

HOUSE RECORD

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

Vol. 33 Concord, N.H.

Friday, May 13, 2011

No. 39

Contains: Hearings, Meetings, Notices, House Resolution 12, Request for an Opinion of the Justices, House Bills Amended By the Senate, Committee of Conference Procedures, Reports and Amendments for May 18.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, May 18th at 10:00 a.m.** We will also meet on **Wednesday, May 25th and Wednesday, June 1st.** Please note that the deadline for committees to report Senate bills and lists of any retained Senate bills is Thursday, May 26th. The last day for the House to act on Senate bills is Thursday, June 2nd.

The New Hampshire Supreme Court is accepting memoranda on the three questions of law presented to it in SR 9, which requests an opinion of the justices on the constitutionality of HB 89, an act requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. Memoranda must be filed on or before 12:00 noon, May 23, 2011. The specific requirements for such filings is outlined in the Court's Order, which can be found elsewhere in this Calendar and on the General Court website.

The 2011-2012 Roster is available in the House Clerk's office. Each member is entitled to one copy of the Roster.

Chairmen and Vice-Chairmen will meet at **9:00 a.m. on Tuesday, May 17th** in Rooms 305-307 of the Legislative Office Building.

No members are to use a House committee room, even for informal meetings, unless the room use is first cleared with the committee chairman and scheduled in the Clerk's office.

Groups wishing to sponsor events in the State House Cafeteria must first contact Director of Operations Doug Dolcino (271-3323) to avoid conflicts in the schedule. Members should not agree to sign calendar notices for such events unless they are sure this has been done. Your cooperation in this regard is appreciated.

For your planning purposes, please note that July will be the month in which the House takes a break. There will be no House committee hearings or work sessions, and no other legislative business will be conducted.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **May 18 at 9:00 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **May 18 at 9:00 a.m.** in Rooms 305-307, LOB.

Terie Norelli, Democratic 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.

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Wednesday, May 25, 2011

First day to file LSRs for the 2012 session.

Thursday, May 26, 2011

Last day to report all remaining SBs and list of retained SBs.

Thursday, June 2, 2011

Last day to act on Senate bills.

Wednesday, June 8, 2011

Last day to form Committees of Conference.

Last day to file LSRs for the 2012 session.

Thursday, June 16, 2011

Last day to sign Committee of Conference reports.

Thursday, June 23, 2011

Last day to act on Committee of Conference reports.

Wednesday, November 2, 2011

Last day to report retained bills.

LAID ON TABLE

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. (Pending question: OTP.)

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. (Pending question: OTP – third reading.)

HB 154-FN-A, increasing a threshold amount for taxation under the business enterprise tax. (Pending question: OTP/A – third reading.)

HB 166-FN-A-L, reducing the rate of the meals and rooms tax. (Pending question: OTP – third reading.)

HB 213-FN-A, reducing the rate of the business profits tax. (Pending question: OTP/A – third reading.)

HB 292-FN, relative to securities regulation. (Pending question: adoption of majority committee amendment.)

HB 343-FN, establishing a permanent state defense force. (Pending question: adoption of majority committee report of inexpedient to legislate.)

HB 421, relative to candidates for United States senator. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 484-FN, requiring random drug testing of food stamp program participants. (Pending

question: adoption of committee report of inexpedient to legislate.)

HB 485-FN, relative to requiring photo identification for food stamp program participants.

(Pending question: adoption of committee report of inexpedient to legislate.)

HB 573, relative to the administration of certain pain relief medications by a school nurse.

(Pending question: adoption of committee report of inexpedient to legislate.)

HB 577, relative to the use of foreign languages by retail establishments. (Pending question: adoption of committee report of inexpedient to legislate.)

HCR 13, urging the New Hampshire delegation to support HR 459 and S. 202 requiring a comprehensive audit of the Federal Reserve.

HCR 15, urging our federal senators to vote against the Law of the Sea Convention.

(Pending question: adoption of committee report of ought to pass with amendment.)

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Pending question: ought to pass.)

CONSENT CALENDAR

WEDNESDAY, MAY 18

COMMERCE AND CONSUMER AFFAIRS

SB 111, relative to short sales of a homeowner's residence. **OUGHT TO PASS.**

Rep. Sean M McGuinness for Commerce and Consumer Affairs: This bill updates the relatively new law (RSA 479-A) a.k.a. the "Foreclosure Rescue Law" that was intended to protect consumers from equity scamming by certain unscrupulous "foreclosure consultants" and like kind operators. A "short sale" simply means a property owner may agree to sell property to a buyer for less than the amount of the outstanding mortgage debt as the lender may allow; it is usually accompanied by debt forgiveness and is widely accepted as a legitimate mechanism for avoiding foreclosure. It exempts buyer and seller from certain requirements pertaining to foreclosure consultants and it better defines and clarifies the existing statute. It removes real or perceived regulatory obstacles that became unintended consequences of the original legislation. The bill defines and regulates a "short sale." Finally, the bill improves the existing statute by requiring written consent and disclosures by the parties who are engaged in short sale transactions. This is not a licensing matter. This bill is unopposed and its passage will serve to improve the statute. **Vote 16-0.**

SB 179, relative to qualified purchasing alliances. **OUGHT TO PASS.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: This bill is a follow-up to SB 408, Chapter 346, Laws of 2010 which added RSA 420-M, establishing purchasing alliances for health insurance. This law established the definitions, application and licensing requirements and demonstration of necessary fiscal fitness to create a health purchasing alliance. Products sold by a purchasing alliance to members of small employers would be rated under the small group rating law and be priced as small group insurance. This bill improves and clarifies the current law for obtaining certification and establishes membership criteria that limit membership in the alliance to employers that are members of or affiliated with an association or trade group that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage. The committee concurs with this clarification. **Vote 16-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill adds felonious sexual assault to the crimes for which the victims are notified when an accused perpetrator, found incompetent to stand trial, is released unsupervised from civil commitment. It has also been

amended so that the statute of limitation is suspended for murder, manslaughter and felonious sexual assault while the accused is incompetent to stand trial. **Vote 15-1.**

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. **OUGHT TO PASS.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: This bill sets up a committee to study the availability of community supervision programs for prisoners released on probation or parole. This bill will insure that these programs are in place and working to benefit the state. **Vote 16-0.**

EDUCATION

SB 37, relative to the determination of residency for certain pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen A Lauer-Rago for Education: This bill as amended gives parents more input when residency of their child is in dispute. It allows them to present a residency dispute for determination to the commissioner of education. It also changes the language to exclude homeless children in accordance with federal law. It also corrects the reference to RSA 193:28, which provides a proper definition of legal residence for purposes of school attendance. **Vote 17-0.**

SB 45, relative to criteria for designation as a Granite State scholar. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G Boehm for Education: This bill changes the designation for Granite State scholar to be consistent with existing SAT scoring measures and to take care of this if SAT scoring changes in the future. The amendment includes other nationally recognized norm referenced assessments to determine Granite State scholars. **Vote 17-0.**

SB 96, relative to amending the charter of The Pinkerton Academy. **OUGHT TO PASS.**

Rep. Robert H Greemore for Education: This bill allows Pinkerton Academy to amend its charter in accordance with the provisions of RSA 292:7. This bill would allow Pinkerton Academy Board of Trustees to amend their charter without going to the General Court. This corrects an oversight by the school to make changes to its charter as other academies were allowed to do following statutory changes in 1992. **Vote 17-0.**

FISH AND GAME AND MARINE RESOURCES

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department. **OUGHT TO PASS.**

Rep. Tyler W Simpson for Fish and Game and Marine Resources: Costs for Search and Rescue continue to rise. Last year, \$128,000 of funding came from hunters and fishermen as part of their license fees. These people are not those needing to be rescued. New sources of funding should be explored. **Vote 13-0.**

JUDICIARY

SB 36, relative to the permanent siting of the Hampton-Exeter District Court. **OUGHT TO PASS.**

Rep. Brian JX Murphy for Judiciary: This bill extends the date required for the permanent siting of the Hampton-Exeter District Court from January 1, 2011 (which has already passed) to January 1, 2015. The committee discussed the difficulty of siting a court that services 14 communities and balanced that challenge against the expectation that this project will receive priority attention over the next few years. It was determined by the committee that this bill achieved the necessary balance. **Vote 15-1.**

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations. **OUGHT TO PASS.**

Rep. J. Brandon Giuda for JUDICIARY. This bill modifies the definition of "declarant" under the condominium act, in order to eliminate an unnecessary registration process for condominium developments that have been foreclosed upon by a lender. The statute

currently requires a mortgage holder that forecloses and retains the property to complete the condominium registration process prior to selling to a new owner, even if the mortgage holder simply wants to sell the development. Any new owner must then also complete the lengthy condominium registration process. By eliminating such a mortgage holder from the definition of declarant, this bill reduces unnecessary regulatory requirements while still ensuring the individual condominium owners are protected. **Vote 13-0.**

SB 64, removing the oath requirement for criminal complaints filed by police officers.

OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory M. Sorg for Judiciary: This bill seeks to amend RSA 592-A:7 by expanding the offenses that can be initiated by the unsworn complaint of a police officer to include not just violation-level offenses as under present law, but misdemeanors as well. The purpose of the bill is to address the difficulty frequently encountered, particularly in rural areas or late at night, in locating notaries or justices of the peace before whom to attest. The committee was sympathetic with the desire for convenience, but wanted to prevent possible abuses.

Accordingly, in the committee amendment, the proposed expansion is limited to class B misdemeanors (the penalties for which do not allow for imprisonment), and requires the complaint to be signed by the officer and to contain a warning that the officer's making a false statement on the complaint could result in his or her criminal prosecution. The Committee amendment also amends RSA 592-A:8 to make clear – consistent with Article 19 of Part I of the New Hampshire Constitution - that a complaint used as the basis of an arrest warrant must continue to be signed under oath. **Vote 16-0.**

SB 109, establishing a committee to study the foreclosure process in New Hampshire.

INEXPEDIENT TO LEGISLATE.

Rep. J. Brandon Giuda for Judiciary: This bill proposes establishing a committee to study the foreclosure process in New Hampshire. The committee felt the bill was submitted in response to national media reports alleging significant foreclosure improprieties; however investigations have shown no such significant problems. The committee concluded that despite thousands of foreclosures in New Hampshire, there is no evidence of foreclosure problems that would necessitate any type of study. The committee also recognized that the current foreclosure process allows a property owner to seek judicial relief if improprieties exist. Because the committee strongly felt this bill was proposing a solution in search of a problem, the committee voted unanimously for inexpedient to legislate. **Vote 16-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 20, relative to shoreland protection permits. **OUGHT TO PASS.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits. This eliminates a duplication of effort by both the applicant and agency and reduces costs. **Vote 15-0.**

SB 21, relative to exemptions from excavating and drainage permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Spang for Resources, Recreation and Development: This bill exempts from permitting the maintenance work on water-related manmade structures such as detention basins, culverts, farm ponds and roadside ditches. It also allows such facilities to be modified or replaced as long as adjoining wetlands are not affected and best management practices are used. The amendment resolves a conflict with a bill now in the Senate, and condenses the bill. **Vote 13-0.**

SB 32, relative to water withdrawals for snow making. **OUGHT TO PASS.**

Rep. Peter S Bolster for Resources, Recreation and Development: This bill was requested by the ski industry to reduce redundant measuring of large water withdrawal for the purpose of snowmaking. It will also reduce paperwork. The net effect is to lower costs to the businesses involved. **Vote 15-0.**

SB 38, relative to extensions for wetland and shoreland permits. **OUGHT TO PASS.**

Rep. Charlene M Lovett for Resources, Recreation and Development: This bill provides for extensions of permits for excavating and dredging in wetlands and activities within the protected shoreland. Upon request, the department of environmental services (DES) may grant one extension of up to five additional years, provided the applicant demonstrates all of the following four criteria: a) The original permit has not been revoked or suspended without reinstatement. b) The extension would not violate a condition of law or rule. c) The project is proceeding towards completion in accordance with plans and documentation referenced by permit. d) Applicant proposes reasonable mitigation measures to protect shorelands and public waters of the state from deterioration during the extension. DES supports this bill which is reflective of current economic conditions and streamlines the process for the department and permit holders. **Vote 15-0.**

