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Contains: Amendments for March 7 and March 8, 2012

HOUSE CALENDAR

AMENDMENTS FOR

WEDNESDAY, MARCH 7
AND
THURSDAY, MARCH 8

ALL LEGISLATORS ARE ASKED TO
BRING THIS CALENDAR FOR USE
ON WEDNESDAY, MARCH 7 AND
THURSDAY MARCH 8, 2012

WEDNESDAY, MARCH 7

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to CACR 11

(2012-0951h)

Proposed by the Majority of the Committee on Constitutional Review and Statutory Recodification - R

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

RELATING TO: terms for state judges.

PROVIDING THAT: all state judges be commissioned for renewable 7-year terms.

Amend the resolution by replacing paragraphs I and II with the following:

I. That article 35 of the first part of the constitution be amended to read as follows:

[Art.] 35. ~~[[The Judiciary; Tenure of Office, etc.]]~~ It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices **for the term appointed** so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the Constitution of the State; and that they should have honorable salaries, ascertained and established by standing laws.

II. That article 73 of the second part of the constitution be amended to read as follows:

[Art.] 73 ~~[[Tenure of Office To Be Expressed in Commissions; Judges to Hold Office During Good Behavior etc.; Removal].]~~ The tenure that all commissioned officers shall have by Law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices **for renewable 7-year terms** during good behavior except those for whom a different provision is made in this Constitution; **except for those holding office on January 1, 2012 who shall hold their offices during good behavior unless a different provision is made in this Constitution.** The Governor with consent of the Council may remove any commissioned officer for reasonable cause upon the address of both houses of the Legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the Legislature.

Amend the resolution by replacing paragraph V with the following:

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

“Are you in favor of amending Article 35 of the first part of the Constitution and Article 73 of the second part of the Constitution, so that these articles read as follows:

[Art.] 35. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices **for the term appointed** so long as they behave well; subject, however, to such limitations, on

account of age, as may be provided by the Constitution of the State; and that they should have honorable salaries, ascertained and established by standing laws.

[Art.] 73 The tenure that all commissioned officers shall have by Law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices for renewable 7-year terms during good behavior except those for whom a different provision is made in this Constitution; except for those holding office on January 1, 2012 who shall hold their offices during good behavior unless a different provision is made in this Constitution. The Governor with consent of the Council may remove any commissioned officer for reasonable cause upon the address of both houses of the Legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the Legislature.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution requires all state judges to be commissioned for renewable 7-year terms.

Amendment to HB 388-FN (2012-0907h)

Proposed by the Committee on Ways and Means - C

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

AN ACT establishing the amount of the enhanced 911 services surcharge and requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

Amend RSA 106-H:2, XV as inserted by section 1 of the bill by replacing it with the following:

XV. "Voice over Internet Protocol" or "VoIP" means any service that:

- (a) Enables real-time, 2-way voice communications that originate from or terminate to the user's location in Internet Protocol or any successor protocol;
- (b) Requires a broadband connection from the user's location; and
- (c) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

Amend 106-H:9, I as inserted by section 3 of the bill by replacing it with the following:

I.(a) The enhanced 911 system and the statewide emergency notification system shall be funded through a surcharge **of \$0.57** to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, **each VoIP service number with a primary place of use within New Hampshire**, and each semi-public and public coin and public access line. **For purposes of this subparagraph, "primary place of use" shall have the same meaning as the definition contained in 4 U.S.C. section 124(g).** No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines **or VoIP service lines or channels** per customer billing account. **Funds generated by this surcharge shall be used only for the operation and maintenance of the enhanced 911 system and the statewide emergency notification system.**

(b) In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company.

(c) In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill.

(d) In the case of a VoIP provider, the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the VoIP provider, and may be identified on the customer's bill.

(e) Each local exchange telephone company, VoIP service provider, or entity which provides commercial mobile radio service shall remit the surcharge amounts on a [monthly] quarterly basis, as prescribed by the commissioner, to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. [Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.]

