

HOUSE RECORD

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

Vol. 33 Concord, N.H.

Friday, May 27, 2011

No. 43

Contains: Hearings, Meetings, Notices, Governor's Veto Message on HB 474, House Bills Amended by the Senate, Committee of Conference Procedures, List of Retained Senate Bills, Reports and Amendments for June 1.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, June 1st at 9:00 a.m.** The last day for the House to act on Senate bills is Thursday, June 2nd.

The New Hampshire Supreme Court is considering 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. The memorandum filed on behalf of the Speaker and Majority Leader is available for review in the Clerk's office.

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 31st** 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.

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 with the exception of those statutory and chapter study committees required by law to meet during that time.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **June 1 at 8:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **June 1** at **8:15 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.

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

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 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Pending question: adoption of the committee report of inexpedient to legislate.)

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

CONSENT CALENDAR

WEDNESDAY, JUNE 1

EDUCATION

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

Rep. J.R. Hoell for Education: This bill amends the definitions and exceptions for the governing of private postsecondary career schools. The bill 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. This bill also eliminates the requirement that postsecondary career schools be licensed, allowing schools to opt out of the licensing system. Schools electing not to be licensed are required to prominently display in contracts and enrollment forms that the school is not licensed by the postsecondary education commission. Furthermore, the schools electing not to be licensed are required to notify the students that payments made to the school are not covered by the guaranty fund and may be subject to loss. **Vote 15-0.**

SB 172, relative to performance-based school accountability criteria. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: Best practices and high academic standards are necessary components of a quality education. The NH board of education approved the common core standards developed through a joint project of the National Governor's Association center for best practices and the chief state school officers. As of May 24, 2010, the department of education (DOE) had not yet received unformatted math standards. The state board of education approved the common core standards in principle on July 8, 2010. Eleven states received "Race to the Top" funding totaling \$4.35 billion to implement core standards, while NH received nothing but continues to move forward with the adoption process. NH already has an adopted curriculum framework with academic standards. Yes, those standards may require improvement, but this process should be a result of the NH DOE working closely with local school boards, educators and NH residents. Implementing the new curriculum standards will also be expensive: textbooks, testing design and implementation, teacher training, etc. This bill clearly states that common core standards shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in New Hampshire curriculum frameworks, or used as a measure of an adequate public education without prior approval of the general court. **Vote 16-0.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph W Fleck for Education: This bill authorizes transfer of 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. It further authorizes the board of trustees to sell real property with prior approval of the governor and council and the long-range capital planning and utilization committee. Effective date of this bill is contingent on

the community college completing a survey of its Concord property and evidence of insurance on the property. **Vote 15-0.**

ELECTION LAW

SB 115, relative to observing voter check-in. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M Hoelzel for Election Law: This bill clarifies that authorized challengers, election officials and any others authorized by law, may stand within six feet of the ballot clerks for observing voter check-in. All others would stand at least six feet away unless authorized by the moderator. **Vote 15-0.**

SB 135-FN-A, relative to election returns and election records. **OUGHT TO PASS.**

Rep. Cameron W DeJong for Election Law: This bill modifies the requirements for election returns and establishes additional election recordkeeping requirements. The bill requires that neglect by a moderator or clerk be intentional for the neglect to be punishable as a violation. The committee decided that the modifications herein will assist moderators and other election officials in their duties by reducing the amount of paperwork required on election night and by increasing the deadlines for submission of other paperwork to the secretary of state. **Vote 15-0.**

SB 193, relative to nomination of political organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for Election Law: As introduced, the legislation would have extended the time period from about 5 to about 17 months for a political organization to collect signatures to present nomination papers representing 3 percent of the registered voters along with a slate of candidates to be voted on in the general election. The amendment makes changes which allow political organizations to file nomination papers to establish party status and participate in the primary process. Under the amendment the chairman of the organization shall notify the secretary of state that the organization intends to collect signatures to achieve ballot status. After the notification, and within a year of collecting the first signature, the organization must turn in signatures equal to at least 3 percent of the voters of the state. Those voters signing the papers will do so understanding that, if the organization obtains ballot status, they will become registered members of that new party. In order to maintain ballot status the party must receive at least 4 percent of the votes cast for the office of governor or U. S. senate, which is the current law. The committee believes that by making these changes we have leveled the playing field by giving a new party the opportunity to participate in the primary. We also believe that the existing law which allows the petitioners to decide who will run for office in the general election, without voter input, is not part of a healthy process. **Vote 15-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would have the State of N.H. pay a medical insurance benefit to the surviving spouse and family for someone killed in the line of duty. The amount paid would be the difference between the total premium due and the medical subsidy, if any, that is paid by the New Hampshire retirement system. Currently, state workers are given this benefit, and this would add municipalities, cities and towns. The committee amendment merely changes the effective date. **Vote 14-0.**

JUDICIARY

SB 12-FN, relative to screening panels for medical injury claims. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M Sorg for Judiciary: This bill, as amended by the Senate, seeks to extend to December 1, 2013 the life of the joint medical malpractice panel and insurance oversight committee created by Chapter 197:1 of the Laws of 2005 and codified at RSA 519-B:11. The

purpose of the committee was to study and make a final report by December 1, 2010 on the effects, if any, that the prescreening process mandated by Chapter 197 for suits alleging medical malpractice was having on medical malpractice insurance premiums and access to the courts by injured parties. In its final report, the committee recommended extending the life of the committee by reason that the limited number of medical malpractice claims filed between 2005 and 2010 had provided insufficient data upon which to base definitive findings. As amended, this bill would reconstitute the committee and require it to make its final report by December 1, 2012. **Vote 15-0.**

SB 50, making various changes to laws regulating trusts and trust companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This is a second committee referral for this bill, which, as recommended with amendment by the Commerce and Consumer Affairs Committee, passed the House on the Consent Calendar on May 4th. The bill makes changes to the statutes governing trusts and trust administration in order to maintain New Hampshire's competitiveness among the states in this growing economic sector, in furtherance of this state's policy of establishing and maintaining New Hampshire as a leading jurisdiction in the national market for financial, trust and fiduciary services, and in the creation of the financial service jobs that will bring. The committee amendment merely eliminates certain redundant statutory references. **Vote 15-0.**

SB 108, relative to emergency obstetrical care. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: The committee agreed that the goal of the sponsors is laudable, namely encouraging health care professionals to practice in the North Country and reducing medical care liability costs for health care professionals. The committee also unanimously agreed that this bill does nothing to attain the stated goals. The bill purports to provide civil immunity to those providing emergency obstetrical care in a licensed facility to a new patient, by providing immunity from damages or injuries caused by conduct prior to the rendering of emergency obstetrical care. However, under existing law, no medical professional can be held liable for damages or injuries caused by conduct prior to them seeing the patient. As such, this bill is simply unnecessary. **Vote 15-0.**

WAYS AND MEANS

SB 97, relative to the application of the community revitalization tax relief incentive.

OUGHT TO PASS WITH AMENDMENT.

Rep. Frank V Sapareto for Ways and Means: This bill enables local communities around the state to offer community revitalization tax relief for buildings that have been destroyed by fire or acts of nature where such destruction occurred within 15 years prior to local adoption of the chapter. This incentive was previously available only to existing buildings that were sought to be revitalized or replaced. County and state revenues will not be impacted by this bill. **Vote 20-0.**

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

OUGHT TO PASS WITH AMENDMENT.

Rep. Bill Ohm for Ways and Means: This bill declares that the accumulated surplus funds in the Medical Malpractice Joint Underwriting Association (JUA) belong to the policyholders who paid these premiums and shall be returned to them. The surplus cannot be used for other purposes such as transfer to the general fund. The only exception is grants to providers of underserved populations, using only those funds due policyholders who cannot be located. The surplus is approximately \$110 million. A question as to a potential tax liability was raised and now this bill requires the JUA, the insurance commissioner and a representative of the policyholders to request an opinion from the IRS as to the potential tax liability. It is unclear if there is indeed any federal tax liability. The auditing firm PricewaterhouseCoopers LLP estimates the maximum potential tax liability to be \$19.4 million. To be safe, this bill puts aside \$25 million of the \$110 million surplus to cover this potential tax liability and provides a "claw back" on the distributions if the reserve is exceeded. An amendment to the bill makes it clear that any potential deficit in the JUA

created by this distribution would be made up solely by the policyholders and the insurance companies would have no liability. This amendment was agreed to by both the policyholders and the insurance companies. This bill also establishes a commission to study the future of the JUA, make recommendations for proposed legislation and report back by December 1, 2011. **Vote 20-0.**

REGULAR CALENDAR

WEDNESDAY, JUNE 1

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

Rep. Kenneth Kreis for the **Majority** of Criminal Justice and Public Safety: This bill allows a person, who is anywhere he or she has a right to be, to use deadly force to protect oneself or a third person. It provides that a person, unless prohibited by statute who is anywhere they have a right to be and permits persons who meet the requirement established in RSA 159:4 to carry a firearm openly or concealed, loaded or not in a vehicle. Includes a civil immunity provision. **Vote 9-3.**

Rep. Philip E Ginsburg for the **Minority** of Criminal Justice and Public Safety: This bill makes several changes in the laws related to the citizen's right to self-defense and licensing to carry firearms. The minority is concerned primarily with two elements of the bill. This bill expands the conditions in RSA 627:4, III, under which a person may use deadly force to defend himself or a third person against a person he fears may use deadly force against either of them. RSA 627 designates action under these conditions as a "complete defense" to any offense that would be considered unlawful in other circumstances. The minority's concern is primarily with new provisions under RSA 627:4, III. The existing law says deadly force in self-defense is justified and then lists exceptions. One exception occurs if the person can safely retreat from the encounter. The law then provides for an exception, involving the so-called "Castle Doctrine." The law treats a person's dwelling as distinct from all other places, conferring special protection to the individual confronting an intruder: a person is not required to retreat within his dwelling or associated areas ("curtilage"). This bill expands this exemption from the obligation to retreat to "anywhere [a person] has a right to be," treating every place, public or private, as if it were equal to the sacred precincts of one's home. We are concerned that in expanding this special privilege beyond the rightly sacrosanct boundaries of the home, the bill unnecessarily endangers public safety. The invitation to untrained amateurs with firearms or other deadly weapons to insert themselves into a situation where they have no knowledge of prior events or the individuals involved can only endanger public safety by adding to the complexity of the scene, thus compromising the ability of law enforcement officers or others involved to manage a threatening person while securing the safety of members of the public. This bill also eliminates the requirement of a license to carry a concealed weapon. The minority opposes this provision for three reasons: 1) It removes the useful opportunity for licensing authorities to observe applicants at regular intervals (now four years, five years under SB 88) to check for any changes in legal status or personal circumstances that might affect their suitability to carry a concealed weapon; 2) it eliminates a source of income for municipalities that places a very small burden on those paying the fees; and 3) it eliminates a useful tool for law enforcement personnel investigating public disturbances involving armed persons, where they may use possession of a license to distinguish between law-abiding citizens and others.