SB 47, extending the commission to study water infrastructure sustainability funding. **OUGHT TO PASS.**

Rep. Lawrence M Kappler for Resources, Recreation and Development: This bill simply extends the commission to study water infrastructure sustainability funding for one year to allow it to complete its very complex study dealing with dam repair, water supply, and wastewater. There are current 77 wastewater projects waiting funding alone. **Vote 15-0.**

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H Russell for Resources, Recreation and Development: This bill as amended will simply change the size and weight limitations of OHRV's only on specific trails only within Jericho Mountain state park, at the request of the Department of Resources and Economic Development. The increase is due to the introduction of a so called "side by side" ATV. Section two of the bill, requiring a definition of a "UTV" "Utility Terrain Vehicle" is dropped, as there is a committee established in SB 107 to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. The committee felt this body was much better suited to come up with such a definition. **Vote 13-0.**

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails. **OUGHT TO PASS.**

Rep. Christopher J Ahlgren for Resources, Recreation and Development: This bill eliminates the redundancy in agency evaluations when ATV and trail bikes trails cross a highway. The department of transportation already evaluates crossings over their highways, so requiring the trails bureau to do the same thing under RSA 215-A is unnecessary. **Vote 15-0.**

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. **OUGHT TO PASS.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state land. This committee will make recommendations on simplifying and reworking an existing set of statutes that have become overly complicated and cumbersome. **Vote 15-0.**

TRANSPORTATION

SB 98, revising the international registration plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian D Rhodes for Transportation: This bill simplifies accounting for New Hampshire trucking businesses. It allows them to travel unimpeded throughout the continuous 48 states and participating Canadian provinces. This bill only affects commercially registered vehicles which are required to register in the jurisdictions that they travel in/through. **Vote 17-0.**

SB 99, relative to trailer brakes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Tholl for Transportation: Section 1 brings New Hampshire into compliance with federal regulations and exempts certain trailers that are utilized only in state from the federal requirements pertaining to trailer brakes. This applies only to a limited number

such as wood sawing machines, log splitters, and others that have a gross weight under 3000 pounds. This is a business friendly bill that helps small businesses. **Vote 16-1.**

REGULAR CALENDAR

WEDNESDAY, MAY 18

CHILDREN AND FAMILY LAW

SB 30, relative to including a parent's residence in the parenting plan. **OUGHT TO PASS.** Rep. Jeffrey D. Oligny for Children and Family Law: The bill requires parenting plans to include the party's legal residence in cases where joint decision-making responsibility is ordered, absent a history of domestic abuse, stalking or some other reason deemed not to be in the best interest of the children. Said addresses are also required to be updated as necessary. The committee felt that the bill was a step in the right direction. **Vote 10-5.**

COMMERCE AND CONSUMER AFFAIRS

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill changes the recently enacted law related to home heating oil, kerosene, or liquefied petroleum gas dealers to secure customer prepaid deposits by deleting the current law related to "futures contracts" to instead require the dealers to maintain an escrow account with the office of the attorney general as the beneficiary. The current law also allows for letter of credit, or surety bond of a specified amount, but no dealers have posted them. While the committee recognizes a problem with some dealers who have gone out of business with the result that many consumers have taken losses of thousands of dollars due to the failure of prepaid contracts, the majority, however, felt this bill did not adequately address this problem and we have already retained a House bill that also addresses this problem. **Vote 15-1.**

EDUCATION

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: The amendment changes the original bill in its entirety. This bill expands the duties of the SAU oversight committee. It currently monitors the organization and dissolution of SAU's as well as the general operations. This bill would extend its oversight to cooperative school districts as well in the same functions listed above for SAU's. Also, this bill requires the committee to study consolidation of SAU's into primarily one SAU per county with the exception of Hillsborough and Rockingham which would have 2 SAU's each. This bill also modifies the administrative rules making it less onerous and less time consuming to withdraw from SAU's or authorized regional enrollment area agreements. Finally, this bill provides for a suspension of the required 180 day school year in recognition of snow emergency days for the 2010-2011 school year only. Prior to this a waiver was required signed by the commissioner of the department of education. This bill would simply give this power to the local school board to make the decision. **Vote 17-0.**

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G Boehm for the **Majority** of Education: This bill amends the requirements governing surety indemnification provided by a private postsecondary career school and authorizes the executive director of the postsecondary education commission to establish guidelines to exempt schools from providing surety indemnification after having paid into the guaranty fund for at least 5 years. The amendment corrects an unintended consequence by specifying legal entities that provide training to other legal entities, rather than to

students, are not to be covered by this law. The amendment also provides that to obtain a license is completely voluntary. Schools deciding not to be licensed must state that they are not licensed. **Vote 15-2.**

Rep. J.R. Hoell for the **Minority** of Education: The bill, as amended by the majority of the committee, does benefit training schools that do not grant degrees, by making it optional for them to obtain a license from the postsecondary education commission. However, Section 3, Part V, of the same amendment strongly encourages these schools to obtain a license, because if they don't get a license, they must prominently disclose, in all official correspondence and documentation of any kind and for any purpose, on websites and electronic medium, the fact that they are not licensed. The bill as amended seeks to remove one regulation and replace it with another regulation. It singles out a specific class of businesses, training schools that do not grant degrees and do not choose to be licensed, and requires them to state on all correspondence and documentation that they are not licensed. No other class of businesses must disclose this information. The minority believes that such disclosure will have a negative effect on business for these training schools. This requirement will create an additional burden for these private training entities. Training schools that choose to be licensed can always disclose the fact that they are licensed, and customers who care about licensing will seek out those schools. Lastly, who will enforce this new regulation and how much will it cost to enforce it? The minority amendment will correct this problem by changing three words in Section 3, Part V, eliminating this new regulation.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the **Majority** of Education: This bill extends the time from 3 years to 5 years required for a teacher to be entitled to rights of notification and hearing for failure to be renominated or re-elected. The feeling is that 5 years can give more time for development where an administrator can work with a borderline teacher. If the school is simply reducing the workforce, the reduction shall not be solely based on seniority. Finally, this bill limits the exclusive remedy available to a teacher on the issue of non-renewal to the same as it was prior to 2008, that is, a petition for review. **Vote 13-4.**

Rep. Barbara E Shaw for the **Minority** of Education: The minority of the committee requested that the bill be divided or retained, but lost both suggestions. The minority agreed and were sympathetic with the extension of the probationary period from 3-5 years and, in addition, was favorable to the non-reelection clause stating that reduction in force shall not be based solely on seniority. Our serious concerns were regarding amendments to grievance procedures, specifically the elimination of collective bargaining.

FINANCE

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Finance: This bill provides a convenience for businesses or individuals to pay their tax bills by credit card. The committee amendment guarantees that the department of revenue administration will properly notify those paying that the cost from the credit card company will be added to the payment. Thus, the state will lose no money with this bill. In fact, there is evidence that this bill will save the state money since DRA numbers indicate it costs approximately \$2.23 to process a check (\$592,553 divided by 265,000 checks). DRA will negotiate the best rate available from a credit card company through an open bidding process. Nothing in this bill will require any entity or person to pay by credit card. **Vote 26-0.**

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M Ober for Finance: Finance was the second committee on this bill. While examining the fiscal impact to the state, it was discovered that the policy, as previously passed, would open the door for the filing of amended tax returns and possibly receiving a retroactive tax refund. The committee amendment ensures that it only applies to the current and future tax years thus prohibiting the possibility of retroactive tax refunds. The committee felt that it was important to emphasize that the interest and dividends tax was never intended to include capital gains. **Vote 25-0.**

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul H Simard for the **Majority** of Finance: This bill requires all departments to deliver to the commissioner of administrative services an estimate for reduced levels of expenditures of 10% for each year of the biennium. This estimate shall not include debt service. This estimate shall be used by the finance committee to formulate its budget. The amendment increases the original 5% to 10% to amplify department priorities. The 10% figure will communicate department priorities for budgeting purposes. Estimates will be completed by November 15 prior to each biennial legislative session. **Vote 17-7.**

Rep. John W Cebrowski for the **Minority** of Finance: Earlier this year as we were launching into our budget work, the committee heard, and retained for study, HB's 618 and 269 which dealt with budget process improvement at the departmental/agency level, and the subsequent benefits to the legislative budget process, the state, and our constituents. (The budget itself, rightfully, had top priority at the time.) Both bills recognized the inadequacies and wastefulness of the current process, and the immense opportunity to strengthen New Hampshire's budget creation process. Both bills drew on the suggestions contained in the ALEC (American Legislative Exchange Council) "State Budget Reform Toolkit." Both bills sought to drive continuous improvement, reform, innovation, and the use of performance metrics. Both bills sought to cut spending. SB 146, although lacking in every one of those elements, with the exception of reducing spending, should have also been retained. While overly simplistic and perilous to the departments and to our constituents to take a 10% across-the-board ax to budgets, SB 146 deserves to be integrated into the study. The minority believes the bill should be retained so it can be studied alongside the other two budget process improvement bills.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. **OUGHT TO PASS.**

Rep. Lynne M Ober for Finance: SB 161 is the result of a Lean process analysis by stakeholders on how to streamline the administrative rules process. After a thorough vetting by the policy committee, which felt the bill makes several changes, including shortening the public comment period following a public hearing from 10 to 5 days, providing for electronic publication of the rules register, authorizing agencies to hold a second public hearing when substantive changes are made in response to public comments at the initial public hearing, expanding the life-span of rules from 8 to 10 years, making provisions for allowing incorporation by reference of Internet content, allowing emergency rules to be adopted when substantial fiscal harm could occur if not addressed expeditiously, and requiring the director of legislative services to develop a process for expedited re-adoption of rules which contain no substantive changes, the bill was sent to House Finance. After reviewing the financial impact of the bill to the state, the House Finance Committee concluded that there was little identifiable financial impact and recommended passage of the bill. **Vote 24-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine. **OUGHT TO PASS.**

Rep. William J Infantine for Labor, Industrial and Rehabilitative Services: This legislation requires the New Hampshire department of labor to issue one warning for certain violations

of law instead of a fine. Violations of laws that pose a threat to public safety or where the employer intends to cause harm will not be afforded a written warning. All warnings require the employer to correct the violation within a thirty day period. The department of labor worked closely with the Senate to craft this bill so as not to allow serious violations to go unpunished. **Vote 13-3.**

SB 121, relative to the application of the worker adjustment and retraining notification act.

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

Rep. Joanne A Ward for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill raises the threshold for companies affected by the WARN Act from 75 to 100 employees. This law provides protection to workers and communities by requiring employers to provide notification 60 calendar days in advance of closings and mass layoffs. New Hampshire is currently the only state in New England with a threshold lower than 100. Raising the limit to 100 helps New Hampshire to become more attractive to businesses seeking to relocate, creating employment opportunities. **Vote 13-3.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services: The minority believes that the employees of all businesses deserve notification of imminent closing within 60 days of the closing date. Moving the threshold for requiring notification from 75 to 100 employees may affect about 150 New Hampshire companies. Existing law allows exemptions for good faith confidential efforts in pursuit of bank loans. New Hampshire should not aim its recruitment of new firms toward those companies that would close their doors without advance notification to workers.

TRANSPORTATION

SB 27, relative to speed limitations for boats. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brian D Rhodes for the **Majority** of Transportation: The committee heard overwhelming testimony from legislators and New Hampshire citizens against SB 27. This bill attempts to create an area on Lake Winnepesaukee where daytime speed limits would be raised to 55 mph. This increase would be 10 mph over the current limit. Our previous legislature worked very hard on the compromises that are now current law. Powerful testimony was given by lake residents and business owners as to how conditions on the big lake have drastically improved since the current legislation was enacted. Business leaders further testified that response from patrons has been extremely positive since the enactment of the existing law. The bipartisan majority of the transportation committee believes very strongly that “the lake” belongs to all residents and is not trying to single out a particular type of boat/owner but after several hours of testimony we would not be protecting the interest and safety of the majority of our citizens and visitors if we changed the current law. Documented support for ITL of this bill was approximately 7 to 1 on the day of the public hearing. **Vote 11-6.**

Rep. Kyle D Jones for the **Minority** of Transportation: The minority is in support of this bill because there is no evidence that supports the notion that speed alone affects safety. There are many factors that can affect the safety of a lake including closeness to shore, distance between boats, alcohol consumption, etc. The minority believes that the bi-partisan Senate compromise on this bill is a fair one. The increase in speed would only affect the vast area known as the broads, which is approximately 30 square miles or about the size of 14 Manchester airports. This basically boils down to a liberty issue. As long as a boater follows Coast Guard Rule 6 we believe that they should be able to travel at a speed they believe is safe and courteous.

