in all juvenile matters throughout the state.

Amend RSA 169-B:10, VI as inserted by section 3 of the bill by replacing it with the following:

VI. No person who performs public service as part of his or her participation in a court approved diversion program under this chapter shall receive any benefits that such employer gives to its employees, including, but not limited to, workers’ compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of negligence.

Amend the bill by replacing section 4 with the following:

4 Delinquent Children; Arraignment. Amend RSA 169-B:13, II to read as follows:

II. The court may, at any time after arraignment, dispose of the petition by referring the minor or the minor and family for participation in ~~[an approved]~~ **a court approved diversion program or other** intervention program.

Amend RSA 169-D:9, I as inserted by section 5 of the bill by replacing it with the following:

I. At any time before or during a proceeding brought pursuant to this chapter, a child and the child's family may be referred to a court approved diversion program, **as defined in RSA 169-B:2, IV-b**, or other **intervention program** or community resource. Referral may be made by a law enforcement agency or juvenile probation and parole officer prior to or after filing a petition with the court, upon the court's own motion, or at the request of any party with the approval of the court. When the arresting or prosecuting agency, or juvenile probation and parole officer suspects that a child has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the child for evaluation to determine if the child is in need of special education and related services. The administrative ~~[judge of the district court]~~ **office of the courts** shall have authority to approve diversion procedures for use by the courts in all juvenile matters throughout the state.

Amend the bill by replacing sections 6 and 7 with the following:

6 CHINS; Initial Appearance. Amend RSA 169-D:11, III to read as follows:

III. After hearing, the court may, with the consent of the child, dispose of the petition by ordering the child to participate in ~~[an approved]~~ **a court approved** diversion program **or other intervention program**.

7 CHINS; Liability for Diversion Expenses. Amend RSA 169-D:29, I(a) to read as follows:

I.(a)(1) ~~[Whenever]~~ **When** an order creating liability for expenses is issued by the court under this chapter or ~~[whenever]~~ **when** a voluntary service plan is developed and provided for a minor and the minor's family by the department, any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(2) When an order creating liability for expenses is issued by the court under this chapter or when a voluntary service plan is developed and provided for a minor, any expenses incurred for approved diversion services shall be paid by the parent or guardian.

AMENDED ANALYSIS

This bill:

I. Requires the administrative office of the courts to approve juvenile diversion programs.

II. Clarifies benefits and liability issues for persons engaged in public service under RSA 169-B, the juvenile delinquency statute.

This bill is a request of the commission established in 2009, 281:1 (HB 342).

2010-0561h

Amendment to HB 1688

Proposed by the Committee on Executive Departments and Administration - R

Amend RSA 155-A:3-a, I and II as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding any provisions of the state building code or state fire code, the board shall adopt a code and amendments thereto which shall regulate the installation and operation of biomass burning boilers. The code adopted shall include the 1999 EN 303-5 standard established by the European Committee for Standardization, and shall include requirements for the safe installation, operation, and repair of such boilers, and for data plates and warning labels written in English, limits on temperature and pressure with associated relief valves, and the filing of construction and emissions specifications written in English.

II. The inspection procedures and enforcement requirements for the commissioner of labor in RSA 157-A shall apply to boilers installed according to the code and amendments adopted by the board under this section.

Amend RSA 157-A:5, II as inserted by section 5 of the bill by replacing it with the following:

II. The maximum allowable pressure of a boiler or pressure vessel which does not carry the ASME or ~~the~~ API-ASME Code **or EN 303-5** symbol shall be computed in accordance with the inspection code of the National Board of Boiler and Pressure Vessel Inspectors.

2010-0813h

Amendment to SB 128

Proposed by the Committee on Municipal and County Government - C

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

1 Community Revitalization Tax Relief Incentive; Definition; Qualifying Structure. Amend RSA 79-E:2, I to read as follows:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. ***Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals.***

2 Community Revitalization Tax Relief Incentive; Definition; Substantial Rehabilitation. Amend RSA 79-E:2, II to read as follows:

II. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. ***Cities or towns may further limit "substantial rehabilitation" according to the procedure in RSA 79-E:3 as meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation assessed valuation or an amount greater than \$75,000 based on local economic conditions, community character, and local planning and development goals.***

3 Adoption Procedure; Modification. Amend RSA 79-E:3, I to read as follows:

I. Any city or town may adopt **or modify** the provisions of this chapter by voting whether to accept for consideration **or modify requirements for** requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

4 New Paragraph; Duration of Tax Relief Period; Local Guidelines. Amend RSA 79-E:5 by inserting after paragraph III the following new paragraph:

IV. The governing body may adopt local guidelines to assist it in determining the appropriate duration of the tax assessment relief period.

5 New Section; Public Benefit Determinations. Amend RSA 79-E by inserting after section 7 the following new section:

79-E:7-a Public Benefit Determinations. Cities or towns may adopt according to the procedure in RSA 79-E:3 provisions that further define the public benefits enumerated in RSA 79-E:7 to assist the governing body in evaluating applications made under this chapter based on local economic conditions, community character, and local planning and development goals.

6 New Paragraph; Extent of Tax Relief. Amend RSA 79-E:13 by inserting after paragraph II the following new paragraph:

III. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter.

7 American Recovery and Reinvestment Act of 2009; Local Authority; Special Meeting; Appropriation and Expenditure of Funds. Notwithstanding any other provision of law, the governing body of any town, village district, or school district, including those towns that have adopted RSA 40:13, may call a special meeting, without court approval, to consider an appropriate response to the American Recovery and Reinvestment Act of 2009 or any similar act

adopted by Congress in 2010 or 2011. The legislative body at such a meeting may authorize the appropriation and expenditure of any funds allocated to the political subdivision by or through the federal act, the appropriation and expenditure of any local matching share, the issuance of bonds for any local share, and the adoption of a warrant article under the provisions of RSA 31:95-b or RSA 198:20-b. Such meetings shall be subject to the following:

I. The governing body of any town, village district, or school district that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the official ballot vote for the purposes of proceedings under this section.

II. The governing body of such town, village district, or school district shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

III. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting. In the event that the special meeting includes a warrant article for a bond, note, or other financing agreement subject to RSA 33:8-a, a public hearing held pursuant to this paragraph shall satisfy the public hearing requirement of RSA 33:8-a.

IV. In towns that have adopted the provisions of RSA 40:13, even if the governing body has elected to hold the meeting without regard to RSA 40:13, the issuance of notes or bonds shall be authorized by a vote of 3/5 of all ballots cast. In all other towns, the issuance of notes or bonds shall be authorized by a ballot vote of 2/3 of all voters present and voting, unless the town has adopted a charter provision specifically stating an alternate vote requirement.

V. The meeting shall be conducted in accordance with RSA 40:1 through RSA 40:11. The most recently updated checklist shall be used.

VI. Except as provided in this section, the special meetings provisions for the legislative bodies of towns, school districts, and village districts in the following chapters shall not be required for special meetings held under this section: RSA 31, RSA 32, RSA 33, RSA 39, RSA 49-D, RSA 52, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

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

AMENDED ANALYSIS

This bill allows cities and towns to modify certain requirements of the community revitalization tax relief incentive program under RSA 79-E.

This bill also reauthorizes towns, village districts, or school districts to respond appropriately to the American Recovery and Reinvestment Act of 2009 and similar acts adopted by Congress.