FINANCE

SB 75-FN, relative to clarification of part-time service in the state retirement system. **OUGHT TO PASS.**

Rep. William B Smith for Finance: This bill redefines the nature of part-time employment for retirement system purposes. The first section applies to state employees and was in the bill as it came from the Senate. It precludes the retirement system from allowing two or more part-time jobs held by a state employee to be considered a full-time job that would qualify the employee for retirement system benefits. The second section was added by the Special House Committee on Pensions and applies to both the state and its political subdivisions. Among other things, it defines part-time employment as working no more than 1,300 hours per year (an average of 25 hours per week). Under current law, a retiree collecting a pension from the retirement system cannot simultaneously be employed by a member of the system other than in a part-time position. Having determined that any impact on state general funds or restricted funds would not be significant, the committee recommends that the bill should be passed. **Vote 24-1.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William B Smith for Finance: This bill gives the state board of education permanent authority to approve chartered public schools and requires the state to pay tuition at adequacy funding level for each pupil who resides in the state and attends a chartered public school authorized by a school district other than the pupil's resident school district. The committee amended the bill to clarify wording, and also removed the section that would have required unexpended funds to be distributed annually to approved chartered public schools. **Vote 25-0.**

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles E Sova for the **Majority** of Finance: The fiscal notes for this bill left a great deal to be desired. The data was mostly guesses and the preparers when pressed admitted there was no way to really know what is going to happen. However this bill provides an opportunity to collect data in the 2011 city elections, the 2012 Presidential primary and the 2012 municipal elections that would lead to more accurate fiscal calculations. The question of whether the legislation was legal or not also kept coming up. Due to the November 1, 2012 effective date for using photo ID, in order to receive a ballot or a provisional ballot should you not have an ID on the day of the election, it will provide more than ample time to answer all these fiscal and legal questions. Finally, if the data or legal questions produce unfavorable results for the bill, there will be time next year to fix the legislation or delay its implementation. **Vote 18-8.**

Rep. Robert A Foosse for the **Minority** of Finance: The minority cannot support the committee recommendation on SB 129 and asks that a vote of ITL be made. Reacting solely from the perspective of how SB 129 would impact the budget, there will be an additional cost to the secretary of state's budget. While there also was inconclusive testimony regarding the impact on cities and towns, there was a clear indication that there will be some level of additional costs downshifted from the state. The minority believes that, in a period that demands fiscal restraint, it is not logical to incur additional budgetary pressure. Regarding the transition period before the law is fully implemented, the minority has a real concern that the recent improper behavior by the clerk in New Boston may be repeated across the state with real consequences on voter access unless a serious budgetary investment is made in additional training and voter education.

SB 151-FN, relative to contracts of the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M Kurk for Finance: The bill as it came to Finance required the department of health and human services to develop a plan to consolidate the several thousand department

contracts in order to reduce general fund spending on administrative costs by approximately \$5.5 million. These savings are included in the House budget for FY 12/13. The committee believes a more certain way to achieve the savings is to require, not merely plan for, contract consolidations. This is what the amendment does, specifying that the \$5.5 million savings must be achieved in the next biennium and authorizing the department to use any savings in excess of the specified amount to provide additional services to department clients. Quarterly reporting to the HHS Oversight committee is required. **Vote 26-0.**

SB 154-FN, reforming and renaming the comprehensive shoreland protection act.

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

Rep. Kenneth L Weyler for the **Majority** of Finance: Extensive work had been done on the shoreland protection act, especially changing its emphasis to water quality protection. The Finance committee examined the fiscal aspects of the changes, and found that they did not add to the costs of enforcement. However, two minor changes were made. One change was to make it effective upon passage rather than 60 days after passage, so that the enabling of rules would not expire on June 30. Another was to change the word “and” to “or” to make one paragraph clearer. A major change in the amendment was to amend HB 519, repeal of RGGI language to the end of the bill. This verifies the position of the House in a related area. **Vote 20-6.**

Rep. Robert A Foose for the **Minority** of Finance: The minority cannot support the inclusion of the language of a bill that the House has already voted on and sent to the Senate. In approving the amendment that inserted the RGGI legislation, the committee is resubmitting the same RGGI legislation in a bill that had careful and extensive work in its preparation. As a result, approval of this bill would create a political football rather than a thoughtfully crafted and necessary improvement to the Shoreland Protection Act that enjoyed bipartisan support.

JUDICIARY

SB 70-FN, relative to remedies in landlord-tenant actions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. J. Brandon Giuda for the **Majority** of Judiciary: This pro-business bill levels the playing field for landlords in three significant ways. First, the bill reduces the time period that certain landlords are required to store abandoned property from 28 days to 7 days, thereby freeing up the landlord’s property and reducing storage costs. Second, the bill reduces the exposure of landlords who violate the statute from triple damages and legal fees to actual damages and legal fees, thereby stopping frivolous claims against landlords for excessive damages. Third, the bill repeals the new 2011 requirement (RSA 540:1-b) that landlords provide service of process information to the appropriate municipality by January 31, 2011 or face a \$1,000 fine. The new 2011 requirement was enacted in an attempt to ease the burden on certain municipalities when litigating against out-of-state landlords.

Repealing this bad law is logical because: (1) municipalities already have the requisite information for service of process in their tax departments (ie., owner of the property), (2) municipalities can use the same streamlined service of process procedures as every other litigant in New Hampshire, (3) the penalty on landlords is disproportionate to any purported harm done, (4) the requirement is overbroad as it applies to all landlords, not just out-of-state landlords, and (5) most landlords in New Hampshire are not aware of this requirement and therefore can now be held liable for a \$1,000 fine. **Vote 10-5.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This bill as passed by the Senate, simply amends RSA 540-A:3 to reduce from 28 to 7 the number of days a landlord is required to store the possessions of a departed tenant. It also lowers the fines a landlord would have to pay for non-compliance with the provision. At the public hearing on SB 70, an amendment was proposed which would have made an alteration to a different chapter of the statute, Chapter 540, as opposed to Chapter 540-A. The section to be modified relates to the registration of a landlords or an agent for a landlord. The proposed amendment modified the

registration requirements only for in-state landlords. At that time, it was suggested that the amendment was not germane to the substance of the original bill, and that a new hearing should be held giving notice so that anyone who wanted to express an opinion on the revision of a different chapter of the statute would have notice and an opportunity to do so. No such hearing was held. At the executive session, a different and more extensive amendment was offered. The amendment attached to this bill without any notice to the public or opportunity for public comment repeals RSA 540:1-b in its entirety. RSA 540:1-b, passed last year, requires owners of restricted property to file a statement with the town or city clerk giving the name, address and phone number of a person within the state authorized to accept legal process on any legal proceeding related to the property. A civil penalty of \$1,000 is assessed for failure to file. The provision was enacted at the request of cities and towns to address the difficulty of enforcing compliance with building codes, particularly against out of state landlords. Its repeal will result either in higher costs of enforcement to cities and towns, or in less acceptable living conditions for our poorest tenants.

MUNICIPAL AND COUNTY GOVERNMENT

SB 2, relative to adoption of spending caps by municipalities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W Sterling for the **Majority** of Municipal and County Government: The purpose and intent of SB 2 is to provide a process by which any municipality may adopt a tax/spending cap. The bill amends RSA 49-C and RSA 49-D so that cities or towns that are governed by a town or city council can amend their charters to include spending caps. The legislation provides a clear process by which a charter can be amended and it provides the language necessary to comply with recent supreme court ruling. Further SB 2 includes amendments to RSA 32 that contain a process and rules governing the adoption of a tax cap by municipalities that have a traditional town meeting form of government and those towns which have adopted the official ballot form of government. Also included in the legislation is a provision to ratify and declare valid other spending caps adopted prior to the enactment of this bill. **Vote 12-4.**

