

# HOUSE RECORD

## First Year of the 162<sup>nd</sup> General Court Calendar and Journal of the 2011 Session

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Tuesday, March 15, 2011

No. 23A

Contains: Additional Committee Report and Floor Amendments for March 15, 16 and 17

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### ADDENDUM TO HOUSE CALENDAR 23

**TUESDAY, MARCH 15**

**CONSENT CALENDAR**

#### COMMERCE AND CONSUMER AFFAIRS

**HB 280**, relative to interest rate terms in contracts for providing credit to consumers.

**INEXPEDIENT TO LEGISLATE.**

Rep. David J Palfrey for Commerce and Consumer Affairs: This bill limits the interest rate that may be charged by New Hampshire creditors under an open-ended credit plan to 6 percentage points above the prime interest rate, unless the consumer has failed to make a payment under the plan during the preceding 12 months. The committee felt that this legislation placed New Hampshire regulated lenders at a disadvantage in the lending market place since it did not apply to out of state lenders. It was also felt by the committee that additional regulation of interest notes was not necessary. **Vote 17-0.**

#### FLOOR AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2011-0855h

**Floor Amendment to HB 109**

**Proposed by Rep. J. Belanger**

Amend the bill by replacing section 1 with the following:

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

IV. Unless a local ordinance adopted by the governing body of the municipality specifically provides otherwise, the planning board shall not require or adopt any regulation requiring the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit the planning board from mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system.

#### AMENDED ANALYSIS

This bill prohibits local planning boards from requiring the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit unless a local ordinance specifically permits the planning board to do so.

2011-0811h

**Floor Amendment to HB 330-FN**

**Proposed by Reps. Swinford, Gagne, Welch and Kreis**

Amend RSA 159:4, II as inserted by section 2 of the bill by deleting subparagraph (j).

2011-0846h

**Floor Amendment to HB 337-FN-LOCAL**

**Proposed by Reps. Hess, Bettencourt, Jasper, Weyler, Ladd, Kurk, Flanagan and L. Ober**

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-13 to read as 4-14, respectively:

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

198:40-b Provisions for Grants to Municipalities.

I. For the biennium ending June 30, 2013, no municipality shall receive an adequate education grant in a fiscal year which is greater than the adequate education grant received in the fiscal year ending June 30, 2011.

II. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive an adequate education grant which is less than the adequate education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

Amend the bill by replacing section 14 with the following:

14 Effective Date.

I. Section 4 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2011 at 12:01 a.m.

**AMENDED ANALYSIS**

This bill:

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

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

III. Provides that:

(a) For the biennium ending June 30, 2013, no municipality shall receive an adequate education grant in a fiscal year which is greater than the adequate education grant received in the 2011 fiscal year; and

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

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

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

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

2011-0864h

**Floor Amendment to HB 378-FN**

**Proposed by Rep. Pepino**

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

AN ACT inserting an exception to the criminal threatening statute and relative to the definition of “non-deadly” force.

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

#### AMENDED ANALYSIS

This bill provides that a person who is on his or her own property and who responds to a trespasser who refuses to leave and displays a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed criminal threatening.

2011-0801h

#### Floor Amendment to HB 422

##### Proposed by Rep. L. Jones

Amend RSA 200:38-a as inserted by section 1 of the bill by replacing it with the following:

200:38-a Vaccinations Prohibited in Public Schools. Except in the case of an epidemic as declared by the department of health and human services, vaccinations, including flu vaccinations, are hereby prohibited in public schools, on school property, and by school personnel.

#### AMENDED ANALYSIS

This bill prohibits vaccinations, including flu vaccinations, in public schools, except in the case of an epidemic.