WAYS AND MEANS

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Murphy for the **Majority** of Ways and Means: This bill segregates revenue collected by the act of operating the nursing assistant registry from revenue obtained by the board of nursing through other means, such as fees, fines, and administrative charges. This segregation was a recommendation made in response to an LBA audit report dated 12/31/2008. The committee amendment clarifies that the revenues shall continue to be deposited in the general fund and deletes Section 1, a section that defined "nurse" as someone licensed as an APRN, RN, or LPN. Section 1 of this bill created many questions that could best be resolved by the ED & A or the Health and Human Services Committees. The committee heard testimony that licensed nurses are already required by statute to wear identification at work, and the committee felt that it was more important to enforce current law than to add a change in definition at this time. The committee felt that the definition of nurse can be addressed in a separate bill. **Vote 14-5.**

Rep. William A Hatch for the **Minority** of Ways and Means: The purpose of SB 53 is to define the term nurse and establish a nursing assistant fund to be administered by the board of nursing. It was agreed that this bill should have been sent to ED & A or the Policy Committee for Health and Human Services prior to Ways and Means to address the issue of legally defining the term "Nurse", and Ways and Means as a second committee to review the fund activity. Considering this, the majority felt section one that defined nurse was not within the purview of Ways and Means and amended the bill to eliminate that portion of the bill. The minority disagreed that this section should be eliminated when considering the testimony from the agency stated it is very important to have this definition included. They noted it was necessary to clearly define a nurse as an APRN, RN or LPN so the public can readily identify what level of nurse is providing their treatment. The minority amendment restores the definition which was the original intent of the bill.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation.

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

Rep. Frank V Sapareto for the **Majority** of Ways and Means: This bill solves the issue of reasonable compensation for LLC's. It places the burden of disproving the deduction with the department of revenue administration as opposed to the taxpayer proving the deduction. It uses the commonly accepted standards of the Internal Revenue Code Section 162A and its record keeping requirements. It retains the \$50,000 safe-harbor as in current law and only applies to the taxable periods after January 1, 2011. All pending cases with the DRA prior to January 1, 2011 shall remain unaffected. This bill is a comprehensive clarification supported by the business industry in response to over aggressive audits. **Vote 16-5.**

Rep. Susan W Almy for the **Minority** of Ways and Means: The minority agrees that the amendment goes a long way to sorting out how shifting the burden of proof from the taxpayer to the department of revenue would work. The minority is apprehensive about any revenue loss in such challenging times. A few other states tried to shift the burden of proof years ago and shifted back immediately due to severe revenue losses.

HOUSE RESOLUTION 12

2011 SESSION

11-1099

01/09

HOUSE RESOLUTION **12**

A RESOLUTION affirming revenue estimates for fiscal years 2011, 2012, and 2013.

SPONSORS: Rep. Stepanek, Hills 6; Rep. Major, Rock 8; Rep. O'Brien, Hills 4;
Rep. Bettencourt, Rock 4; Rep. Weyler, Rock 8

COMMITTEE: [committee]

ANALYSIS

This house resolution affirms revenue estimates for fiscal years 2011, 2012, and 2013.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

A RESOLUTION affirming revenue estimates for fiscal years 2011, 2012, and 2013.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2011, 2012, 2013 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2011, 2012, and 2013.

GEN'L & ED

TRUST FUNDS

		<u>FY 2011</u>		<u>FY 2012</u>		<u>FY 2013</u>	
	Official		Updated		Updated		Updated
(Dollars in Millions) (Ch.1, L'10 SS)	Estimate	HR 11	Committee Estimate	HR 11	Committee Estimate	HR 11	Committee Estimate
Business Profits Tax	\$313.300	\$308.317	\$304.206	\$314.555	\$310.265	\$323.944	\$319.654
Business Enterprise Tax	\$189.700	\$186.683	\$184.194	\$190.445	\$187.935	\$196.056	\$193.446
Subtotal	\$503.000	\$495.000	\$488.400	\$505.000	\$498.200	\$520.000	\$513.100
Meals & Rooms Tax	\$245.000	\$234.000	\$234.000	\$229.200	\$229.200	\$234.300	\$234.300
Tobacco Tax	\$220.600	\$228.000	\$228.000	\$221.000	\$221.000	\$214.400	\$214.400
Liquor Sales	\$127.900	\$126.800	\$126.800	\$130.300	\$130.300	\$135.000	\$135.000
Interest & Dividends Tax	\$90.100	\$83.700	\$77.000	\$85.400	\$78.500	\$87.100	\$80.000
Insurance Tax	\$80.500	\$80.500	\$80.500	\$86.100	\$86.100	\$86.800	\$86.800
Communications Tax	\$75.000	\$79.400	\$79.400	\$80.200	\$80.200	\$81.000	\$81.000
Real Estate Transfer Tax	\$89.200	\$78.000	\$78.000	\$79.600	\$79.600	\$81.200	\$81.200
Court Fines & Fees	\$13.200	\$13.600	\$13.600	\$13.600	\$13.600	\$13.600	\$13.600
Securities Revenue	\$34.000	\$34.300	\$34.300	\$35.100	\$35.100	\$35.900	\$35.900
Utility Consumption Tax	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000
Board & Care Revenue	\$20.200	\$20.200	\$20.200	\$20.500	\$20.500	\$21.000	\$21.000
Beer Tax	\$12.800	\$13.100	\$13.100	\$13.100	\$13.100	\$13.100	\$13.100
Racing & Games of Chance	\$2.900	\$2.300	\$2.400	\$2.300	\$2.600	\$2.400	\$2.600
Other	\$67.800	\$68.700	\$68.700	\$69.100	\$69.100	\$68.700	\$68.700
Gambling Winnings Tax	\$3.400	\$3.400	\$3.400	\$3.400	\$0.000	\$3.400	\$0.000
Tobacco Settlement Funds	\$44.200	\$42.200	\$42.200	\$42.400	\$42.400	\$42.400	\$42.400
SUBTOTAL	\$1,635.800	\$1,609.200	\$1,596.000	\$1,622.300	\$1,605.500	\$1,646.300	\$1,629.100
Medicaid Enhancement Tax	\$108.500	\$91.400	\$91.400	\$97.000	\$97.000	\$104.800	\$104.800
Medicaid Recoveries	\$19.200	\$22.100	\$22.100	\$17.400	\$17.400	\$18.300	\$18.300
Lottery Transfers to Education	\$77.700	\$66.200	\$65.000	\$66.200	\$69.000	\$67.500	\$73.000
Bingo Lucky 7 Transfers to Education	\$1.300	\$1.300	\$1.300	\$0.900	\$0.900	\$0.900	\$0.900
Utility Property Tax	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000
Statewide Property Tax	\$363.600	\$363.000	\$363.000	\$363.000	\$363.000	\$363.000	\$363.000
TOTAL GEN'L & ED							
TRUST FUNDS	\$2,234.100	\$2,181.200	\$2,166.800	\$2,194.800	\$2,180.800	\$2,228.800	\$2,217.100

HIGHWAY FUNDS:		<u>FY 2011</u>		<u>FY 2012</u>		<u>FY 2013</u>	
(Dollars in Millions)	Official Estimate (HR 26, 2010)	HR 11	Updated Committee Estimate	HR 11	Updated Committee Estimate	HR 11	Updated Committee Estimate
Road Toll	\$126.500	\$124.500	\$124.500	\$124.500	\$124.500	\$124.500	\$124.500
Motor Vehicle Fees	\$134.800	\$129.500	\$129.500	\$108.300	\$108.300	\$108.300	\$108.300
Miscellaneous	\$19.800	\$40.800	\$40.800	\$24.500	\$24.500	\$23.500	\$23.500
TOTAL HIGHWAY FUNDS	\$281.100	\$294.800	\$294.800	\$257.300	\$257.300	\$256.300	\$256.300

FISH & GAME FUNDS:

(Dollars in Millions)

Fish & Game Licenses	\$9.100	\$8.200	\$8.200	\$8.200	\$8.200	\$8.200	\$8.200
Fines & Miscellaneous	\$2.200	\$2.200	\$2.200	\$1.900	\$1.900	\$1.900	\$1.900
TOTAL FISH & GAME FUNDS	\$11.300	\$10.400	\$10.400	\$10.100	\$10.100	\$10.100	\$10.100

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2011-0319, Request for an Opinion of the Justices (House Bill 89), the court on May 6, 2011, issued the following order:

The following request of the senate for an opinion of the justices was adopted on May 4, 2011, and filed with the supreme court on May 5, 2011:

SENATE RESOLUTION 9

A RESOLUTION requesting an opinion of the justices concerning the constitutionality of HB 89.

Whereas, there is pending in the senate HB 89, "An act requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act;" and

Whereas, HB 89 as passed by the house of representatives and presently pending before the senate would require the attorney general to move to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al. (hereinafter "the lawsuit"); and

Whereas, at least 27 of the 50 states have joined as plaintiffs in the lawsuit; and

Whereas, the lawsuit challenges the applicability of portions of a federal law that would require individual New Hampshire citizens to purchase health insurance, even if they did not wish to do so; and

Whereas, the provisions being challenged in the lawsuit reflect matters of broad public policy, but do not presently affect the individual liberty or property interests of any individual New Hampshire citizen; and

Whereas, Part II, Article 5 of the New Hampshire constitution states: "full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution;" and 2

Whereas, Part I, Article 37 of the New Hampshire constitution sets forth the principle of separation of powers as an integral part of our governmental system of checks and balances; and

Whereas, a question has arisen as to the constitutionality of the provision in HB 89

requiring the attorney general to join the lawsuit; now, therefore, be it

Resolved by the Senate:

That the justices of the supreme court be respectfully requested to give their opinion upon the following questions of law:

1. Does the requirement in HB 89 that the attorney general move to have the state of New Hampshire join as a plaintiff in the lawsuit, violate Part I, Article 37 of the New Hampshire constitution?

2. Does the requirement in HB 89 that the attorney general move to have the state of New Hampshire join as a plaintiff in the lawsuit, fall within the broad grant of authority to the general court set forth in Part II, Article 5 of the New Hampshire constitution?

3. Does HB 89 as adopted by the house of representatives and presently pending before the senate violate any other provision of the New Hampshire constitution?

That the clerk of the senate transmit copies of this resolution and HB 89 to the justices of the New Hampshire supreme court.

Typewritten memoranda on the questions presented by the request may be furnished by any legislator, attorney, organization, interested party, or member of the public on or before 12:00 noon, May 23, 2011. An original and eight copies of any memorandum must be filed with the clerk's office.

This order is entered by a single justice (Dalianis, C.J.). See Rule 21(7).