Rep. Kris E Roberts for the **Minority** of Municipal and County Government: The minority believes that the real goal of many of the supporters of this bill is not to have cities, towns, school district adopt a tax cap to limit increases to the amount to be raised by taxes in the annual budget as an effective means of limiting growth in the local property rates; the goal is to give the minority the ability to have more power and authority to reduce education funding, shrink the size of local government, and combat the perceived power of the public sector unions. The committee was told that the deliberative session was a failed system; that in one recent local school budget session approximately 150 people voted in favor of the budget and about 50 voted against the budget. The committee was told that this happens all the time and that people of that community needed the ability to correct the faults in the current system. The minority asked where is the fault if 75% of the voters approve a budget increase? If there are faults in the current system this body should not be passing legislation that would give greater power to the minority at the expense of the majority. In Keene, with about 12,000 voters, rarely do more than 125 appear for the school budget session where they have the ability to make changes to the proposed budget, about 10-12% show up to vote and sometimes Keene is hard pressed to find three people willing to sign up for three school board positions. The minority believes that this body should be following the advice of Thomas Jefferson, a man who posed great confidence in the wisdom and discretion of the American people, who stated that a successful republic requires a well educated, well informed and a proactive citizenship, but once the vote was taken it was the responsibility of the minority to support the decisions of the majority. If the current system has failings it is due to the lack of public interest and the unwillingness of our citizens to take an active role in government. This bill will not solve that problem. All it will do is create an opportunity to replace one minority group with another minority group. History has repeatedly shown that minority interest, minority issue government has always resulted in real harm to our

communities. This bill in many ways is a one size fits all approach to rising local property taxes and will not limit the growth of such taxes. A review of the past 10 plus years shows the largest factor in the rapid growth of local property taxes has not been an increase in local service and public payrolls, because the majority of New Hampshire communities have reduced both services and employees - governments at all level are shrinking - the greatest cause has been the downshifting of costs by the state to local communities and county governments. Many members of this body also serve as selectmen and city councilors. In many ways passage of this bill will not benefit the taxpayers, but will provide political cover at the local community level. Passage of this bill combined with our no income tax, no sales tax and no death tax policies, will ensure that NH remains one of the best states in which to retire as we support the special interests of people who have no children or grandchildren in our school systems. But it has the potential to ensure that New Hampshire remains as one of the fastest graying states and one of the states with the greatest out-migration of 18-30 year olds as we reduce funding for public education, public safety and other important quality of life programs.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education. **WITHOUT RECOMMENDATION.**

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

Rep. William S Belvin for the **Majority** of the Special Committee on Education Funding Reform: The amendment to SB 183 combines the best elements of both HB 337 as passed by the House and SB 183 as passed by the Senate. It comprehensively addresses and modifies the current statutory provisions for the state's funding of education in five critical ways. First, it provides predictability and continuity to that funding because under the amendment, no town, city or school district will receive either a greater or lesser education grant from the state in the coming biennium than it is receiving in the current fiscal year. Going out into the future, no town, city or school district will receive a lesser education grant than it is currently receiving, but it can receive a greater grant if it qualifies based upon changes in school population and the number of students who qualify for targeted aid. This provides the assurance of continuing state aid to our school boards, administrators and local property tax payers, who both need and deserve that assurance. However, no town, city or school district will receive a grant in any year more than 105.5% greater than the grant it received in the previous fiscal year. Second, for the coming biennium only, this bill calculates the base cost per pupil by using empirical, realistic standards and criteria currently in law. The standards and criteria used to set the base cost in the next biennium are derived from the state department of education minimum standards for school approval already promulgated in its rules and from the federal definition of a "highly qualified" teacher. After the coming biennium, these costs will be adjusted automatically by a CPI component which can not be manipulated or "gamed," but which will objectively reflect increasing costs over time. Third, as a result of the revised formula for calculating the base cost per pupil, this bill significantly increases targeted aid to provide additional resources for those pupils and communities which would most benefit from such state aid. Under this bill, targeted aid increases from less than 25% of total aid to over 40% of total aid. It continues targeted aid to special education students and students from disadvantaged backgrounds who qualify for the federal free and reduced lunch program, but at higher amounts than this year based upon a CPI increase. And it provides targeted aid at a fixed dollar amount only to those students who qualify for the federal free and reduced lunch program and not for the

entire student population in schools which contain more than a certain percentage of such eligible students. It also continues targeted aid for English-language learner students while providing new incentive aid for students who demonstrate reading proficiency at the third grade level. Fourth, this bill substantially increases fiscal capacity disparity aid to our most disadvantaged districts, a formula which has been shown to best target aid to these communities. Fifth and finally, this bill eliminates donor towns. In conclusion, this bill accomplishes all these objectives without increasing the aggregate state aid for education, and puts the state on a path for reasonable, sustainable future aid to our students and communities. **Vote 11-4.**

Rep. Robert A Foose for the **Minority** of the Special Committee on Education Funding Reform: The minority of the committee cannot agree with the decision of OTPA. In 2007-08, the legislature created a carefully researched and transparent structure that for the first time met the state's responsibility to fund an adequate public education. Since the passage of adequacy, the structure survived one court challenge from Londonderry and New Hampshire has enjoyed an unprecedented period of judicial peace. However, in 2008, the legislature asked 119 communities to forego what they were entitled to until July, 2011 to moderate the impact on other communities that had been receiving an unequal proportion of the total funds due under adequacy. In response to the challenge of building the next biennial budget, both the House and the Senate have crafted new proposals for calculating educational funding that cut some \$80 million from what is due under current laws. To make the reductions more palatable, both the House and the Senate calculations maintained precisely the same payment to every city and town that was received in 2010. In effect, the transition period is being extended for two more years and the 84 communities that were due additional funding may never see the funds. Further, the formula that is embedded in the proposed legislation introduces the concept of bare minimum standards in place of adequate standards for the calculation of payments to cities and towns. While the formula that will be used for the next two years is constructed to preserve the current payments to all, it reduces the base calculation and sets the table for an effort by future legislatures to reduce state support for our public education system.

WAYS AND MEANS

SB 72-FN, establishing a comprehensive cancer plan fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith Murphy for the **Majority** of Ways and Means: This bill would establish a dedicated fund for the purpose of receiving grants to be used to fight cancer. The majority of the committee acknowledges that cancer is a horrible disease, and we truly hope and pray for effective treatments to be developed. However, there are dozens if not hundreds of private charities dedicated to the treatment of cancer. The state should not supplant the efforts of private groups, and citizens and foundations have a wide choice of cancer-related charities to support without this fund. Indeed, the sentiment of the committee is that there are already too many dedicated funds, however well-intended, and that adding this one to the list is unnecessary in a state which professes to support the concept of limited government. **Vote 15-5.**

Rep. Susan W Almy for the **Minority** of Ways and Means: The minority believes that the state has a major public interest in combating cancer. It also has a huge monetary stake in the costs of cancer. This bill merely allows the existence of a dedicated fund (run at no cost to the state) to accept contributions to allow the many private and public entities dealing with cancer to coordinate their work for maximum effect. The policy committee already passed this bill, and there is no issue for Ways and Means other than the cost of maintaining the fund (zero).

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. **OUGHT TO PASS.**

Rep. Patrick F Abrami for Ways and Means: This bill does four things. It eliminates the rulemaking authority of the commissioner of the department of agriculture, markets and

foods to set fees for licensing weighing devices; allows service technicians to issue state seals; sets a fee schedule for licensing weighing devices; and requires the commissioner of the department of agriculture, markets and food to make an annual report to the House and Senate regarding consumer complaints, inspections and audits. The committee was satisfied that the proposed license fee structure covered the direct expense and reasonable indirect expenses associated with the weights and measures program. With the passage of this bill these licensing fees for the first time will be in statute. A majority of the committee agreed the fee structure is reasonable and that the other changes are necessary. **Vote 18-2.**

2011 LIST OF RETAINED SENATE BILLS

COMMERCE AND CONSUMER AFFAIRS

SB 160-FN, relative to the definition and regulation of installment loans.

ELECTION LAW

SB 190, relative to the duties and membership of the executive branch ethics committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 152-FN, relative to participation in state employees' group insurance by members of the general court.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 49, relative to tip pooling arrangements.

RESOURCES, RECREATION AND DEVELOPMENT

SB 19, relative to the definition of "prime wetlands."

SB 106, naming the visitor center at Jericho Mountain state park for Robert Danderson.

WAYS AND MEANS

SB 168-FN, conforming the interest and dividends tax to federal tax definitions.

GOVERNOR'S VETO MESSAGE REGARDING HB 474

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 11, 2011, I vetoed HB 474.

States should not interfere with the rights of businesses and their employees to freely negotiate contracts. That is unless there is a compelling public interest, and there is no compelling public interest in passing this legislation.

There is no evidence that this legislation will offer any benefits to New Hampshire's economy or workers.

As I have said repeatedly, New Hampshire has an economic strategy that is working. New Hampshire has one of the strongest and fastest-growing economies in the nation. We have one of the lowest unemployment rates and one of the highest median incomes in the nation. We are considered one of the safest states and one of the healthiest states, and a high percentage of our citizens have private health insurance.

New Hampshire has a lower unemployment rate and a stronger economy than most states with so-called right-to-work laws. In states with a right-to-work law, workers on average have a lower standard of living, bringing home less in their paychecks and going without health insurance more frequently.

In my time as a CEO, in my years spent in the private sector turning around companies, and in my seven years as Governor, I have never seen the so-called right-to-work law serve as a valuable economic development tool.

In the last seven years of recruiting businesses to move to New Hampshire, not one business leader has ever even asked me if New Hampshire had a right-to-work law, let alone suggested it was a factor in the company's location decision. No New Hampshire business leaders have ever told me that the lack of a so-called right-to-work law prevented them from expanding or hiring new workers here in New Hampshire. And no New Hampshire workers have ever told me they couldn't get a job because New Hampshire doesn't have a so-called right-to-work law.

The debate over the so-called right-to-work bill in New Hampshire appears to be largely driven by national outside interest groups, and is not a result of problems facing New Hampshire businesses or workers.

There is no justification in this case for state government to interfere with the right of private businesses to freely negotiate and enter into contracts with their employees. Therefore, I am vetoing HB 474.