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

5 Study and Report by Telecommunications Planning and Development Advisory Committee. The telecommunications planning and development advisory committee, established in RSA 12-A:46, shall study how to determine the application of a 911 services surcharge to all classes of prepaid communications devices. The committee shall submit a report on its findings and any recommendations for legislation to the speaker of the house of representatives, the senate president, the chairpersons of the house science, technology, and energy committee and the senate energy and natural resources committees, the house clerk, the senate clerk, the governor and the state library on or before December 1, 2012.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill establishes by statute the amount of the enhanced 911 services surcharge and requires providers of Voice over Internet Protocol services to pay such surcharge. The bill repeals a requirement that the enhanced 911 services surcharge provide adequate funding for enhanced 911 system operations and the statewide emergency notification system. The bill requires the telecommunications planning and advisory committee to study and report on applying a 911 services surcharge to all classes of prepaid communications devices.

Amendment to HB 602-FN-A (2012-0831h)

Proposed by the Committee on Ways and Means - C

Amend RSA 151:36 as inserted by section 3 of the bill by inserting after paragraph V the following new paragraph:

VI. The commissioner shall apply for all federal funding available to supplement the health care associated infections program. In the event federal funding is unavailable to cover the program costs either in part or in its entirety, the hospitals and ambulatory surgical centers shall be responsible for paying their proportion of the fees under this chapter to support the program's operating budget.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Paragraph; Report Required. Amend RSA 151:34 by inserting after paragraph III the following new paragraph:

IV. In addition to the department's reporting responsibilities under this section, the department shall beginning in 2012 make a biennial report to the oversight committee on health and human services and the house and senate ways and means committees on or before August 1, regarding the health care associated infections program costs, the amount of federal funding received for the program, and the amount of fees paid by hospitals and ambulatory surgical centers to support the program.

AMENDED ANALYSIS

This bill establishes a fee for hospitals and ambulatory surgical centers required to report health care associated infections. This bill also establishes a fund to be used for purposes of administration of the health care associated infections law.

Amendment to HB 1131

(2012-0944h)

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

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

AN ACT establishing a committee to study methods of creating a balanced and neutral judiciary.

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

1 Committee Established. There is established a committee to study methods of creating a balanced and neutral judiciary.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study methods of creating a balanced and neutral judiciary.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study methods of creating a balanced and neutral judiciary.

Amendment to HB 1133

(2012-0778h)

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

Amend RSA 106-H:3, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) There is hereby established an enhanced 911 commission consisting of ~~[17]~~ 19 members, including the director of the division of fire standards and training and emergency medical services or designee, the chairman of the public utilities commission or designee~~[-a~~

~~representative of the department of safety]~~ ***the commissioner of the department of safety or designee***, a public member, a police officer experienced in responding to emergency calls, a representative of the disabled community, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

- (1) Fairpoint.
- (2) New Hampshire Association of Fire Chiefs.
- (3) New Hampshire Association of Chiefs of Police.
- (4) New Hampshire Federation of Fire Mutual Aids.
- (5) New Hampshire Municipal Association.
- (6) New Hampshire Sheriffs Association.
- (7) New Hampshire Telephone Association.
- (8) New England Cable Telecommunications Association.
- (9) The commissioner of the department of administrative services.
- (10) A representative of the mobile telecommunications carriers industry.
- (11) A representative of the Professional Firefighters of New Hampshire.
- (12) A representative of the New Hampshire Emergency Dispatchers***

Association.

- (13) Comcast.***

AMENDED ANALYSIS

This bill requires that the commissioner of the department of safety or his or her designee sit on the enhanced 911 commission. This bill also adds a member recommended by Comcast and a representative of the New Hampshire Emergency Dispatchers Association to the commission.

Amendment to HB 1139 (2012-0600h)

Proposed by the Committee on Education - C

Amend the bill by replacing section 1 with the following:

- 1 Unique Pupil Identification; Availability. Amend RSA 193-E:5, I(b) to read as follows:

(b) The random number generator shall make available to each early childhood program, district, or postsecondary institution a unique pupil identifier for each pupil pursuing an education in a New Hampshire early childhood program, district, or postsecondary institution. The unique pupil identifier itself shall not permit pupil identification within a ~~[sub-category]~~ ***subcategory*** including, but not limited to, early childhood program, district, postsecondary institution, sex, age, grade, or county of residence. Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3-5, respectively:

- 2 Unique Pupil Identification; Access. Amend RSA 193-E:5, I(d) to read as follows:

(d)***(1)*** Access to the random number generator shall be limited to an early childhood program director or designee, a district superintendent or designee, or a postsecondary institution registrar or designee, and only for pupils pursuing an education in that early childhood program, district, or postsecondary institution.