Eileen Fox,
Clerk

HOUSE BILLS AMENDED BY THE SENATE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (SJ 5/4/11)

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (SJ 5/4/11)

HB 31, relative to insurance payments for ambulance services. (SJ 5/4/11)

HB 33, relative to the care of memorials in Franconia Notch state park. (House Nonconcurrent; C of C 5/4/11)

HB 47, relative to inactive license status for real estate brokers and salespersons. (SJ 4/20/11)

HB 55, adding a member to the exotic aquatic weeds and species committee. (House Concurred 5/4/11)

HB 67, expanding the duties of the school administrative unit oversight committee. (SJ 4/13/11)

HB 70, relative to changes to town charters. (House Concurred 5/4/11)

HB 71, authorizing establishment of pharmaceutical drug take-back programs. (House Concurred 4/27/11)

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (SJ 4/20/11)

HB 132, adopting and implementing the United States flag code. (House Concurred 5/4/11)

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. (SJ 5/4/11)

HB 155, relative to permits to conduct raffles. (House Concurred 5/4/11)

HB 175, relative to technical changes in life, accident, and health insurance. (SJ 4/27/11)

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (SJ 5/4/11)

HB 278, setting the natural high water mark of Ossipee Lake. (House Concurred 5/4/11)

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. (SJ 5/4/11)

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (SJ 5/4/11)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (SJ 5/4/11)

HB 381, authorizing net metering for micro-combined heat and power systems. (SJ 5/4/11)

HB 397, relative to image display devices in motor vehicles. (SJ 4/27/11)

HB 419-FN, relative to language in insurance certificates. SJ 4/27/11)

HB 424, relative to surplus lines tax collection. (SJ 5/4/11)

HB 444-FN, relative to the commemoration of General John Stark Day. (House Concurred 4/27/11)

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. (House Concurred 4/27/11)

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (House Concurred 5/4/11)

HB 483-FN-L, relative to mosquito control. (SJ 4/20/11)

HB 524-FN, relative to the release of prisoners on probation or parole. (SJ 4/27/11)

HB 579, exempting department of revenue administration guidelines from the right-to-know law. (SJ 5/4/11)

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. (House Concurred 5/4/11)

HB 601-FN, relative to implementation of federal health care reform. (SJ 4/27/11)

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (SJ 4/13/11)

COMMITTEES OF CONFERENCE

HB 33, relative to the care of memorials in Franconia Notch state park. (Reps. Baldasaro, Swinford, Bolster and Parkhurst. – Subject to Senate agreement.)

SB 3-FN-A-L, making comprehensive changes to the state retirement system. (Sens. Bradley, Carson and Larsen; Reps. Hawkins, Kurk, W. Smith and Sedensky)

2011 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

- The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether the committee will recommend that the House concur, non-concur, or non-concur and request a Committee of Conference.
- When a committee requests that the bill be sent to a Committee of Conference, the Chairman will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees as determined by the Speaker. Chairmen should recommend only those members from their policy committees. The Speaker shall make the final decision of Conference committee members.
- **The first named House member shall serve as Chairman of the House Conferees.** For House bills in Committee of Conference, the House Conferee Chairman shall set the time and place of the first meeting and shall chair each meeting of the Committee of Conference. **Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.** [House Rule 43 (c)]. If a Committee of Conference meeting recesses, the reconvening time shall be posted in the Clerk's office and outside the committee room.

- The House and Senate Conferees on a bill shall meet jointly but vote separately while in conference.
- The Committee of Conference may not change the title of the bill. The Committee also may not add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill. [House Rule 49 (g)]
- The sponsor of a bill that is in Committee of Conference shall, upon request, be provided an opportunity to be heard.
- A unanimous vote of both the House and Senate Conferees, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.
- **Reports** of all Committees of Conference **must be filed with the Office of Legislative Services by the June 16, 2011 deadline adopted by the House.** All Committee of Conference members must sign their reports in the Office of Legislative Services.
- The **first-named House member on all bills in Committee of Conference must prepare an analysis of the report.** This “blurb” should contain a complete explanation of all changes made to the bill since it was passed by the House and must be submitted to the House Clerk for printing in the calendar.
- All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. [House Rule 49 (f)].

See House Rule 49 for more information

COMMITTEE MEETINGS

FRIDAY, MAY 13

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB

1:30 p.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB

9:30 a.m. Regular meeting.

MONDAY, MAY 16

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH Higher Education Assistance Foundation, 4 Barrell Court, Concord

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Room 207, LOB

10:00 a.m. Full committee work session on **SB 183-FN-L**, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

TASK FORCE ON STATE PROCUREMENT POLICIES AND PROCEDURES (RSA 21-T:1), Room 212, LOB

4:00 p.m. Regular meeting.

TUESDAY, MAY 17

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Banking/Business Division subcommittee work session on **SB 28**, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions, **SB 120**, relative to alcoholic beverage advertising restrictions, **SB 160-FN**, relative to the definition and regulation of installment loans.

Room 307, LOB

10:15 a.m. Insurance/Consumer subcommittee work session on **SB 162-FN**, relative to federal health care reform 2010, **SB 171**, relative to prescription drug benefits for the treatment of pain, **SB 93**, relative to pharmacist administration of vaccines.

Room 302, LOB

1:30 p.m. Continued executive session on **SB 28**, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions, **SB 120**, relative to alcoholic beverage advertising restrictions, **SB 160-FN**, relative to the definition and regulation of installment loans, **SB 162-FN**, relative to federal health care reform 2010, **SB 171**, relative to prescription drug benefits for the treatment of pain, **SB 189**, relative to the definition of mortgage loan originator, and executive session on **SB 93**, relative to pharmacist administration of vaccines.
Immediately following the executive session, full committee work session on Senate amendments to House Bills.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **SB 51**, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.
Executive session may follow.

12:45 p.m. Subcommittee work session on **SB 52-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

1:00 p.m. Executive session on **SB 52-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole, **SB 88**, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense, **SB 51**, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

EDUCATION, Rooms 205-207, LOB

- 1:00 p.m. Executive session on **SB 67**, establishing a committee to study school vouchers and school choice, **SB 95**, establishing a commission to study youth sports concussions and other concussions received while at school, **SB 192**, establishing a commission to identify strategies needed for delivering a 21st century education, **SB 194**, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. Subcommittee work session on **SB 115**, relative to observing voter check-in.
11:00 a.m. Subcommittee work session on retained **HB 356-FN**, requiring valid photo identification to vote in person.
11:30 a.m. Subcommittee work session on retained **HB 515-FN**, relative to voter registration and relative to procedures for absentee voting.
1:00 p.m. Subcommittee work session on **SB 135-FN-A**, relative to election returns and election records.
1:30 p.m. Subcommittee work session on **SB 193**, relative to nomination of political organizations.
2:00 p.m. Subcommittee work session on retained **HB 152**, relative to the definition of "party" for election purposes other than primary elections.
2:30 p.m. Subcommittee work session on retained **HB 153**, relative to political organizations.
3:00 p.m. Subcommittee work session on **SB 190**, relative to the duties and membership of the executive branch ethics committee.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Full committee work session on Senate amendments to House Bills.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. Full committee work session on Senate amendments to House Bills.
10:30 a.m. Executive session on **SB 152-FN**, relative to participation in state employees' group insurance by members of the general court, **SB 68**, relative to records of disciplinary actions taken by the electricians' board, **SB 166**, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **SB 82-FN**, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district, **SB 154-FN**, reforming and renaming the comprehensive shoreland protection act, **SB 158-FN**, relative to the payment of state aid grants for water and wastewater for 2009 and 2010.
1:00 p.m. Full committee work session on **SB 129-FN**, relative to presenting photo identification to vote in person and relative to the election fund.

FINANCE – (DIVISION III), Room 209, LOB

- 1:30 p.m. Work session on **SB 151-FN**, relative to contracts of the department of health and human services.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **SB 50**, making various changes to laws regulating trusts and trust companies.
Executive session may follow.
11:00 a.m. Executive session on **SB 34-FN**, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by

the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases, **SB 63**, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies, **SB 65**, making technical corrections to a law relative to court facility financing, **SB 139-FN**, relative to state recoveries of public assistance caused by fraud.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Continued executive session on **SB 2**, relative to adoption of spending caps by municipalities and executive session on **SB 144**, relative to extending certain permits and approvals.
- 1:30 p.m. Subcommittee work session on retained **HB 108**, authorizing the town of Hampton to appoint a tree warden.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:30 a.m. Subcommittee work session on **SB 19**, relative to the definition of "prime wetlands."

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:15 a.m. **SB 46**, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country.
Executive session may follow.
- 1:00 p.m. Executive session on **SB 22**, relative to alternative regulation of small incumbent local exchange carriers, **SB 46**, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country, **SB 55-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Full committee work session on **SB 157-FN**, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.
- 10:30 a.m. Full committee work session on **SB 97**, relative to the application of the community revitalization tax relief incentive.
- 11:00 a.m. **SB 170**, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.
- 11:30 a.m. **SB 72-FN**, establishing a comprehensive cancer plan fund.
Executive session may follow.
- 1:00 p.m. Executive session on **SB 40**, making technical corrections to meals and rooms tax laws.
- 1:15 p.m. Full committee work session on Senate amendments to House Bills.

THURSDAY, MAY 19

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. Subcommittee work session on **HB 415**, relative to access to abuse and neglect investigation records pending a child custody dispute, **HB 506-FN**, relative to false allegations of child abuse.

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

- 9:00 a.m. Regular meeting.

ENVIRONMENT AND AGRICULTURE

- 9:30 a.m. Tour of the University of New Hampshire.

JUDICIARY, Room 208, LOB

10:00 a.m. Briefing by the Judicial Conduct Committee.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Continued executive session on **SB 2**, relative to adoption of spending caps by municipalities.

10:15 a.m. Subcommittee work session on retained **HB 108**, authorizing the town of Hampton to appoint a tree warden.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Room 207, LOB

10:00 a.m. Rescheduled executive session on **SB 183-FN-L**, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

9:30 a.m. Subcommittee work session on retained **CACR 4**, relating to oaths of civil officers. Providing that persons elected to the United States Senate and House of Representatives shall take the oath of civil officers prescribed by the constitution.

10:00 a.m. Subcommittee work session on retained **HCR 2**, in support of the Arizona immigration law.

FRIDAY, MAY 20

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 205-207, LOB (Please note room change.)

9:00 a.m. Regular meeting.

ADVISORY COUNCIL ON CHILD CARE (RSA 126-A:17), Dolloff Building, 4th Floor, 107 Pleasant Street, Concord

9:00 a.m. Regular meeting.

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

9:00 a.m. Special meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

12:00 p.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Rescheduled regular meeting.

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Upham Walker House

2:00 p.m. Regular meeting. Topic: Overview of US/Travel Policies. Presenter: Staff of Congressman Charles Bass.

MONDAY, MAY 23

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 101, LOB

3:00 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, MAY 24

EDUCATION, Room 207, LOB

1:00 p.m. Executive session on **SB 172**, relative to performance-based school accountability criteria.

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

2:00 p.m. Mental Health and Substance Abuse Prevention and Treatment subcommittee meeting to establish a subcommittee work plan.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

9:30 a.m. Educational tour of Riverbend Mental Health.

Room 205, LOB

12:00 p.m. Dartmouth student group presentation on “Shared Decision Making in Health Care.”

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on **SB 12-FN**, relative to screening panels for medical injury claims, **SB 108**, relative to emergency obstetrical care, **SB 50**, making various changes to laws regulating trusts and trust companies, **SB 70-FN**, relative to remedies in landlord-tenant actions.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:15 a.m. Rescheduled executive session on **SB 49**, relative to tip pooling arrangements.

THURSDAY, MAY 26

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

1:30 p.m. Medical Sharps subcommittee meeting.

WEDNESDAY, JUNE 1

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

4:30 p.m. Regular meeting.

FRIDAY, JUNE 3

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

9:00 a.m. Continued regular meeting.

ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

1:00 p.m. Regular meeting.

MONDAY, JUNE 6

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

1:00 p.m. Regular meeting.

FRIDAY, JUNE 10

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB

9:30 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

FRIDAY, JUNE 17

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular business.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

1:00 p.m. Regular meeting.

MONDAY, JUNE 20

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

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 101, LOB

9:00 a.m. Regular meeting.

FRIDAY, JUNE 24

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Executive Committee will meet Monday, **May 23rd** at 4:00 p.m. to review the quarterly Belknap County finance report. The Belknap County Delegation will meet at 4:30 p.m. on the same day for a report from the Belknap County Commissioners regarding the Capital Projects Strategic Plan.