Respectfully submitted,
John H. Lynch
Governor

Date: May 11, 2011

HOUSE BILLS AMENDED BY THE SENATE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (House Nonconcurrent; C of C 5/18/11)

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (House Concurred 5/18/11)

HB 31, relative to insurance payments for ambulance services. (House Concurred 5/18/11)

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. (House Concurred 5/18/11)

HB 52, relative to grounds for modification of parental rights and responsibilities. (SJ 5/11/11)

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. (House Concurred 5/18/11)

HB 109, relative to residential fire sprinklers. (House Concurred 5/25/11)

HB 131, relative to indemnification of volunteers performing duties in the state park system. (House Nonconcurrent; C of C 5/25/11)

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. (House Concurred 5/18/11)

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. (House Concurred 5/18/11)

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (House Concurred 5/18/11)

HB 190, relative to legislative study committees. (House Concurred 5/25/11)

HB 205-FN, relative to notice to owners of upstream dams. (House Concurred 5/25/11)
HB 218, repealing the New Hampshire rail transit authority. (SJ 5/11/11)
HB 248, establishing a commission to study business regulations in New Hampshire. (SJ 5/18/11)
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. (House Concurred 5/18/11)
HB 299-FN, relative to the method of financing for the judicial retirement plan. (House Nonconcurrent; C of C 5/18/11)
HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. (House Concurred 5/25/11)
HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (House Concurred 5/25/11)
HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (House Nonconcurrent; C of C 5/18/11)
HB 381, authorizing net metering for micro-combined heat and power systems. (House Concurred 5/18/11)
HB 397, relative to image display devices in motor vehicles. (House Concurred 5/18/11)
HB 409, relative to planning board members. (House Concurred 5/25/11)
HB 419-FN, relative to language in insurance certificates. (House Concurred 5/18/11)
HB 424, relative to surplus lines tax collection. (House Concurred 5/18/11)
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 468-FN, relative to assessments for aquatic resource compensatory mitigation. (House Concurred 5/25/11)
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. (House Nonconcurrent; C of C 5/18/11)
HB 487-FN, relative to election day registrants. (House Concurred 5/25/11)
HB 524-FN, relative to the release of prisoners on probation or parole. (House Nonconcurrent 5/18/11)
HB 544, relative to state authority over firearms and ammunition. (House Concurred 5/18/11)
HB 579, exempting department of revenue administration guidelines from the right-to-know law. (House Concurred 5/25/11)
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 585, proclaiming the third Friday in October as New Hampshire history day. (House Concurred 5/25/11)
HB 601-FN, relative to implementation of federal health care reform. (SJ 4/27/11)
HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (House Nonconcurrent; C of C 5/25/11)
HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (House Nonconcurrent; C of C 5/18/11)

COMMITTEES OF CONFERENCE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (Reps. Daniels, Infantine, Laware and Goley; Sens. White, Sanborn and Houde)

HB 33, relative to the care of memorials in Franconia Notch state park. (Reps. Baldasaro, Swinford, Bolster and Parkhurst; Sens. Gallus, Barnes and Merrill)

HB 131, relative to indemnification of volunteers performing duties in the state park system. (Reps. Renzullo, Kappler, Spang and Tregenza - Subject to Senate agreement.)

HB 299-FN, relative to the method of financing for the judicial retirement plan. (Reps. Hawkins, Cohn, Winter and Sanborn; Sens. Carson, Luther and Larsen)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (Reps. Winter, Hansen, Whitehead and Bowers; Sens. Carson, Groen and Larsen)

HB 483-FN-L, relative to mosquito control. (Reps. Sterling, Ferrante, K. Roberts and Burt; Sens. Barnes, Lambert and Kelly)

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Reps. Major, Hess, Azarian and Almy - Subject to Senate agreement.)

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (Reps. B. Patten, Ferrante, Sterling and D. Hooper; Sens. Barnes, Stiles and Merrill)

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 27

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.

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

2:00 p.m. Non-public deliberations by the board.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 100, State House

11:00 a.m. Regular meeting.

TUESDAY, MAY 31

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. Subcommittee work session on outdated, sunsetted and expired statutes.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:30 p.m. Subcommittee work session on retained ***HB 293-FN***, relative to phasing out and repealing the exemption for water and air pollution control facilities from local property taxation.

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.

THURSDAY, JUNE 2

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Subcommittee work session on retained *HB 350-FN*, updating laws relative to the fiscal committee of the general court, *HB 449-FN*, expanding the information available on the state transparency website, *HB 624*, relative to the rulemaking authority of state agencies to establish or increase fees and costs, *SB 152-FN*, relative to participation in state employees' group insurance by members of the general court.

REDRESS OF GRIEVANCES, Room 307, LOB

10:00 a.m. Or fifteen minutes after the House session, should there be any, information/work session.

FRIDAY, JUNE 3

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.

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

1:30 p.m. Regular meeting.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), Room 205, LOB

9:00 a.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.

MONDAY, JUNE 13

TEMPORARY COMMISSION RELATIVE TO CHILDREN'S HEALTH INSURANCE (RSA 126-H:10), Room 103, LOB

1:00 p.m. Regular meeting.

TUESDAY, JUNE 14

COMMITTEE TO STUDY THE 2009 NEW HAMPSHIRE CHILD SUPPORT GUIDELINES REVIEW AND RECOMMENDATIONS (HB 1193, Chapter 26:2, Laws of 2010), Room 206, LOB

10:00 a.m. Work session with UNH Team.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), New Futures, The Concord Center, 10 Ferry Street, Concord

1:00 p.m. Mental Health and Substance Abuse Prevention and Treatment subcommittee 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 101, LOB

10:00 a.m. Non-public session of the Complaint Review Committee.

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.

TUESDAY, JUNE 21

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

3:00 p.m. Regular business.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on retained *HB 232-FN*, relative to abandoned homes in manufactured housing parks.

THURSDAY, JUNE 23

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Division of Public Health Services, Room 312, 29 Hazen Drive, Concord

2:00 p.m. Public health improvement services subcommittee meeting.

FRIDAY, JUNE 24

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

10:00 a.m. Rescheduled regular meeting.

MONDAY, JUNE 27

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Sullivan County Delegation will meet on Wednesday, **June 1** at 9:30 a.m. in Room 209, LOB with the County Administrator.

Rep. Beverly T. Rodeschin, Chairman
Sullivan 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, 483, 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

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested. Rep. Roland P. Hofemann, 18 Wellington Avenue, Dover, New Hampshire 03820-2002
Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

The 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

All members of the Republican caucus are invited to the House Republican Alliance's meeting on Tuesday, **May 31** at 8:00 a.m. in Rooms 306-308, LOB. Special guest will be Herman Cain.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

The New Hampshire House Business Coalition will meet at 2:00 p.m. on Tuesday, **May 31** 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 hold a bake sale on Wednesday, **June 1** in the anteroom of Representatives Hall, during the lunch break from session and at the end of session. Proceeds to go towards the scholarship fund.

Rep. Laura C. Pantelakos

Legislators are invited to the unveiling of the portrait of former Speaker Donna Sytek, the first woman to ever serve as Speaker of the New Hampshire House of Representatives (1997-2000). The unveiling will be held on Friday, **June 3** at 1:00 p.m. in the Executive Council Chambers. All are welcome.

Rep. Gene G. Chandler

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

NH Journal and the NH House Business Coalition are sponsoring a series of Business Roundtables with Presidential candidates. The first event will be held on Tuesday, **June 14**, from 8:00 – 9:00 a.m. at the Grappone Center. Breakfast pastries, fruit, and coffee will be served. All pro-business legislators are invited. Space is limited, so please RSVP to Laurie Sanborn, Chair, at RepSanborn@gmail.com.

Rep. Laurie Sanborn

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 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 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	Richards School – Newport	80/4
	SH/HM		
May 31	11:30	Northwood Elementary School	60/4
June 1	9:30	Mountain Shadows School – Dublin	10/6
June 1	10:00	Kensington Elementary School	40/4
June 1	11:00	Dunbarton Elementary School	31/4
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	Riddle Brook Elementary School – Bedford	80/4
	SH/SC		
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	Pelham Elementary School	100/4
	SH/Giftshop		
June 7	9:00	Andover Elementary Middle School	54/3&4
June 7	10:00/11:30	Interlakes Elementary School – Meredith	80/4
	SH/HM		
June 7	12:30	Conant Rumford School – Concord	45/4
June 8	10:15/11:30	Pelham Elementary School	75/4
	SH/Giftshop		

June 8	12:30	Conant Rumford School – Concord	45/4
June 9	10:15/11:30 SH/HM	Winchester School	60/4
June 9	12:30	Milton Elementary School	44/4
June 10	9:00/10:30 SH/SC	Riddle Brook Elementary School – Bedford	80/4
June 10	11:30	Jonathan Daniels School – Keene	29/4
June 10	1:30	Home School from Chesterfield	
June 13	9:00	Ben Franklin Elementary School – Keene	35/4
June 13	10:00	Plymouth Elementary School	43/4
June 13	11:30	Lakeway Elementary School – Littleton	60/4
June 14	9:15/10:30 SH/HM	Smyth Road School – Manchester	96/4
June 15	9:00/10:30 SH/HM	Maple St. School – Hopkinton	64/4
June 15	11:00/12:00	Northwest Elementary School – Manchester	100/4
June 16	9:45	Lincoln-Akerman School – Hampton Falls	44/4
June 17	12:30	Boscawen Elementary School – Gettysburg Recitation Group	12/5

AMENDMENTS

WEDNESDAY, JUNE 1

2011-1978h

Amendment to SB 2

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

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

AN ACT relative to adoption of tax caps by cities, towns, and other political subdivisions.

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

1 Findings; Intent. The general court finds that:

I. There is a need to enact enabling legislation to allow the citizens of New Hampshire to adopt a tax cap either in their charters or at their town meetings.

II. A simple process for towns and other political subdivisions to enact a tax cap is to limit the amount of money to be raised by taxes by the governing body at the local level.