2011-0834h

#### Floor Amendment to HB 466-FN

##### Proposed by Reps. Jasper and Pierce

Amend the bill by replacing section 13 with the following:

13 Reference Changed. Amend RSA 660:3 to read as follows:

660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state general election, provided that the difference between the votes cast for the applying candidate and a candidate declared elected is less than 20 percent of the total votes cast in the towns which comprise the office to be recounted, shall be entitled to apply for only one recount under this chapter, and the declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the result following an appeal to the ~~[ballot law commission, as provided in RSA 665:8, II]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.** If more than one candidate for the same office in the same district applies for a recount under this chapter, and a recount is completed, such applications shall not result in a second recount.

Amend the bill by replacing sections 15-17 with the following:

15 Reference Changed. Amend RSA 660:9 to read as follows:

660:9 Declaration of Result, State Primary. If the recount after a state primary election shall show that some candidate other than the one declared nominated upon the original canvass of votes has the greatest number of votes cast for the nomination, such candidate shall be declared nominated and shall be placed upon the official ballot at the following election unless appeal is taken to the ~~[ballot law commission in accordance with RSA 665:6, I]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.** If the person who applied for the recount was thereby shown to be the one chosen as the candidate of the party, the person shall also have any fee paid returned.

16 Reference Changed. Amend RSA 660:9-a to read as follows:

660:9-a Declaration of Result, Presidential Primary. If the recount after a presidential primary election shall show that the applying candidate qualified under RSA 659:93 for at least one more delegate than the original count indicated or that such candidate did qualify

for federal election funding, such candidate shall receive such funding or shall be apportioned delegates to the national party convention in accordance with RSA 659:93 unless appeal is taken to the ~~[ballot law commission in accordance with RSA 665:6, I]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.** If the person who applied for the recount was thereby shown to be entitled to federal funding or at least one more delegate under RSA 659:93, the person shall also have any fee paid returned.

17 Reference Changed. Amend RSA 660:15 to read as follows:

660:15 Declaration of Result. If after the recount it shall appear that the result of the voting on said question is other than that announced by the moderator at the election, the secretary of state shall declare said result which shall be final unless the result is changed because of an appeal taken within 10 days to the ~~[ballot law commission]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.**

2011-0820h

**Floor Amendment to HB 489-FN  
Proposed by Rep. Millham**

Amend RSA 332-I:10 as inserted by section 5 of the bill by deleting paragraph II and renumbering paragraphs III-VII to read as paragraphs II-VI, respectively.

2011-0789h

**Floor Amendment to HB 524-FN  
Proposed by Reps. Jennifer Coffey, Bettencourt and Swinford**

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

5 Applicability. Section 1 of this act shall take effect one year after the effective date of this act, or on the date when the commissioner of the department of corrections furnishes written certification to the secretary of state and the director of legislative services that all counties in the state have notified the commissioner that sufficient services are available to manage those prisoners released on parole, whichever is later.

6 Effective Date.

I. Section 1 of this act shall take effect as provided in section 5 of this act.

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

**AMENDED ANALYSIS**

This bill:

I. Excludes a prisoner convicted of a violent crime from mandatory early supervised release.

II. Authorizes the parole board to recommit a person who reoffends while on mandatory early supervised release for a minimum of 90 days or up to the remainder of the person's maximum sentence.

III. Delays the parole of nonviolent prisoners for one year or upon certification by all counties in the state that sufficient services have been implemented to manage such prisoners while on parole, whichever is later.

2011-0786h

**Floor Amendment to HB 569-FN  
Proposed by Rep. Cohn**

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

AN ACT establishing a committee to study establishing domestic union as a valid contract in New Hampshire and the extension of certain rights to parties to a domestic union.

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

1 Committee Established. There is established a committee to study establishing domestic union as a valid contract in New Hampshire and the extension of certain rights to parties to a domestic union.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study establishing domestic union as a valid contract in New Hampshire and the extension of certain rights to parties to a domestic union.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

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

#### AMENDED ANALYSIS

This bill establishes a committee to study establishing domestic union as a valid contract in New Hampshire and the extension of certain rights to parties to a domestic union.