Rep Alida I. Millham, Chairman
Belknap County Delegation

REVISED FISCAL NOTES

The following House and Senate Bills have a revised fiscal note: HBs 25, 26, 35, 37, 49, 72, 131, 154, 186, 205, 206, 213, 222, 224, 225, 228, 229, 231, 232, 234, 238, 242, 256, 261, 262, 264, 265, 266, 268, 270, 274, 276, 277, 284, 288, 292, 293, 299, 302, 303, 309, 310, 311, 325, 329, 330, 332, 333, 335, 337, 340, 343, 345, 347, 353, 356, 365, 368, 369, 377, 388, 411, 418, 419, 420, 439, 440, 441, 444, 448, 451, 452, 453, 454, 456, 459, 461, 462, 463, 464, 465, 466, 467, 468, 470, 471, 472, 477, 479, 480, 481, 482, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 502, 504, 505, 506, 507, 509, 515, 517, 518, 519, 522, 523, 528, 529, 537, 539, 542, 557, 569, 571, 580, 601, 602, 609, 619, 621, 622, 626, 627, 628, 629,

634, 636, 637, 638, 639, 640, 641, 642. SBs 1, 3, 20, 21, 22, 53, 58, 72, 75, 81, 129, 147, 152, 154, 156, 157, 161, 162, 170.

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.

Members of the NH General Court are invited to a presentation by representatives of the Region Amerique de L'Assemblee Parlementaire de la Francophonie – an international association of French speaking legislators. Intent is to provide an overview of their organization and assess if there is any interest in forming a chapter in NH. Presentation will be Tuesday, **May 17** at 8:30 a.m. in Room 203, LOB

Rep. Raymond G. Gagnon

The New Hampshire House Business Coalition will meet at 2:00 p.m. on Tuesday, **May 17** in Room 202, LOB. Please contact Rep. Laurie J. Sanborn at repsanborn@gmail.com.

Rep. Laurie J. Sanborn

The New Hampshire Order of Women Legislators will meet on Wednesday, **May 18** during the lunch break from session in Room 204, LOB. Please bring lunch.

Rep. Laura C. Pantelakos

The Board of Directors of the Merrimack County Farm Bureau invite all Merrimack County representatives for a day tour of some Merrimack County Farms on Friday, **May 20**. Transportation and lunch will be provided. There will be ample opportunity to ask any and all questions. Spouses or significant others are welcome. We will be meeting at the Legislative parking garage on Storrs Street at 9:30 a.m. and returning at 4:00 p.m. RSVP to chuck@applehillfarmnh.com.

Rep. David Palfrey

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 19th Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Friday, **May 20**, 2011, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact either Timothy J. Acerno of Fish and Game at 603-271-3128 or Chief Michael Greeley of the Deerfield Police Department at 603-463-7258 if you

have any questions.

William L. O'Brien, Speaker

The Sullivan County Republican Committee will meet next at 12 Main Street, Newport, NH Saturday, **May 21**, 2011 at 9:00 a.m. Please note that we will be voting on the new bylaws and on accepting new office space. Please make an effort to attend.

Rep. Steven Cunningham

The Coos County Democrats will be having their annual fund raising event, "The Truman Dinner" on Saturday, **May 21st**. This year's dinner will be held at the Town and Country Motor Inn and Resort located in Shelburne, NH. and will begin with cocktails at 6:00 p.m. One of the guest speakers will be the candidate for New Hampshire's 2nd Congressional District, Ann McLane Kuster. For more information and/or tickets, contact either Rep. Bill Hatch (466-9491) or Rep. Robert Theberge (723-8996). Tickets are \$50.00/person. I thank you in advance for your time and consideration.

Rep. Robert L. Theberge

All legislators are cordially invited to join the New Hampshire Association of Regional Planning Commissions for breakfast on Tuesday, **May 24** from 8:00 to 10:00 a.m. in the State House cafeteria. Come and meet the staff and learn about the Regional Planning Commission in your district.

Rep. James E. Coffey

The New Hampshire Snowmobile Association would like to invite all House members to a reception to be held in the State House cafeteria on Wednesday, **May 25**, 2011 from 7:30 to 9:30 a.m. Please come by and have a cup of coffee and a quick snack prior to session.

Reps. D.J. Bettencourt and Terie Norelli

The American Legion and the State Veterans Cemetery staff cordially invite everyone to attend Memorial Day ceremonies beginning at 11:00 a.m. on Monday, **May 30**, at the State Veterans Cemetery in Boscawen (110 Daniel Webster Highway, Route 3, Boscawen, NH).

William L. O'Brien, Speaker

Belknap County GOP Lincoln Day "First in the Nation Presidential Cruise" Update – This year's M/S Mount Washington Cruise on Lake Winnepesaukee, scheduled for Friday, **June 3**, is sure to be a hit once again. All of the Republican "potential" candidates as well as other dignitaries have been invited to join us. The excellent buffet that the Mount is known for has been set; it includes chef-carved roast turkey and chef-carved roast beef! This year's cruise will leave The Weirs in Laconia at 5:30 p.m., sail to Wolfeboro and then return to The Weirs at 9:00 p.m. We'll have silent and live auctions, raffles, live entertainment, and an opportunity to "hob nob" with our special guests! Tickets are the same price as last year - \$45

– and are available from Belknap County GOP members or by emailing to
Alan@BelknapCountyRepublicans.org

Reps. Elaine Swinford and Franklin Tilton

The Nashua Area Federated Republican Women will honor Jennifer Horn at the NAFRW 2011 Woman of the Year Luncheon on Monday, **June 20th** at 11:00 a.m. at the Crowne Plaza, Exit 8, Nashua- Former Minnesota First Lady, Mary Pawlenty, is the guest speaker. Cost: \$25. Registered Republicans RSVP to Rep. Jeanine Notter before Monday, June 13th.
Rep. Jeanine Notter

The Main Street Republicans meet on Tuesdays at 8:30 a.m. in Room 104, LOB. All Republican House members are welcome.

Rep. Kenneth H. Gould

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet Tuesdays at 8:00 a.m. in Rooms 306-308, LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

All Representatives are invited to attend morning prayer at 8:00 a.m. on Wednesdays at the Upham Walker House. Come and share coffee and prayer before session.

Rep. Susan DeLemus

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

Reps. Mark Warden, Andrew Manuse and Seth Cohn

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 **2011**. 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
May 13	9:00	Salem Christian School	11/4
May 13	9:45	Ray School – Hanover	45/4
May 13	10:30/12:00 SH/HM	Hillsboro-Deering Elementary School	90/4
May 16	9:30	Waterville Valley Elementary School	10/3,4&5
May 16	10:00	Gilmanton Elementary School	42/4

May 16	11:45	Pittsfield Elementary School	56/4
May 17	8:45	Deerfield Community School	45/4
May 17	10:30/12:00 SH/Manse	Peterborough Elementary School	80/4
May 18	9:30	Gossler Park School – Manchester	50/4
May 18	10:30	Mont Vernon Village School	37/4
May 18	11:00	Jewett Street School – Manchester	57/4
May 18	1:30	Immaculate Conception Apostolic School – Meredith	20
May 19	9:30/11:00 SH/HM	Highland Goffes Falls School	95/4
May 19	12:00	Wheelock Elementary School – Keene	23/4
May 20	9:45	Ray School – Hanover	45/4
May 20	10:30/12:00 SH/SC	Memorial School – Newton	60/4
May 20	12:30	Hopkinton High School – Civics Class	25/HS
May 23	10:00	Maple Ave School – Claremont	55/4
May 23	11:30	Sacred Heart School – Hampton	28/4
May 23	12:30	Conway Elementary School	35/4
May 23	2:00	Villa Crest Nursing Home – Manchester	14/Srs
May 24	9:00	Merrimack Middle School	50/8
May 24	10:30	Open World Program/NHCADSV-Russians	10
May 24	9:00	Florence Ride Out School	45/4
May 24	1:00	Camp Allen – Bedford	20
May 25	10:00/11:30 SH/HM	Wm. Barron School – Salem	82/4
May 25	12:30	Russell Elementary School – Rumney	25/4
May 26	9:00	Merrimack Middle School	50/8
May 26	10:00	Newfields Elementary School	32/4
May 26	11:00	Bakersville Elementary School – Manchester	43/4
May 26	12:00	St. Elizabeth Seton School – Rochester	22/4
May 27	9:15	St. Thomas School of Derry	45/3&4
May 27	10:00	Lin-Wood School - Lincoln	32/4
May 27	11:00	New Hampton School	26/4
May 27	12:30	Holderness Central School	22/4
May 31	9:00	Hollis Brookline High School	46/HS
May 31	9:45/11:00 SH/HM	Richards School – Newport	80/4
June 1	9:30	Mountain Shadows School – Dublin	10/6
June 1	10:00	Kensington Elementary School	40/4
June 1	11:00	Lincoln-Akerman School – Hampton Falls	44/4
June 1	12:30	Enfield Village School	40/4
June 2	10:00	Salisbury/Webster Elementary Schools	30/4
June 2	10:00	Cornerstone Christian Academy – Ossipee	10/4
June 2	11:00	Birch Hill Elementary School – Nashua	77/4
June 3	9:00/10:30 SH/SC	Riddle Brook Elementary School – Bedford	80/4
June 3	11:30	William E. Lancaster School – Salem	
June 6	9:00	John Fuller School – No. Conway	28/4
June 6	10:15/11:30 SH/Gift shop	Pelham Elementary School	100/4
June 7	9:00	Andover Elementary Middle School	54/3&4

June 7	10:00/11:30 SH/HM	Interlakes Elementary School – Meredith	80/4
June 7	12:30	Conant Rumford School – Concord	45/4
June 8	10:15/11:30 SH/Gift shop	Pelham Elementary School	75/4
June 8	12:30	Conant Rumford School – Concord	45/4

AMENDMENTS

WEDNESDAY, MAY 18

2011-1848h

Floor Amendment to HR 12

Proposed by Reps. Hatch, Almy, Butynski and Cooney

Amend the resolution by replacing the paragraph after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2011, 2012, 2013 and has presented those estimates to the House of Representatives; and

Whereas, the service cuts to the disabled, mentally ill, working poor, infirm elderly, indigent, victims of violence and consumer fraud, and families dealing with alcohol and other drug problems, are too great for our state's citizenry to tolerate; and

Whereas, it is now the intention of the House of Representatives that any increase in revenue estimates or other revenue that can realistically be achieved before the passage of the final budget shall be applied to restore services to individuals which had to be cut in the original house-passed budget; now, therefore, be it

2011-1845h

Amendment to SB 21

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

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

1 Excavating and Dredging Permit; Exemptions. Amend RSA 482-A:3, IV(b) to read as follows:

(b) Man-made nontidal drainage ditches, ***roadside and railroad ditches*** [~~culverts~~], [~~catch~~] ***detention*** basins, [~~and~~] ponds, ***and wetlands*** that have been legally constructed to collect, [~~or~~] convey, ***treat, or control*** storm water and spring run-off, ***legally constructed ponds on active farms, erosional features caused by proximate human activity***, fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by a local fire chief, and ***aggregate wash ponds, sluiceways, and other legally constructed*** man-made water conveyance systems that are used for the commercial or industrial purpose of collecting, conveying, storing, and recycling water, may be [~~cleaned out when~~] ***maintained, repaired, replaced, or modified as*** necessary to preserve their usefulness without a permit [~~from the department. Such drainage facilities, fire ponds, intake areas of any hydrants, or man-made water conveyance systems may be cleaned out by hand or machine~~] ***under this chapter***; provided, that the ***exempted facility, area, or feature*** is [~~neither enlarged nor~~] ***not*** extended into any area of wetlands jurisdiction of the department of environmental services, dredged spoils are deposited in areas outside wetlands jurisdiction of the department of environmental services, [~~and~~] wetlands or surface waters outside the limits of the [~~constructed drainage facility, fire pond, intake area of a dry hydrant, or man-made water conveyance system~~] ***exempted facility, area, or feature*** are neither disturbed nor degraded, ***the exempted facility, area, or feature was not constructed as mitigation under a wetlands permit or as part of a settlement agreement, best management practices are followed, and the work does not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.***

(c) Legally constructed culverts may be cleaned as necessary to preserve their usefulness without a permit under this chapter provided the conditions of subparagraph (b) are met.