III. The general court hereby proposes that in towns and districts adopting a tax cap the estimated amount of taxes to be raised for the fiscal year shall not exceed the taxes raised for the prior year by a percentage or fixed amount as determined by the legislative body.

2 New Paragraph; City Charters; Vote. Amend RSA 49-C:12 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any contrary provision in paragraph I, the adoption of an override threshold provision to a tax cap included in a charter pursuant to RSA 49-C:33, I(d) shall provide for a supermajority vote of the elected body to adopt the annual budget.

3 New Subparagraph; City Charters; Optional Provisions; Tax Cap Added. Amend RSA 49-C:33, I by inserting after subparagraph (c) the following new subparagraph:

(d) A limit on the annual spending increases that increase the amount raised by taxes under the city budget adopted pursuant to RSA 49-C:23. Such a tax cap shall provide for an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter. A tax cap provision in the city charter may provide for specific exclusions for dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.

4 Town Charters; Optional Matters; Tax Cap. Amend RSA 49-D: 3, I(e) to read as follows:

(e) Other matters of local concern may be included in a charter including, but not limited to, conflict of interest provisions which shall be at least as strict as those established in the general laws, citizen powers of initiative, referendum and recall as described in RSA 49-C, ~~and~~ **the adoption and periodic review of an administrative code, a merit personnel system, a purchasing system, and a town investment policy, and the adoption of a tax cap limiting the annual increases in amounts raised by taxes under the town budget. Such tax cap shall include an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter. Such tax cap may specifically exclude certain dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.**

5 Municipal Budget Law; Application. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters, **except RSA 32:5-b, which shall apply only in those towns or districts adopting that section pursuant to RSA 32:5-c.** RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that section pursuant to RSA 32:14, I, and shall apply automatically in school districts or village districts located wholly within towns adopting that section.

6 New Sections; Local Tax Cap; Adoption of Local Tax Cap. Amend RSA 32 by inserting after section 5-a the following new sections:

32:5-b Local Tax Cap. Upon adoption under RSA 32:5-c, the following shall apply:

I. In a town or district that has adopted this section, the estimated amount of local taxes to be raised for the fiscal year, as shown on the budget certified by the governing body or the budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5, shall not exceed the local taxes raised for the prior year, as shown on the same budget, by more than the tax cap authorized when this section was adopted.

II. The tax cap shall be either a fixed dollar amount or a fixed percentage applied to the amount of local taxes raised by the town or district for the prior fiscal year as reported to the department of revenue administration.

III. The legislative body may override the cap by the usual procedures applicable to annual meetings and deliberative sessions of the legislative body. The provisions of this section shall not limit the legislative body's authority to increase or decrease the amount of any appropriation or the total amount of all appropriations.

32:5-c Adoption of Local Tax Cap.

I. The provisions of RSA 32:5-b may be adopted by any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-b. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual meeting by the governing body or by petition under the procedures set out in RSA 39:3 or RSA 197:6.

III. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or budget committee) shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more than _____ (insert either a fixed dollar amount or a fixed percentage)?"

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote "yes," RSA 32:5-b shall apply within the local political subdivision beginning with the following fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

VI. Any local political subdivision which has adopted RSA 32:5-b may consider rescinding its action in the manner described in paragraphs I through V. The wording of the question shall be: "Shall we rescind the provisions of RSA 32:5-b, known as the tax cap, as adopted by the (local subdivision) on (date of adoption), so that there will no longer be a limit on increases to the recommended budget in the amount to be raised by local taxes?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this section, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

7 Home Rule Municipal Charters; Preservation. Amend RSA 49-B:13 to read as follows:
49-B:13 Separability; Preservation.

I. The provisions of this chapter and of charters created under this chapter are separable. If any portion of this chapter, or of any charter adopted under the provisions of this chapter, or if the application of the chapter or such charter to any person or circumstance shall be invalid, the remainder of the chapter or such charter or the application of such invalid portions to other persons or circumstances shall not be affected by such invalidation.

II. All town and city charters which have been adopted, revised, or amended; all charter commissions which have been properly established and elected; all elections properly held; and actions properly taken pursuant to such charters are hereby legalized, provided that such charters at the time of their adoption were not contrary to the general laws and constitution of the state.

II-a. All town or city charters which have been adopted, revised, or amended to include a tax or spending cap of any kind and all charter commissions which have been properly established and elected; all elections properly held; and all actions properly taken related to the tax or spending cap in such charters are hereby endorsed, ratified, validated, and legalized and are fully enforceable, without regard to whether such entities or actions were authorized by law at the time they were established or taken.

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D unless that municipality adopts a budgetary town meeting, official ballot town meeting, an official ballot town council, or representative town meeting pursuant to RSA 49-D:3, I-a, II, II-a and III. ***Except that a municipality may adopt a tax cap as provided in RSA 49-C:33, I(d) or RSA 49-D:3, I(e), notwithstanding the provisions of RSA 32:5-b and RSA 32:5-c.***

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

AMENDED ANALYSIS

This bill allows cities and towns under a charter, and towns, school districts, and other political subdivisions under the municipal budget act to adopt a tax cap to limit increases to the amount to be raised by taxes in the annual budget.

Amendment to SB 12-FN
Proposed by the Committee on Judiciary - C

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

1 New Sections; Medical Malpractice Panel and Insurance Oversight Committee Established. Amend RSA 519-B by inserting after section 12 the following new sections:

519-B:13 Medical Malpractice Panel and Insurance Oversight Committee Established.

I. There is established a committee to study medical malpractice insurance rates in this state and the mandatory panels for medical injury claims process.

II. The committee shall consist of 4 members of the senate appointed by the senate president, and 4 members of the house of representatives, appointed by the speaker of the house of representatives. The house members shall include at least:

(a) One member of the house judiciary committee.

(b) One member of the house health, human services and elderly affairs committee.

(c) One member of the house commerce and consumer affairs committee.

III. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

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

V. The committee shall review and analyze information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity in order to determine the effectiveness of mandatory screening panels for medical injury claims established in this chapter. The committee's review shall include, but not be limited to, whether medical malpractice insurance premiums have been affected and whether there has been any limitation of access to the courts by injured parties.

VI. The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2012. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

519-B:14 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:13 and to the insurance commissioner on or before September 30 of each year.

(b) The report required by this paragraph shall include the number of medical injury cases filed, pending, and resolved; and the number of panel hearings and the number of panel hearing days during the fiscal year ending on the June 30 preceding the report date.

(c) The report required by this paragraph shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to the panel hearing.

(3) The number and average settlement amount of cases that were resolved after a panel hearing but before a trial.

(4) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) The report required by this paragraph shall also include, for medical injury cases in which a panel made findings during the fiscal year, the number of cases that fell into each category of possible results of a panel hearing (unanimous for the plaintiff; majority for

the plaintiff; unanimous for the defendant; majority for the defendant), the status, and, if applicable, the results of the cases in each category.

(e) To the extent possible, the report required by this paragraph shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee established in RSA 519-B:13 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the panel process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this paragraph. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

2 Repeal. The following are repealed:

I. RSA 519-B:13, relative to the medical malpractice panel and insurance oversight committee.

II. RSA 519-B:14, relative to reports.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2012.

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

AMENDED ANALYSIS

This bill reestablishes the medical malpractice panel and insurance oversight committee.

2011-1999h

Amendment to SB 50

Proposed by the Committee on Judiciary - C

Amend RSA 564:19 inserted by section 5 of the bill by deleting paragraph VI.

Amend RSA 564-B:10-1005 as inserted by section 11 of the bill by deleting subparagraph (e).

2011-1405h

Amendment to SB 70-FN

Proposed by the Majority of the Committee on Judiciary - R

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

3 Repeal. RSA 540:I-b, relative to landlord agents, is repealed.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2012.

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

AMENDED ANALYSIS

This bill:

I. Shortens the time period during which a landlord is required to store a tenant's abandoned property.

II. Reduces the amount of damages available for violations of the storage requirement.

III. Repeals the requirement that certain residential landlords provide the town clerk with the name and address of an agent authorized to accept service on their behalf.

2011-2028h

Amendment to SB 82-FN

Proposed by the Committee on Finance - R

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

AN ACT 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. Amend RSA 194-B:11, I(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) There shall be no tuition charge for any pupil attending a charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion schools located in a pupil's resident district. For a chartered public school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. ***For pupils resident in this state who attend full-time a chartered public school authorized by a school district other than the pupil's resident school district, the state shall pay tuition pursuant to RSA 198:40-a directly to the chartered public school for such pupil. Nothing in this subparagraph shall alter or modify the funding of the Virtual Learning Academy Charter School.***

Amend the bill by deleting section 3 and renumbering the original sections 4-5 to read as 3-4, respectively.

Amend the bill by replacing section 4 with the following:

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

AMENDED ANALYSIS

This bill:

I. Repeals the 10-year pilot program for state board of education approval of chartered public schools and gives the state board of education permanent authority to approve chartered public schools.

II. Requires that the state pay tuition for each resident pupil attending full-time a chartered public school authorized by a school district other than the pupil's resident school district.

2011-2156h

Amendment to SB 88

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

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

AN ACT relative to physical force in defense of a person, brandishing a firearm or other means of self-defense, and carrying firearms.

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

1 Physical Force in Defense of Person. Amend RSA 627:4, III to read as follows:

III. A person is not justified in using deadly force on another to defend himself or ***herself or*** a third person from deadly force by the other if he ***or she*** knows that he ***or she*** and the third person can, with complete safety:

(a) Retreat from the encounter, except that he ***or she*** is not required to retreat if he ***or she*** is within his ***or her*** dwelling [or], its curtilage, ***or anywhere he or she has a right to be***, and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right thereto; or

(c) Comply with a demand that he ***or she*** abstain from performing an act which he ***or she*** is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the ~~[actor]~~ ***person*** has provoked the use of force against himself ***or herself*** in the same encounter[-]; ***or***

(d) If he ***or she*** is a law enforcement officer or a private person assisting ~~[him]~~ ***the officer*** at ~~[his]~~ ***the officer's*** direction and was acting pursuant to RSA 627:5, ~~[he]~~ ***the person*** need not retreat.

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

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

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

159:4 Carrying Without License.

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

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

- (a) RSA 159:3, relative to convicted felons.
- (b) RSA 159:3-a, relative to armed career criminals.
- (c) RSA 159:19, relative to courthouse security.
- (d) RSA 207:7, relative to hunting from a motor vehicle, OHRV, snowmobile, boat, or aircraft.
- (e) RSA 215-A:20, relative to loaded firearms on an OHRV.
- (f) RSA 215-C:35, relative to loaded firearms on a snowmobile.
- (g) RSA 637:7, relative to receiving stolen property.
- (h) RSA 637:7-a, relative to possession of property without a serial number.
- (i) RSA 597:7-a, relative to default or breach of conditions of release.

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

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

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

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than ~~[4]~~ **5** years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for ~~[4]~~ **5** years. When required, license renewal shall take place within the month of the ~~[fourth]~~ **fifth** anniversary

of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be ~~[\$100]~~ **\$50**, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

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

159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity.

~~[Notwithstanding the provisions of RSA 159:6,]~~ No nonresident ~~[holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides]~~ or ~~[who is a]~~ peace officer ~~[in the state in which he resides,]~~ shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

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

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

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

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

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

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

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

9 New Section; Justification; Civil Immunity. Amend RSA 627 by inserting after section 1 the following new section:

627:1-a Civil Immunity. A person who uses force in self-protection or in the protection of other persons pursuant to RSA 627:4, in the protection of premises and property pursuant to RSA 627:7 and 627:8, in law enforcement pursuant to RSA 627:5, or in the care or welfare of a minor pursuant to RSA 627:6, is justified in using such force and shall be immune from civil liability for personal injuries sustained by a perpetrator which were caused by the acts or omissions of the person as a result of the use of force. In a civil action initiated by or on behalf of a perpetrator against the person, the court shall award the person reasonable attorney's fees, and costs, including but not limited to, expert witness fees, court costs, and compensation for loss of income.

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

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

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

12 Effective Date.

- I. Section 1 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. Allows a person who is anywhere he or she has a right to be to use deadly force to protect oneself or a third person.
- II. Permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded, on or about his or her person or upon or in a vehicle.
- III. Removes, under certain circumstances, the requirement that nonresidents obtain a license to possess a firearm while in New Hampshire.
- IV. Inserts a civil immunity provision for the use of force against a perpetrator in certain circumstances.
- V. Deletes the minimum mandatory sentencing requirement for felony convictions which include the possession, use, or attempted use of a firearm.
- VI. Amends the definition of “non-deadly force” to include the act of producing or displaying a weapon.

2011-2005h

Amendment to SB 97

Proposed by the Committee on Ways and Means - C

Amend RSA 79-E:2, I as inserted by section 1 of the bill by replacing it with the following:

I. “Qualifying structure” means a building located in a district officially designated in a municipality’s master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Cities or towns may further limit “qualifying structure” according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. ***Cities or towns may further modify “qualifying structure” to include buildings that have been destroyed by fire or acts of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.***

Amend RSA 79-E:13, II as inserted by section 3 of the bill by replacing it with the following:

~~[III.]~~ **II.** The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter, ***provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.***

2011-1983h

Amendment to SB 115

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 1 with the following:

- 1 Observing Voter Check-In. Amend RSA 659:13-a to read as follows:

659:13-a Observing Voter Check-In. No person ~~[not]~~ ***other than an authorized challenger, an election official, or any other person*** authorized by law may stand or sit within 6 feet of the ballot clerk for purposes of observing the check-in of voters without the express permission of the moderator.

AMENDED ANALYSIS

This bill identifies persons who are exempt from the restrictions on observing voter check-in.

2011-2051h

Amendment to SB 117

Proposed by the Committee on Education - C

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. All enrollment forms and contracts used by an unlicensed private postsecondary career school in the state shall contain the following prominently

displayed statement: “This postsecondary career school is not licensed by the state of New Hampshire. Any tuition payments made to this school are not guaranteed by the state and are subject to loss.”

VI. When included in enrollment forms or contracts, the disclosure statement shall:

(a) Be printed in bold font and at least 14-point type, or at least 2 font sizes larger than the size of the font used for the majority of the document; and

(b) Be dated and initialed separately by the enrollee.

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].~~

2011-2209h

Floor Amendment to SB 129-FN

Proposed by Reps. Pierce, L. Jones, Warden, Seaworth and Cote - R

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

AN ACT relative to presenting proof of identity to vote in person and relative to the election fund.

Amend the bill by replacing section 1 with the following:

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. **The ballot clerk shall request that the**

voter prove his or her identity by presenting a means of proof meeting the requirements of paragraph II. If the voter does not present any such proof of identity, the ballot clerk shall inform the voter that he or she may vote by provisional ballot in accordance with RSA 659:13-b and present proof of identity meeting the requirements of paragraph II, official documentation of driver's license suspension or revocation, waiver issued by the secretary of state under RSA 659:13-d, or affidavit of religious exemption to the city or town clerk by noon of the third business day after the election. If the voter presents a photo identification that is an out-of-state driver's license, the ballot clerk shall record the state of issuance on the checklist in a color designated for such entries and the supervisors of the checklist shall submit the information to the secretary of state. The voter, if still qualified to vote in the town or ward **and having presented sufficient proof verifying the voter's identity**, and unless challenged as provided for in RSA ~~[659:27-33]~~ **659:27 through 659:33**, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A person may prove his or her identity as required under paragraph I by any reasonable means, including, but not limited to, any one of the following means of proof:

- (a) Photo driver's license issued by any state or the federal government.**
- (b) United States passport, armed services identification, or other photo identification issued by the United States government.**
- (c) Photo identification issued by local or state government.**
- (d) A photo identification not authorized by subparagraph (a), (b), or (c) but determined to be legitimate by the supervisors of the checklist or the clerk.**
- (e) Verification of the person's identity by another person registered as a voter and known to a supervisor or the clerk.**
- (f) Verification of the identity of a resident of a nursing home or similar facility by the administrator of the facility or by his or her designee.**

III. A photo identification accepted under paragraph II shall satisfy each of the following:

- (a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name on the checklist or in the individual's voter registration record.**
- (b) The identification shows a photograph of the individual to whom the identification was issued.**

Amend RSA 655:13-b, I as inserted by section 2 of the bill by replacing it with the following:

I. If a voter has not presented proof of identity under RSA 659:13 and is otherwise qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as the ballot used at the polling place, but shall be sealed in a plain envelope by the voter after he or she has marked the ballot. The voter shall insert the plain envelope into an envelope on which is printed the same information as the affidavit of a challenged voter to be executed by the voter and shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

Amend RSA 655:13-b, III as inserted by section 2 of the bill by replacing it with the following:

III. By noon of the third business day after the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present proof of identity meeting the requirements of RSA 659:13, II, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state under RSA 659:13-d, or an affidavit of religious exemption. Upon presentation of proof of identity, verification of driver's license suspension or revocation, or receipt of a waiver issued by the secretary of

state under RSA 659:13-d or an affidavit of religious exemption, the clerk shall mark the list prepared by the moderator to that effect. The clerk shall require each person presenting proof of identity, official documentation of driver's license suspension or revocation, or a waiver issued by the secretary of state under RSA 659:13-d, or executing an affidavit of religious exemption to sign the list next to or beneath his or her name. At noon of the third business day after the election, the clerk shall forward all provisional ballots for which verification of identity has been provided to the moderator. The clerk shall post notice of the time and place of the processing of provisional ballots in accordance with RSA 91-A. Amend the bill by replacing sections 6-7 with the following:

6 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the proof of identity requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the proof of identity requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this act during 2011 and 2012.

7 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present proof of identity at all elections after the effective date of this act. However, notwithstanding such provisions, no person shall be denied the right to vote for failure to present proof of identity or other documentation acceptable under this act prior to November 1, 2012. The ballot clerks shall tally the number of voters that do not present proof of identity at each election prior to November 1, 2012, and the town or city clerk shall report the number with the election return.

AMENDED ANALYSIS

This bill requires that a voter present proof of identity to vote in person. Voters without proof of identity may vote by provisional ballot, provided that they subsequently appear in person before the city or town clerk and present proof of identity, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state, or an affidavit of religious exemption. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles.

2011-2113h

Amendment to SB 151-FN

Proposed by the Committee on Finance - R

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

1 Purpose. It is the objective of the general court to assure that appropriations for providing health and human services are expended directly in aid and assistance to the citizens of New Hampshire and that overhead and administrative costs are kept to a minimum. One method for reaching this objective is to consolidate the number of contracts entered into by the department for providing services to persons it serves. It is the intent of the general court that this consolidation be done within the biennium ending June 30, 2013.

2 Contract Consolidation; Department of Health and Human Services.

I. For contracts executed on or after July 1, 2011, the department of health and human services shall consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for providing services to clients of the department, to the fewest number reasonably possible to:

(a) Realize general fund savings in the amount of \$1,250,000 in fiscal year 2012 and \$4,300,000 in fiscal year 2013 as required in the budget approved for the department;

(b) Reduce the administrative costs associated with the processing and approval of state contracts;

(c) Minimize expenditures in areas other than direct care and assistance to the persons in need served by the department;

(d) Utilize any savings in addition to those specified in subparagraph (a) to provide additional direct services to clients of the department;

(e) Create an efficient, effective, and stable community system of health and human services agencies for the future.