2 Contingent Amendment; Excavating and Dredging Exemptions. Amend RSA 482-A:3, IV(c) to read as follows:

(c) Legally constructed culverts may be cleaned as necessary to preserve their usefulness without a permit under this chapter provided the conditions of subparagraph (b) are met, ***however any repair, replacement or modification of a culvert must be made in accordance with RSA 482-A:3, XVI.***

3 Contingent Amendment; Municipalities; Permit by Notification. Amend RSA 482-A:3, XVI(a) to read as follows:

XVI.(a) Any person or political subdivision that repairs~~[,]~~ ***or*** replaces~~[, or maintains]~~ ***culverts or stream crossing*** structures in accordance with the best management practices for routine roadway maintenance in New Hampshire published by the department of transportation, including culverts up to ***and including*** 48 inches in diameter or the functional hydraulic equivalent, and files an appropriate notice under subparagraph (b), shall satisfy the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the commissioner.

4 Contingency.

I. If HB 621-FN-LOCAL of the 2011 legislative session becomes law before the effective date of section 1 of this act, section 2 shall take effect at 12:01 a.m. 60 days after passage of this act. If HB 621-FN-LOCAL of the 2011 legislative session becomes law after the effective date of section 1 of this act, section 2 shall take effect on the effective date of HB 621-FN-LOCAL. If HB 621-FN-LOCAL of the 2011 legislative session does not become law, then section 2 of this act shall not take effect.

II. If HB 621-FN-LOCAL of the 2011 legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 621-FN-LOCAL. If HB 621-FN-LOCAL of the 2011 legislative session does not become law, then section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

This bill modifies the exemptions from excavating and drainage permits.

2011-1808h

Amendment to SB 37

Proposed by the Committee on Education - C

Amend the bill by replacing section 1 with the following:

1 School Attendance; Legal Residence Required. Amend RSA 193:12, VI(a) to read as follows:

VI.(a) The commissioner of the department of education, or designee, shall decide residency issues for all pupils, ~~[including]~~ ***excluding*** homeless children and youths, in accordance with this section. If more than one school district is involved in a residency dispute, or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached, the commissioner of the department of education, or designee, shall make a determination within ~~[14]~~ ***30*** days of notice of the residency dispute and such determination shall be final. ***If the unresolved residency dispute has resulted in an interruption of educational or related services, or such an interruption is likely to occur if the determination cannot be made before the expiration of 30 days, the determination shall be made within 14 days. With the agreement of the school districts involved and of the minor child's parent or legal representative, the time***

for determination of the residency dispute may be extended. Residency disputes may be submitted to the commissioner for determination by a school district involved in a dispute. In cases where the failure to resolve a residency dispute has resulted in or is likely to result in the interruption of educational or related services, a minor child's parent or legal representative may submit a residency dispute for determination to the commissioner. In ~~[any case]~~ all cases, all parties with an interest in the dispute shall be notified of the pendency of the proceedings, shall have an opportunity to review all information provided to the commissioner, and shall have an opportunity to present facts and legal arguments to the commissioner. The commissioner's decision, including a written explanation for that decision, shall be provided to the parties of record and a copy of such explanation shall be kept on file by the department of education. No school district shall deny a pupil attendance or implementation of an existing individualized education program.

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

2 Legal Residence Required. Amend RSA 193:12, II(a)(2) to read as follows:

(2) In a divorce decree where parents are awarded joint decision making responsibility or joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary residential responsibility or physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility or physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or approximately equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the order. If a child is in a court-ordered residential placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, residence shall be determined in accordance with RSA ~~[193:27]~~ **193:28**.

2011-1500h

Amendment to SB 45

Proposed by the Committee on Education - C

Amend the bill by replacing section 1 with the following:

1 Granite State Scholar Designation. Amend RSA 188-D:39, I to read as follows:

I. The granite state scholar designation shall be made for any New Hampshire resident who graduates in the top 10 percent of his or her class from an ~~[accredited]~~ **approved** New Hampshire high school, and who receives a combined score ~~[of 1200 or more]~~ **equaling at least 75 percent of the maximum possible score** on the Scholastic Aptitude Test I, or the equivalent score on ~~[the ACT Assessment examination]~~ **another nationally recognized and norm referenced assessment approved by the department of education**. The granite state scholar designation shall be determined using class rank and standardized test scores taken no later than January 31 of the student's senior year in high school.

AMENDED ANALYSIS

This bill changes the criteria relating to the required score on the Scholastic Aptitude Test or other nationally recognized and norm referenced assessment for designation as a Granite State scholar. The bill also changes the date by which the postsecondary education commission shall distribute matching funds to participating institutions.

This bill was requested by the postsecondary education commission.

2011-1582h

Amendment to SB 53-FN

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

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

AN ACT relative to the nursing assistant registry administered by the board of nursing.

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

1 Collection of Funds; Reference Corrected. Amend RSA 326-B:6 to read as follows:

326-B:6 Collection and Expenditure of Funds. The board shall receive and expend funds provided such funds are received and expended for the pursuit of the objectives authorized by this chapter. Fees, fines, and administrative charges, ~~[other than]~~ **including** those ~~[collected pursuant]~~ **related** to RSA ~~[326-B:8]~~ **326-B:26**, shall be deposited in the general fund.

2 Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

326-B:26 ~~[Licensed]~~ Nursing Assistant Registry. The board shall maintain a registry of nursing assistants ~~[licensed]~~ who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered ~~[or licensed]~~ shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

3 Repeal. The following are repealed:

I. RSA 326-B:7, relative to the nursing assistant fund.

II. RSA 6:12, I(b)(24), relative to moneys credited to the board of nursing's nursing assistant fund.

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

AMENDED ANALYSIS

This bill clarifies the nursing assistant registry administered by the board of nursing.

2011-1614h

Amendment to SB 53-FN

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

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

AN ACT relative to the definition of nurse, and relative to the nursing assistant registry administered by the board of nursing.

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

1 New Paragraph; Nurse Practice Act; Definitions. Amend RSA 326-B:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Nurse" means a person authorized to practice nursing who holds a current license to provide care as an APRN, a RN, or a LPN.

2 Collection of Funds; Reference Corrected. Amend RSA 326-B:6 to read as follows:

326-B:6 Collection and Expenditure of Funds. The board shall receive and expend funds provided such funds are received and expended for the pursuit of the objectives authorized by this chapter. Fees, fines, and administrative charges, ~~[other than]~~ **including** those ~~[collected pursuant]~~ **related** to RSA ~~[326-B:8]~~ **326-B:26**, shall be deposited in the general fund.

3 Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

326-B:26 ~~[Licensed]~~ Nursing Assistant Registry. The board shall maintain a registry of nursing assistants ~~[licensed]~~ who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered ~~[or licensed]~~ shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

4 Repeal. The following are repealed:

I. RSA 326-B:7, relative to the nursing assistant fund.

II. RSA 6:12, I(b)(24), relative to moneys credited to the board of nursing's nursing assistant fund.

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

AMENDED ANALYSIS

This bill adds a definition for nurse and clarifies the nursing assistant registry administered by the board of nursing.

2011-1837h

Amendment to SB 56-FN
Proposed by the Committee on Finance - R

Amend the bill by replacing section 1 with the following:

1 New Section; Credit or Debit Card Payment. Amend RSA 21-J by inserting after section 43 the following new section:

21-J:43-a Credit or Debit Card Payment. The commissioner of the department of revenue administration and any authorized employee or agent of the commissioner may accept credit cards or debit cards for the online payment of any of the taxes, penalties, interest, or fees administered by the commissioner or collected by the department. The amount of any service charge required to be paid by the taxpayer to the credit card or debit card service provider to cover the provider's cost of this service shall be determined by the department through a competitive bid process, and the service provider shall add this charge to the amount due, in addition to any tax, penalties, and interest payable. The department, at the time of billing, shall disclose the amount of the service charge to the taxpayer. The commissioner shall adopt rules, pursuant to RSA 541-A, as necessary for the administration of such electronic transactions.

2011-1859h

Amendment to SB 58-FN-A
Proposed by the Committee on Finance - R

Amend the bill by replacing section 6 with the following:

6 Applicability. Sections 1-3 of this act shall apply to taxable periods ending on or after December 31, 2010. Sections 4 and 5 of this act shall apply to taxable periods beginning on or after January 1, 2011, and also to taxable periods ending before January 1, 2011 if the taxable period is subject to assessment of tax and appealed pursuant to RSA 21-J:28-b.

2011-1696h

Amendment to SB 64
Proposed by the Committee on Judiciary - C

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

AN ACT removing the oath requirement for class B misdemeanor criminal complaints filed by police officers.

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

1 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

I. Criminal proceedings before a district court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense **or a class B misdemeanor** shall not require ~~a signature or~~ an oath. ~~[Any complaint]~~ **All complaints** filed ~~[electronically]~~ **by a police officer** shall include **the officer's signature and printed name and** notice that making a false statement on the complaint may result in criminal prosecution.

2 Warrants. Amend RSA 592-A:8 to read as follows:

592-A:8 Warrants. A justice of the peace or justice of the district ~~[or municipal]~~ court, upon such complaint **when signed under oath**, may issue a warrant for the arrest of the person so charged with an offense committed or triable in the county, directed to the sheriff of any county or his deputy or to any constable or police officer of any town in the county.

3 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

I. Criminal proceedings before a ~~[district]~~ **circuit** court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description,

the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense **or a class B misdemeanor** shall not require ~~a signature or~~ an oath. ~~[Any complaint]~~ **All complaints** filed ~~[electronically]~~ **by a police officer** shall include **the officer's signature and printed name and** notice that making a false statement on the complaint may result in criminal prosecution.

4 Warrants. Amend RSA 592-A:8 to read as follows:

592-A:8 Warrants. A justice of the peace or justice of the ~~[district or municipal]~~ **circuit** court, upon such complaint **when signed under oath**, may issue a warrant for the arrest of the person so charged with an offense committed or triable in the county, directed to the sheriff of any county or his deputy or to any constable or police officer of any town in the county.

5 Contingency. If HB 609-FN of the 2011 legislative session becomes law, sections 3 and 4 of this act shall take effect January 1, 2012 and sections 1 and 2 of this act shall not take effect. If HB 609-FN does not become law, sections 1 and 2 of this act shall take effect January 1, 2012 and sections 3 and 4 of this act shall not take effect.

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

AMENDED ANALYSIS

This bill removes the oath requirement for class B misdemeanor criminal complaints filed by police officers. The bill also requires a police officer filing a criminal complaint to sign the complaint.

2011-1687h

Amendment to SB 90 Proposed by the Committee on Education - R

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

AN ACT expanding the duties of the school administrative unit legislative oversight committee, directing the committee to study the statewide consolidation of school administrative units, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school, and relative to suspending the days of school requirement for the 2010-2011 school year.

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

1 School Administrative Unit; Legislative Oversight Committee. Amend RSA 194-C:12 to read as follows:

194-C:12 Duties of the Legislative Oversight Committee. The oversight committee shall monitor the process of organization and withdrawal of school districts from school administrative units and shall oversee the general operation, creation, or dissolution of school administrative units. ***In addition, the oversight committee shall also monitor the process of organization and withdrawal from a cooperative school district as well as the process of amending a cooperative school district's articles of agreement.*** The committee shall submit an annual report to the speaker of the house of representatives, the president of the senate, and the state board of education summarizing its findings.

2 New Section; Duties of the Legislative Oversight Committee. Amend RSA 195 by inserting after section 31 the following new section:

195:32 Duties of Legislative Oversight Committee. The legislative oversight committee established in RSA 194-C:11 shall, in addition to the duties set forth in RSA 194-C:12, monitor the process of organization and withdrawal from a cooperative school district as well as the process of amending a cooperative school district's articles of agreement. The legislative oversight committee shall annually submit a report on or before November 1 to the speaker of the house of representatives, the president of the senate, and the state board of education summarizing its findings.

3 Legislative Oversight Committee; Consolidation of School Administrative Units. The legislative oversight committee established in RSA 194-C:11 shall, in addition to its duties set forth in RSA 194-C:12, study the advantages, disadvantages, and costs associated with

consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 31, 2011.