II. The consolidation shall be completed by June 30, 2013.

III. For the biennium ending June 30, 2013, the commissioner shall provide reports on a quarterly basis to the oversight committee on health and human services and the fiscal committee of the general court regarding contract consolidation efforts.

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

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to consolidate contracts of the department and provides parameters for such consolidation. The bill requires the commissioner of the department of health and human services to provide reports on a quarterly basis for the biennium ending June 30, 2013 to the oversight committee on health and human services.

2011-2006h

Amendment to SB 154-FN

Proposed by the Majority of the Committee on Finance - R

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

AN ACT reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Amend RSA 483-B:5-b, I(b)(1) as inserted by section 14 of the bill by replacing it with the following:

(1) For projects that qualify for permit by notification under *this paragraph or* RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

Amend the bill by replacing all after section 31 with the following:

32 Powers and Duties of Commissioner; Reference Deleted. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III ~~[and allowance requirements of RSA 125-O:21 and RSA 125-O:22]~~, and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

33 Rulemaking Authority. Amend RSA 125-O:8 to read as follows:

125-O:8 Rulemaking Authority.

~~[I.]~~ The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

~~[(a)]~~ *I.* The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

~~[(b)]~~ *II.* The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

~~[(c)]~~ *III.* Emissions ~~[and allowance]~~ monitoring, ~~[tracking,]~~ recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

~~[(d)]~~ The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations.

~~(c) Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances.~~

~~(f) Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers.~~

~~(g) The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22.~~

~~II. The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23.]~~

34 Compliance Dates. Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, ~~[and the subdivision for CO₂ emissions, RSA 125-O:19 through RSA 125-O:28,]~~ by December 31, 2006.

35 Non-Severability. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy ~~[or RSA 125-O:1 through RSA 125-O:18]~~ of this chapter, and to this end, the provisions of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter are not severable.

36 Compliance. The repeal of the regional greenhouse gas initiative program on January 1, 2012 under this act shall not affect each affected CO₂ source's obligation to satisfy the program's requirements for the compliance period ending December 31, 2011, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

37 Use of Funds. Notwithstanding the provisions of RSA 125-O:23, all moneys in the greenhouse gas emissions reduction fund as of July 1, 2011, and all subsequent moneys deposited into the fund, shall be allocated by the commission as an additional source of funding to electric distribution companies for CORE energy efficiency programs that are funded by system benefits charges.

38 Repeal. The following are repealed:

I. RSA 6:12, I(b)(272), relative to moneys deposited in the greenhouse gas emissions reduction fund.

II. RSA 125-O:3, III(d), relative to carbon dioxide cap.

III. RSA 125-O:19 through 125-O:28, relative to the regional greenhouse gas initiative.

39 Effective Date.

I. Section 27 of this act shall take effect June 30, 2011.

II. Sections 32-35 and paragraphs II and III of section 38 shall take effect January 1, 2012.

III. Paragraph I of section 38 of this act shall take effect January 1, 2013.

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

AMENDED ANALYSIS

This bill makes extensive changes to the comprehensive shoreland protection act.

This bill repeals New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. This bill also clarifies how the moneys in the greenhouse gas emissions reduction fund may be used.

2011-2174h

Amendment to SB 166

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 2 with the following:

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

2011-2133h

Amendment to SB 170

Proposed by the Committee on Ways and Means - C

Amend RSA 404-C:14, II as inserted by section 2 of the bill by replacing it with the following:

II. All funds held as of the effective date of this section by the NHMMJUA in excess of the amount required for the fund to remain actuarially sound, as determined by a qualified actuary, shall constitute excess surplus funds and shall not be less than \$110,000,000 in accordance with 2009, 144:1. Such determination shall be completed under the direction of the NHMMJUA board of directors not more than 45 days from the effective date of this section. All such excess surplus funds have resulted from premiums paid under assessable and participating medical malpractice insurance policies, belong to the policyholders who paid these premiums, and shall be returned as directed under this section. Within 60 days from the effective date of this section, all excess surplus funds, except for a reserve of \$25,000,000 for the payment of any federal tax liability, shall be interpleaded into the Merrimack County Superior Court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to excess surplus funds. All distributions made to policyholders shall be subject to a claim from the NHMMJUA to reclaim a pro rata portion of the distribution to satisfy any federal tax liabilities in excess of the \$25,000,000 reserved for such claims.

Notwithstanding any other provision of law to the contrary, in no event shall any insurer which is a member of the NHMMJUA, as defined in Ins 1703.01(i), be assessed nor shall there be a surcharge, as provided in Ins 1703.07(f)(2), with respect to any deficit arising from the distribution of excess surplus funds described in this paragraph.

2011-1594h

Amendment to SB 172

Proposed by the Committee on Education - C

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

AN ACT relative to performance-based school accountability criteria and relative to requiring legislative approval for the adoption of the common core state standards in New Hampshire.

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

2 Substantive Educational Content of an Adequate Education. Amend RSA 193-E:2-a, IV to read as follows:

IV.(a) The school approval standards for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education. The general court shall periodically, but not less frequently than every 10 years, review, revise, and update, as necessary, the standards identified in paragraph I and shall ensure that the high quality of the standards is maintained. Changes made by the board of education to the school approval standards through rulemaking after the effective date of this section shall not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the general court. The board of education shall provide written notice to the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate education committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

(b) The "common core state standards" developed jointly by the National Governors Association Center for Best Practices and the Council of Chief State School Officers shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in the New Hampshire curriculum frameworks, or used as a measure of an adequate public education, without prior approval of the general court.

AMENDED ANALYSIS

This bill identifies new criteria for evaluating school accountability and requires prior approval by the general court for the inclusion or implementation of the common core state standards in the definition of an adequate education or as part of the New Hampshire curriculum frameworks.

2011-1982h

Amendment to SB 183-FN-LOCAL

Proposed by the Majority of the Special Committee on Education Funding Reform - R

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

AN ACT relative to the calculation and distribution of adequate education grants.

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

1 Statement of Purpose.

I. The general court is committed to providing the opportunity for an adequate education for all public school students, as established in this act, based upon the 2007 Laws of New Hampshire, chapter 270. Methodologies for costing, determination of resources, and elements of cost are included in this act.

II. The individual components of the cost were selected on the basis of their effectiveness in delivering educational opportunity and after extensive review, debate, and discussion, including review of the report of the joint legislative oversight committee on costing an adequate education. The legislative process consisted of obtaining information from professional educators, government officials, education policy and finance experts, and the public on the establishment of the cost of an adequate education.

III. The cost of delivering this educational opportunity consists of several elements. The base cost represents the per pupil resources necessary to provide an adequate education where no additional aid is necessary to cover the increased costs of providing that opportunity to students who have special education needs, who have limited English language proficiency, or who are economically disadvantaged. The base cost represents the costs attributable only to the subset of education that is included in the definition in RSA 193-E:2-a.

IV. In calculating the base cost, the general court adhered to and adopted the standards for the professional positions referred to in the costing formula as specified or necessarily implied in the minimum standards for public school approval adopted by the state department of education and in effect on July 1, 2010. These standards incorporate and include the definition of a “highly qualified” teachers under federal law. The professional-to-student ratios used in the costing formula were also derived from the state minimum standards for public school approval. All costing elements were derived from actual, empirical data.

V. The general court further finds that additional aid, referred to as differentiated aid, is also required to provide this educational opportunity for certain students. This act allocates such differentiated aid to special education students, English language learners, and economically disadvantaged students, the latter category based upon eligibility for federally-provided free and reduced-price lunch programs and the concentration of such eligible students in a school.

VI. In determining the need for differentiated aid in addition to providing the base cost for an adequate education, the general court recognizes that the resources needed to provide this educational opportunity are not the same for all students.

VII. The general court recognizes that special education students face unique challenges that require educational support and instructional resources in addition to those provided by the base cost. After reviewing the findings of the joint legislative oversight committee and conducting its own inquiry into forms of special education funding and the laws relevant to such funding mechanisms, the general court finds that each special

education student should receive additional funding above the base cost. This per pupil amount is not dependent upon a student's level of disability or learning environment because the general court wishes to encourage the placement of special education students in the least restrictive learning environment possible.

VIII. After reviewing the findings of the legislative oversight committee, including its survey of services provided to English language learners throughout the country and in New Hampshire, the general court finds that additional funding is required to provide English language learners with the opportunity for an adequate education. Accordingly, the general court finds that an amount should be distributed to each pupil receiving English language instruction in a district. This supplemental amount is based upon providing one teacher per 70 students receiving English language instruction and is inline with funding provided throughout the United States to English language learners.

IX. The joint legislative oversight committee recognized that economically disadvantaged students require supplemental funding in addition to the base cost amount. During its deliberations, the committee heard testimony and thoroughly reviewed studies, research, and data about the challenges that school districts face when educating economically disadvantaged students as well as the costs and considerations involved in implementing programs designed to overcome those obstacles. The general court finds it necessary to provide additional aid to economically disadvantaged pupils in schools with significant concentrations of economically disadvantaged pupils to provide them with the opportunity for an adequate education. Based upon credible evidence received by, and the discussion of the joint legislative oversight committee on costing an adequate education in January 25, 2008, the general court concludes that such additional aid should be provided to disadvantaged students only when the concentration of such students in a school exceeds 12 percent. This level is less than one-half of the threshold concentration of 25 percent of such pupils in a school recommended by Management Analysis & Planning, Inc. in its October 5, 2000 report, p. 40.

X. The general court recognizes that certain communities lack the relative wealth and fiscal capacity to fund local education to the extent desired by those communities. For this reason, the general court finds it appropriate to provide money above the cost of delivering adequate educational opportunity based upon the fiscal capacity and relative need of certain communities.