4 School Administrative Units; Withdrawal. Amend RSA 194-C:2, IV to read as follows:

IV. WITHDRAWAL.

(a) The planning committee shall:

(1) Study the advisability of the withdrawal of a specific school district from a school administrative unit in accordance with this chapter, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such school district.

(2) Estimate the construction and operating costs of operating such school or schools.

(3) Investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a school administrative unit.

(4) Prepare an educational and fiscal analysis of the impact of the ***withdrawal on the*** withdrawing district [~~on any school districts remaining in the school administrative unit~~] and a proposed plan for the disposition of any school administrative unit assets and liabilities ***held by the withdrawing district.***

(5) Consult with the department of education regarding any unique issues and resolve such issues in a timely manner and submit a report or reports of its findings and recommendations to the several school districts within the existing school administrative unit.

(b) If the planning committee recommends the withdrawal from a school administrative unit, it shall prepare a plan for organization or reorganization. The plan [~~shall~~] ***may*** include [~~providing~~] ***provision of*** superintendent services, which meet the requirements set forth in RSA 194-C:4, and a transition plan and timeline, which includes consideration of transition budgets and staffing for the withdrawing district, and is signed by at least a majority of the membership of the planning committee.

(c) The planning committee may submit to the board of an existing school administrative unit, a plan for joining the existing school administrative unit. If approved ***by the board of the existing school administrative unit***, the plan shall be submitted to the state board of education [~~and~~] ***which may, within 60 days of receipt of the plan, make recommendations to the planning committee. After receiving the state board's recommendations, the planning committee may revise the plan or submit it to the*** school district voters in accordance with this section.

(d) The planning committee shall submit a copy of the proposed plan to the several school districts and shall hold at least one public hearing no less than 14 days prior to submission to the state board. [~~Within 60 days, the state board of education shall review the proposed plan for administrative structure and to determine whether or not the proposed plan complies with the requirements of this section and RSA 194 C:4.~~]

(e) If in the opinion of the [~~state board~~] ***planning committee***, all requirements have been met, it shall forward the plan to the school district clerk for a vote at a regular or special school district meeting.

(f) If the [~~state board of education~~] ***planning committee*** determines that all requirements have not been properly addressed, the deficiencies shall be noted and the [~~plan shall be promptly returned for revision~~] ***planning committee shall promptly revise the plan.*** When the plan is [~~resubmitted, the state board of education shall promptly return the plan and~~] ***revised, the planning committee shall submit a copy to the state board which shall*** make a ***written*** recommendation, ***within 60 days of receipt of the plan,*** for or against its adoption based on whether or not the plan complies with the requirements of

this section and RSA 194-C:4. This recommendation shall be **advisory only and shall be** reported to the legislative body of the school district. ~~[The state board shall not have veto power over any plan once it is resubmitted by the planning committee.]~~

(g) ~~[The state board]~~ **Within 10 days of making its recommendation, the state board** shall submit the plan for district withdrawal from a school administrative unit to the school board of the withdrawing district for acceptance by the district as provided in subparagraph (h). Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in media of general availability and usage within the district which proposes to withdraw from a school administrative unit.

(h) ~~[Upon the receipt of written notice of the state board's recommendation of the plan,]~~ The plan shall be submitted for approval by the school district under the procedures outlined in paragraph I of this section. The question shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 194-C providing for the withdrawal from a school administrative unit involving school districts of _____ and _____ etc., in accordance with the provisions of the proposed plan?"

Yes ____ No ____

(i) If 3/5 of the votes cast on the question in the withdrawing district shall vote in the affirmative, the clerk of that district shall forthwith send to the state board a certified copy of the warrant, certificate of posting, evidence of publication, if required, and minutes of the meeting in the district. If the state board finds that 3/5 of the votes cast in that district meeting have voted in favor of withdrawing from the school administrative unit, it shall issue its certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the new, single district school administrative unit as of the date of its issuance.

5 Authorized Regional Enrollment Area Schools; Withdrawal of District. Amend RSA 195-A:14, III-VIII to read as follows:

III. After the third anniversary of the date of operating responsibility a sending or receiving school district, at an annual or special school district meeting, may vote to undertake a study of the feasibility and suitability of a withdrawal from the area. The study shall be conducted by a committee composed of 2 school board members from each district of the area, the superintendent of schools as a non-voting member, and 2 members of the town or city governing body from the school district requesting the study. Within 180 days after the date of its formation, the committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable or a report that includes a withdrawal plan prepared in accordance with paragraph IV. If the committee determines that withdrawal is not feasible or suitable, the district which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance with paragraph IV.

IV. A plan for the withdrawal of a district ~~[or districts]~~ from an area shall include the following:

- (a) The name or names of the withdrawing district ~~[or districts]~~ and the grades.
- (b) The proposed date of withdrawal from the area, at which time the withdrawing district shall be responsible for the education of its pupils and after which the area shall no longer have such educational responsibility.
- (c) The liability of the withdrawing district for its share of any outstanding indebtedness of the area in accordance with paragraph V or, if the area was formed by 2 districts, provision for the disposition of **jointly held** property and a statement of assumption of liabilities upon dissolution of the area.
- (d) A detailed analysis of the financial and educational consequences of the proposed withdrawal **on the withdrawing district**.

(e) The manner in which the withdrawing district ~~[or districts]~~ shall provide for the education of all pupils in the withdrawing district ~~[or districts and a plan for the education of the pupils in the remaining sending and/or receiving districts]~~. This shall include the proposed assignment of pupils and any necessary tuition arrangements or contracts.

(f) Modifications to the area agreement necessitated by the withdrawal plan.

(g) Any other matters which the committee, consistent with the law, may consider appropriate to include in the withdrawal plan.

V. Each withdrawing sending district shall remain liable to the area, or to the receiving district in the case of a dissolution of the area, for a rental charge, as determined by the area agreement, for the length of any outstanding bond issue, and for the reduction of school building aid based on the decrease of the annual grant for the payment of debt service for school construction. Payments in discharge of such liability shall be made in accordance with a schedule which may provide for annual payments for the length of the existing bond issue or any other schedule agreed upon by the school boards of the area, or, in the event they fail to agree, as determined by the state board of education. Such payments shall be deemed to be trust funds and shall be applied by the area solely in payment of its indebtedness which was incurred to finance area school facilities and which was outstanding on the effective date of the withdrawal vote.

VI. A receiving district, 4 months prior to a vote on a bond issue for construction of new facilities or additions to an area school, shall notify a sending district of a pending vote on a bond issue. Upon receipt of such notice, a sending district may initiate a withdrawal study in accordance with paragraph III. If the sending district has initiated a withdrawal study prior to the vote in the receiving district, the sending district shall not be further obligated to any bonded indebtedness as a result of such bond issue vote if the voters in the sending district approve, by a majority vote, the withdrawal plan.

VII. The committee established pursuant to paragraph III shall submit a copy of all reports, including any minority reports, to the state board of education. If a report includes a plan for withdrawal, the state board of education shall review the proposed plan ~~[to determine whether or not the proposed plan meets the requirements of paragraph IV. If, in the opinion of the state board, the requirements have been properly addressed, the state board shall recommend for or against its adoption based on its assessment of the plan's feasibility. If, in the opinion of the state board, the requirements have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board shall promptly review the revised plan, return the plan, and make a recommendation for or against its adoption based on its assessment of the plan's feasibility.]~~ **and may, within 60 days of receipt of the plan, issue written recommendations to the withdrawing district noting any deficiencies that may need to be addressed in the plan. The state board's recommendations shall be advisory only. After receiving the state board's recommendations, the committee may revise the plan or submit it to the voters in accordance with this section. In either case,** the state board's ~~[recommendation]~~ **recommendations** shall be reported to the legislative body of the area districts. ~~[The state board shall forward the plan for withdrawal to the school board of the withdrawing school district.]~~ The school board **of the withdrawing school district** shall publish the withdrawal plan once in a newspaper generally circulated within the area districts. The school board shall file the plan for withdrawal with the clerk of the withdrawing district and shall insert the plan in the warrant for the next annual meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 195-A:14, as amended, providing for the withdrawal of the sending (or receiving) district of _____ from the

_____ area in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?"

Yes ____ No ____

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. ~~[If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall be conclusive evidence of the withdrawal of the district and the continuation of the area or the dissolution of a 2-district area.]~~

VIII. The vote to withdraw from an area shall take effect on July 1 of the calendar year which shall be at least 2 years after the date on which the withdrawal vote is adopted. The plan may provide for an earlier date.

6 Days of School; Requirement Suspended. For the 2010-2011 school year only, RSA 189:1 shall not apply to any school district in the state.

7 Effective Date.

I. Sections 1, 2, 4, and 5 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Expands the duties of the school administrative unit legislative oversight committee by requiring the committee to study specific issues relative to cooperative school districts.

II. Requires the committee to study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each.

III. Makes various changes to the procedures for school district withdrawal from a school administrative unit or authorized regional enrollment area school.

IV. Provides that the days of school requirement shall be suspended for the 2010-2011 school year.

2011-1353h

Amendment to SB 98

Proposed by the Committee on Transportation - C

Amend RSA 260:74, article XI, subparagraph A, 3(d) as inserted by section 1 of the bill by replacing it with the following:

(d) One-way vehicle. The owner of trucks registered for 26,000 pounds (11,793.401 kilograms) or less that are identified as a part of a one-way rental fleet may (i) allocate all of such vehicles to the respective member jurisdictions in proportion to the mileage operated in each member jurisdiction by the rental fleet, or (ii) register all of such vehicles as apportioned vehicles under the plan. A one-way rental vehicle registered in accordance with this subparagraph may be used in both interjurisdictional and intrajurisdictional operation.

2011-1603h

Amendment to SB 99

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 Trailer Brakes. Amend RSA 266:30 to read as follows:

266:30 Trailer Brakes.

~~I. No motor vehicle trailer or semi-trailer[, the weight of which, including its load, is 3,000 pounds or more,] shall be driven on the ways of this state unless equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times. No house trailer weighing in excess of 1,500 pounds shall be driven on the ways of this state~~

unless so equipped. ~~[This section shall not apply to wood sawing machines, log splitters, cement mixers, compressors, tar kettles, conveyors, or to devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or to refreshment booths on wheels towed not more than 2 miles at any one time.]~~

II. This section shall not apply to:

(a) A motor vehicle trailer or semi-trailer with a gross weight of less than 3,000 pounds if the axle weight of the towed vehicle does not exceed 40 percent of the sum of the rated axle weights of the towing vehicle.

(b) Wood-sawing machines, log splitters, cement mixers, compressors, tar kettles, conveyors, devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or refreshment booths on wheels towed not more than 2 miles at any one time, only if being driven in intrastate commerce on the ways of New Hampshire.

2011-1683h

Amendment to SB 100

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

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

AN ACT relative to the size limitations on OHRVs operating in Jericho Mountain state park.

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

2 Repeal. RSA 216-A:3-g, VII(c), relative to vehicle limitations in Jericho Mountain state park, is repealed.

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

AMENDED ANALYSIS

This bill increases the size and weight limits for OHRVs allowed on designated trails in Jericho Mountain state park.

2011-1819h

Amendment to SB 117

Proposed by the Majority of the Committee on Education - R

Amend RSA 188-D:19, II as inserted by section 2 of the bill by replacing it with the following:

II. "Private postsecondary career school" shall not include barbering or cosmetology schools, schools offering training that has been approved by a state agency with appropriate jurisdiction over such training, including but not limited to the plumber's board, the electrician's board, the office of the state fire marshal, the division of fire standards and training and emergency medical services, and schools providing federally-required flight or ground instruction to students, or legal entities that license training and learning solutions primarily to other legal entities rather than to students.

Amend the bill by replacing section 3 with the following:

3 Private Postsecondary Career Schools; Licenses and Fees. Amend RSA 188-D:20 to read as follows:

188-D:20 Licenses and Fees.