XI. This act is not intended to stand in isolation from the other statutes and rules relating to educating New Hampshire students as required by state and federal law.

XII. This act maintains state funding for the delivery of educational opportunity at the same level as provided in fiscal years 2010 and 2011, and at a slightly higher overall average per pupil level than in those years.

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

198:38 Definitions. In this subdivision:

I. "Average daily membership in attendance" or "ADMA" means the aggregate half-day membership of pupils in kindergarten through grade 12 attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance shall include any pupil who is a resident of New Hampshire educated at public expense, including any pupil whose school district provides his or her education through a private or out-of-district placement.

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

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

IV. "Department" means the department of education.

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

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

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

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

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

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

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

I. For the biennium beginning July 1, 2011 only, the commissioner shall determine the base cost per pupil of the opportunity for an adequate education in each school district using the most recent statewide salary data available, divided into quartiles, as follows:

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

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

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

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

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

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

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

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

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

II. For the biennium beginning July 1, 2011 only, the commissioner shall calculate the base cost per pupil of the opportunity for an adequate education in each school district as the sum of the following:

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

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

(3) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in kindergarten through grade 2, divide the ADMR of

pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the amount determined in subparagraph I(a)(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) An additional \$1,770 for each pupil who is in kindergarten through grade 12, who is eligible for the federal free and reduced-price meal program, and who attends a public school in which at least 12 percent of pupils reported in the school's ADMR in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$600 for each pupil reported in the public school's ADMR in the determination year who is an English language learner and who is receiving English language instruction.

(c) An additional \$1,904 for each pupil reported in the public school's ADMR in the determination year who is receiving special education.

(d) To encourage early literacy and provide accountability to local school districts, for each third grade pupil in the public school's ADMA in the determination year who is not eligible to receive special education, English language learners, or federal free or reduced-price meal program funds in the determination year, a school district shall:

- (1) Receive an additional \$100 for each such pupil who has tested at the proficient level or above in the reading component of the state assessment; and
- (2) Incur a reduction of \$100 for each such pupil who has not tested at the proficient level or above in the reading component of the state assessment; provided that
- (3) The net amount of any additions or reductions under this subparagraph shall not be less than zero.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be the cost of the opportunity for an adequate education in each year of the biennium ending June 30, 2013.

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

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

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

198:40-b Provisions for Grants to Municipalities.

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

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

III. Beginning July 1, 2013, and each fiscal year thereafter, the department of education shall not distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds 105.5 percent of the total education grant distributed to such municipality in the previous fiscal year.

5 Adequate Education; Provisions for Grants to Municipalities; Version Effective July 1, 2013. RSA 198:40-b is repealed and reenacted to read as follows:

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

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

198:40-c Fiscal Capacity Disparity Aid.

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

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

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

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

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

III. In this section:

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

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

7 Adequate Education; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, ~~[2011]~~ **2013** and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

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

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

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

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

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

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

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

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

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

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

~~[Excess Education Property Tax Payment]~~

Local Control and Alternative Kindergarten Programs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Repeal. The following are repealed:

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

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

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

16 Severability. If any provision in sections 1-11 of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of such sections which can be given effect without the invalid provision or application, and to this end the provisions of such sections are declared to be severable.

17 Effective Date.

I. Section 5 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

This bill:

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

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

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

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

V. Provides that beginning July 1, 2013, a municipality's total education grant shall not exceed 105.5 percent of the total education grant received in the preceding fiscal year.

VI. Provides additional funds for each third grade pupil who has tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds and authorizes a reduction of funds for each such pupil who does not test at the proficient level or above in the reading component of the state assessment.

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

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

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

2011-2158h

Amendment to SB 193

Proposed by the Committee on Election Law - C

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

1 Terms and Definitions; Party. Amend RSA 652:11 to read as follows:

652:11 Party. "Party" shall mean any political organization which:

I. At the preceding state general election received at least 4 percent of the total number of votes cast for any one of the following: the office of governor or the offices of United States senators; *or*

II. Is certified by the secretary of state pursuant to RSA 655:40-a.

2 New Paragraph; Change of Registration. Amend RSA 654:34 by inserting after paragraph V the following new paragraph:

VI. Upon certification of a political organization as a party by the secretary of state pursuant to RSA 655:40-a, every voter signing a nomination paper submitted for the party shall be registered as a member of that party, regardless of whether the voter has been previously registered as a member of another party or as an undeclared voter. Such voter

shall not disaffiliate with the party between the date of certification and the date of the state primary election. If the party does not receive sufficient votes at the general election to retain its status as a party, voters registered as a member of the party shall then be reregistered as undeclared voters. The secretary of state shall cause all changes of registration required by this paragraph to be entered in the statewide centralized voter registration database.

3 Declaration of Intent. Amend RSA 655:17-c to read as follows:

655:17-c Declaration of Intent; Political Organization. Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, _____, chairman of the _____ organization hereby declare that the _____ organization intends to file nomination papers by the deadline established under RSA 655:43, I. ~~[I further declare that the _____ organization intends to file the names of candidates for the following offices with the nomination papers.]~~

4 Nomination Papers. Amend RSA 655:40 to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political organization or principles the candidate represents. Nomination papers shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign and date an individual nomination paper. Nomination papers **for a candidate** shall be dated in the year of the election.

5 Nomination of Organization. Amend RSA 655:40-a to read as follows:

655:40-a Nomination of Organization. A political organization may ~~[have its name placed on the ballot for the state general election]~~ **be certified as a party** by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political organization and **a statement that the signer agrees that, if the political organization is certified as a party, the signer's voter registration shall be changed so that he or she shall then be registered as a member of that party. Nomination papers** shall be signed **and dated** by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper ~~[which allows]~~ **nominating** a political organization ~~[access to the]~~ **during any biennial** state general election ~~[ballot]~~ **cycle. No nomination paper shall be submitted under this section that was executed more than one year before the submission or that was executed before the organization's filing of its declaration of intent under RSA 655:43, III. The certification of a political organization as a party shall be effective from the date of the certification through the date of next following state general election.**

6 Filing Deadlines. Amend RSA 655:43, I to read as follows:

I. Nomination papers **for a candidate** shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. **Nomination papers for a political organization shall be filed with the secretary of state no later than 5:00 p.m. on the Friday 5 weeks before the beginning of the candidate filing period.** Nomination papers to be filed shall be grouped by municipality. No nomination papers **for a candidate** shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he or she seeks at the time of the general election and meets all the other qualifications at the time of filing; and if a candidate for the office of governor, executive councilor, state senator, or state representative, unless the candidate shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States

representative, unless the candidate shall meet the qualifications for office under RSA 655:3 and 655:4.

7 Filing Deadlines. Amend RSA 655:43, III to read as follows:

III. No political organization ~~[shall have the names of its candidates placed on the ballot]~~ **may be certified as a party** unless the chairman of the organization ~~[files]~~ **had filed** a declaration of intent, as provided in RSA 655:17-c, ~~[within the filing deadline for candidates established in RSA 655:14-a]~~ **prior to the collection of signed and dated nomination papers.**

8 Repeal. RSA 655:40-b, relative to filing names of candidates, is repealed.

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

AMENDED ANALYSIS

This bill changes the definition of “party” for election purposes to include a political organization nominated by nomination papers. Voters signing the nomination papers will be reregistered as members of that party. The certification of a party expires at the next general election.

2011-2145h

Amendment to SB 194 Proposed by the Committee on Education - C

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

AN ACT relative to the transfer of 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 and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

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

1 New Section; Community College System of New Hampshire; Transfer Authorized.

Amend RSA 188-F by inserting after section 1 the following new section:

188-F:1-a Transfer Authorized. All functions, powers, duties, books, papers, records, and property of every kind, tangible and intangible, real and personal, possessed, controlled, or used by the former department of regional community-technical colleges as of the effective date of this section are hereby transferred to and vested in the board of trustees of the community college system of New Hampshire established in RSA 188-F:4. Nothing in this section shall transfer real property commonly associated with the McAuliffe-Shepard discovery center or the police standards and training council.

2 Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(d) to read as follows:

(d) The exemptions provided in subparagraph (a) shall apply to the lands and the buildings and structures thereon and therein and personal property owned by the university system of New Hampshire **or the community college system of New Hampshire**. The requirements of subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after April 1, 2006, the terms of which provide for the use or occupation by others of real or personal property owned by the university system of New Hampshire **or the community college system of New Hampshire**. The remedies set forth in subparagraph (c) shall be available to enforce the payment of real and personal property taxes assessed against the lessees of property owned by the university system of New Hampshire **or the community college system of New Hampshire** pursuant to this subparagraph.

3 New Paragraph; Community College System of New Hampshire; Authority of Board of Trustees. Amend RSA 188-F:6 by inserting after paragraph XIII the following new paragraph:

XIII-a. Enter into a contract for the sale of real property with the prior approval of the long range capital planning and utilization committee and governor and council, provided that the state shall retain the right of first refusal in any proposed sale of real property. This

paragraph shall not apply to real property acquired by the community college system of New Hampshire after the effective date of this paragraph.

4 Community College System of New Hampshire; Survey of Concord Property. Sections 1-3 of this act shall take effect on the date the community college system of New Hampshire provides written notice to the secretary of state, the attorney general, and the director of the office of legislative services that a survey of the community college system's Concord property has been completed and that the community college system has secured insurance on all land, buildings, and personal property on its Concord property.

5 Effective Date.

I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

This bill:

I. Authorizes the transfer of 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.

II. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

III. Authorizes the board of trustees of the community college system of New Hampshire to sell real property with prior approval of the long range capital planning and utilization committee.

IV. Provides that the effective date of this act is contingent on the community college system of New Hampshire completing a survey of its Concord property and providing evidence of insurance coverage for its Concord property.