~~I. [Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the executive director to determine if the entity requires a license. The executive director, in consultation with the postsecondary education commission, shall establish procedures to accomplish this review.]~~

~~H.A]~~ **Any private postsecondary career school maintaining a physical presence in this state *and which assesses tuition or fees for providing vocational or occupational training* [shall] may register to obtain a license or license renewal from the postsecondary education commission. Upon request by a school for a license or license renewal under**

this section, the executive director shall review such school to determine if the school meets the minimum criteria established for a license. The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director~~[-in consultation with the postsecondary education commission]~~. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

~~[III.]~~ ***II.*** A school ~~[that is not required to obtain a license may apply for a license and]~~, upon issuance of the license, shall be subject to the provisions of RSA 188-D:19 through RSA 188-D:28. Such school may voluntarily surrender its license and revert to its original status.

~~[IV.]~~ ***III.*** The executive director~~[-in consultation with the postsecondary education commission]~~ shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

~~[V.]~~ ***IV.*** A private postsecondary career school which the executive director has determined ~~[requires a]~~ ***has met the minimum criteria for a*** license shall, prior to the issuance of a license, comply with ~~[RSA 188-D:20,]~~ RSA 188-D:20-a~~[-]~~ and RSA 188-D:20-b.

V. A school which elects not to be licensed under this section shall prominently disclose, in all official correspondence and documentation of any kind and for any purpose, on its Internet website, and in any other electronic medium used, the fact that it is not licensed as a private postsecondary career school in this state.

Amend RSA 188-D:20-b, I(d) as inserted by section 5 of the bill by replacing it with the following:

(d) The fund shall be used to reimburse students when a ***licensed*** school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. ~~[The owner of]~~ A ***licensed*** school which fails to perform its contractual obligations shall be ~~[personally]~~ liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11, respectively:

9 Regulation of Private Postsecondary Career Schools; Penalty. Amend RSA 188-D:28 to read as follows:

188-D:28 Penalty.

I. Whoever violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the executive director determines that a person is violating any provision of this subdivision or the rules adopted hereunder, the executive director shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. ~~[The executive director, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.]~~

~~[IV.]~~ The ***executive director shall notify the*** postsecondary education commission ~~[shall be notified]~~ whenever a ~~[cease and desist order is issued to a school]~~ ***violation has occurred***, or if a ***licensed*** school fails to provide the services required under a contract with any entity causing the bond to be forfeited~~[-or if a school is required to have a license but is operating without a license]~~.

Amendment to SB 117

Proposed by the Minority of the Committee on Education - R

Amend RSA 188-D:19, II as inserted by section 2 of the bill by replacing it with the following:

II. "Private postsecondary career school" shall not include barbering or cosmetology schools, schools offering training that has been approved by a state agency with appropriate jurisdiction over such training, including but not limited to the plumber's board, the electrician's board, the office of the state fire marshal, the division of fire standards and training and emergency medical services, and schools providing federally-required flight or ground instruction to students, or legal entities that license training and learning solutions primarily to other legal entities rather than to students.

Amend the bill by replacing section 3 with the following:

3 Private Postsecondary Career Schools; Licenses and Fees. Amend RSA 188-D:20 to read as follows:

188-D:20 Licenses and Fees.

I. ~~[Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the executive director to determine if the entity requires a license. The executive director, in consultation with the postsecondary education commission, shall establish procedures to accomplish this review.]~~

~~II. A]~~ **Any** private postsecondary career school maintaining a physical presence in this state **and which assesses tuition or fees for providing vocational or occupational training** ~~[shall]~~ **may** register to obtain a license or license renewal from the postsecondary education commission. **Upon request by a school for a license or license renewal under this section, the executive director shall review such school to determine if the school meets the minimum criteria established for a license.** The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director~~[-in consultation with the postsecondary education commission]~~. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

~~III.]~~ **II.** A school ~~[that is not required to obtain a license may apply for a license and]~~, upon issuance of the license, shall be subject to the provisions of RSA 188-D:19 through RSA 188-D:28. Such school may voluntarily surrender its license and revert to its original status.

~~IV.]~~ **III.** The executive director~~[-in consultation with the postsecondary education commission]~~ shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

~~V.]~~ **IV.** A private postsecondary career school which the executive director has determined ~~[requires a]~~ **has met the minimum criteria for a** license shall, prior to the issuance of a license, comply with ~~[RSA 188-D:20,]~~ RSA 188-D:20-a~~[-]~~ and RSA 188-D:20-b.

V. A school which elects to be licensed under this section may prominently disclose, in all official correspondence and documentation of any kind and for any purpose, on its Internet website, and in any other electronic medium used, the fact that it is licensed as a private postsecondary career school in this state.

Amend RSA 188-D:20-b, I(d) as inserted by section 5 of the bill by replacing it with the following:

(d) The fund shall be used to reimburse students when a **licensed** school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. ~~[The owner of]~~ A **licensed** school which fails to perform its contractual obligations shall be ~~[personally]~~ liable to reimburse the fund for the difference between the per student amount

paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11, respectively:

9 Regulation of Private Postsecondary Career Schools; Penalty. Amend RSA 188-D:28 to read as follows:

188-D:28 Penalty.

I. Whoever violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the executive director determines that a person is violating any provision of this subdivision or the rules adopted hereunder, the executive director shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. ~~[The executive director, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.]~~

IV. The **executive director shall notify the** postsecondary education commission ~~[shall be notified]~~ whenever a ~~[cease and desist order is issued to a school]~~ **violation has occurred**, or if a **licensed** school fails to provide the services required under a contract with any entity causing the bond to be forfeited~~[-or if a school is required to have a license but is operating without a license].~~

2011-1589h

Amendment to SB 123

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 notification if a person found incompetent to stand trial and civilly committed is released into the community and relative to the prosecution of certain accused persons who have been found incompetent to stand trial.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Limitations. Amend RSA 625:8, VI to read as follows:

VI. The period of limitations does not run:

(a) During any time when the accused is continuously absent from the state or has no reasonably ascertained place of abode or work within this state; ~~or~~

(b) During any time when a prosecution is pending against the accused in this state based on the same conduct; **or**

(c) During any time that a person who has been charged with murder pursuant to RSA 630:1, RSA 630:1-a, or RSA 630:1-b, manslaughter or aggravated felonious sexual assault is found and remains incompetent to stand trial pursuant to RSA 135:17-a.

AMENDED ANALYSIS

This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community. The bill also provides that the period of limitations on prosecution shall not run anytime that a person who has been charged with certain crimes is found and remains incompetent to stand trial.

2011-1717h

Amendment to SB 125-FN-A

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

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

AN ACT relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

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

2 Clarification of Reasonable Compensation Deduction. RSA 77-A:4, III is repealed and reenacted as follows:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the actual personal services of a natural person who is a proprietor, partner, or member provided to the business organization; provided, however, that the amount of such deduction shall not reduce such business organization's taxable business profits to less than zero. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the actual personal services of the proprietor, partner, or member. Such amounts shall not exceed the amount reported as earned income on the federal income tax returns of the proprietor, partner, or member, but may also include an amount not to exceed net rental income as compensation for operating rental property, and an amount not to exceed 15 percent of the gross selling price as commissions on the sale of business assets.

(b) Subject to the provisions of subparagraph (c) which establishes a record-keeping safe harbor, the method of determining the amount of the deduction available to the business organization allowed under this paragraph shall be by using the standards set forth in section 162(a)(1) of the United States Internal Revenue Code, as it may be amended from time to time, and the Treasury Regulations, administrative rulings, and judicial cases issued thereunder. The business organization shall keep such records as may be necessary to determine that the deduction is reasonable under these standards.

(c) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe harbor, to deduct up to \$50,000 as total compensation for the tax year;

(d)(1) In this paragraph, "record-keeping safe harbor" means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (e).

(2) Notwithstanding subparagraph III(d)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(e) A business organization or group of related business organizations may elect the record-keeping safe harbor option in subparagraph III(c) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed actual personal services for the business organization or group of related business organizations.

(f) Related business organizations electing not to substantiate the extent of the actual personal services of their proprietors, partners, and members, shall be limited to the record-keeping safe harbor deduction, less any owners' compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, "related business organizations" are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(g) A business organization claiming a deduction under this paragraph shall bear the burden of proving that all proprietors, partners, or members for whom a deduction is being claimed provided actual personal services to the business organization at any time

during the taxable period. Once a business organization has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the business organization is clearly unreasonable.

3 New Paragraph; Appeal for Redetermination or Reconsideration; Procedure. Amend RSA 21-J:28-b by inserting after paragraph VII the following new paragraph:

VIII. The department shall bear the burden of proof on any change to any compensation deduction under RSA 77-A determined by examination.

4 New Section; Interest and Dividends Tax; Excess Compensation. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Dividend. Excess compensation determined by audit of the department shall not be considered a dividend under this chapter unless such determination is accepted by the Internal Revenue Service.

5 Taxpayer Records. Amend RSA 77-A:11, I to read as follows:

I. Keep such records as may be necessary to determine the amount of its liability under this chapter ***and to determine whether the compensation claimed as a deduction under RSA 77-A:4, III is reasonable;***

6 Applicability. This act shall apply with respect to taxable periods beginning on or after January 1, 2011.

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

2011-1883h

Amendment to SB 146-FN

Proposed by the Majority of the Committee on Finance - R

Amend RSA 9:4, III(a)(1) and (2) as inserted by section 1 of the bill by replacing them with the following:

(1) An estimate for a reduced level of expenditure for the first year of the next biennium that is 10 percent, not including debt service, less than the actual expenses of the first year of the current biennium.

(2) An estimate for a reduced level of expenditure for the second year of the next biennium that is 10 percent, not including debt service, less than the budget and any footnote adjustments or subsequent appropriations, additions, or reductions, implemented in the second year of the current biennium.

2011-1895h

Amendment to SB 196

Proposed by the Majority of the Committee on Education - R

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

AN ACT relative to the renomination or reelection of teachers and grievance procedures.

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

1 Failure to be Renominated or Reelected. Amend RSA 189:14-a to read as follows:

189:14-a Failure to be Renominated or Reelected.

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) Any such teacher who has taught for [~~3 consecutive years or more in the same school district~~] ***5 consecutive years or more in the teacher's current school district, or who taught for 3 consecutive years or more in the teacher's current school district before July 1, 2011,*** and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said

request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional standards certificate from the state board of education ~~[and who has taught for 3 consecutive years or more in any school district in the state]~~ shall, ~~[after having taught for 2 consecutive years in any other school district in the state,]~~ be entitled to all of the rights for notification and hearing in paragraphs I(b), III, and IV of this section **if:**

(a) The teacher has taught for 5 consecutive years or more in any school district in the state and has taught for 3 consecutive years or more in the teacher's current school district; or

(b) Before July 1, 2011, the teacher taught for 3 consecutive years or more in any school district in the state and taught for 2 consecutive years or more in the teacher's current school district.

III. In cases of nonrenomination ~~[because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination]~~ **or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority.**

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence. ***Except as provided in paragraph III, the grounds for nonrenomination and nonreelection shall be determined at the sole discretion of the school board.***

V. "Teacher" means any professional employee of any school district whose position requires certification as a professional engaged in teaching. The term "teacher" shall also include principals, assistant principals, librarians, and guidance counselors.

2 Review by State Board. Amend RSA 189:14-b, I to read as follows:

I. A teacher aggrieved by such decision may ~~[either]~~ petition the state board of education for review thereof ~~[or request arbitration under the terms of a collective bargaining agreement, if applicable, but may not do both]~~. Such petition must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such petition, the state board shall notify the school board of the petition for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within 15 days after the petition for review is filed, and the decision of the state board shall be final and binding upon both parties. ***A petition for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.***

3 Grievance Procedures. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. **No**

grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement. "Grievance resulting from failure of a teacher to be renewed" means a grievance that challenges nonrenewal, or that seeks reversal or reinstatement from nonrenewal as a remedy.

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

AMENDED ANALYSIS

This bill amends the length of time required for a teacher to be entitled to the rights of notification and hearing for failure to be renominated or reelected. This bill declares that in cases of nonrenomination or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority. This bill also limits a petition for review as the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.