(2) A parent or legal guardian shall, upon request made in person to the early child program director, school district superintendent for the district which the child last attended, or postsecondary institution registrar, have access to their child's unique pupil identifier and their child's data maintained in the data warehouse. A person who is 18 years of age or older shall, upon request made in person to the early child program director, school district superintendent for the district which the person last attended, or postsecondary institution registrar, have access to their unique pupil identifier and their data maintained in the data warehouse.

(3) Any person who knowingly violates ~~[this provision]~~ **the provisions of this subparagraph** is guilty of a class B felony and may be subject to involuntary termination of employment.

AMENDED ANALYSIS

This bill allows a parent, legal guardian, or person who is 18 years of age or older to have access to the unique pupil identifier and related information in the data warehouse, allows home educated pupils to opt in for inclusion in the unique pupil identification system, and repeals certain provisions relative to access to unique pupil identification data.

Floor Amendment to HB 1148 (2012-1035h)

Proposed by Rep. Bergevin

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

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

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

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study:

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

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

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

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

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

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

AMENDED ANALYSIS

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

Amendment to HB 1157

(2012-0931h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Gasoline and Diesel Fuel Prices; Street Signs. RSA 339:30-a is repealed and reenacted to read as follows:

339:30-a Gasoline and Diesel Fuel Prices.

I. All persons who shall offer for sale or sell any petroleum fuels at retail shall post the price of all grades and services of such petroleum fuels in at least 2 of the following ways:

(a) On a price sign affixed to the fuel dispenser in numerals not less than 4 inches high and 3/4 of an inch in width; such price signs shall be placed on the dispenser so that they are clearly visible from both sides of the dispenser from either direction of a motorist's approach;

(b) On a stationary street fuel price sign; the stationary street fuel sign must be clearly visible from the street; or

(c) By a digital unit price indicator or an analog unit price indicator on the face of the dispenser; the indicators must display the actual price of the fuel pumped.

II. Numerals indicating fractions or portions of whole numbers on any posted price shall be at least 1/2 the size of the whole number n such display, and all posted prices shall reflect the total price of such fuel, including all taxes thereon.

III. If a computing device is part of the fuel dispensing equipment, it shall compute the total price for single purchases at all the unit prices for which the grade, blend, or mixture of motor vehicle fuel being dispensed is offered for sale, except for the unit prices charged by contract for fleet sales and similar price-contract sales. When a grade, blend, or mixture of motor vehicle fuel is offered for sale at more than one unit price through a dispenser with a computing device:

(a) The unit price for a transaction shall be selected by controls on the dispenser to be used by the customer;

(b) A printed receipt of the transaction shall be made available to the customer, showing unit price, the total number of gallons dispensed, and the total price of the sale issued mechanically by the dispenser; or

(c) A printed receipt shall be made available to the customer, showing the unit price, the total number of gallons dispensed, and the total price of the sale from a person attending the dispenser or the store where the fuel is offered for sale.

IV. When a special sale price or promotional discount price is offered on a grade, blend, or mixture of motor vehicle fuel, the dispenser shall be set to compute transactions at the special sale price or promotional discount price.

V. Any person who shall violate the provisions of this section shall be guilty of a violation.

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

AMENDED ANALYSIS

This bill establishes signage requirements for gasoline and diesel fuel prices.

Amendment to HB 1167

(2012-0793h)

Proposed by the Committee on Education - C

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

AN ACT relative to the calculation of days in the school year.

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

1 School Boards; Days of School. Amend RSA 189:1 to read as follows:

189:1 Days of School. The school board of every district shall provide standard schools for at least 180 days in each year, or the equivalent number of hours ~~[as required in the rules of the department of education]~~, at such places in the district as will best serve the interests

of education and give to all the pupils within the district as nearly equal advantages as are practicable.

2 School Boards; Reduction of Time. Amend RSA 189:2 to read as follows:

189:2 Reduction of Time. If the school board of any district shall decide that, by reason of special conditions or circumstances, the maintenance of standard schools for 180 days, or the equivalent number of hours [~~if approved by the commissioner of the department of education~~], in said district is undesirable, said school board may so represent in writing to the state board. If, upon hearing, the state board, or the commissioner when authorized by the state board, shall be of the opinion that the representation is true, it may reduce the time of maintaining such schools in said district to such limits as it may deem wise. Provided, however, that the state board, or the commissioner if authorized, shall not reduce the days during which schools shall be in session, as provided in RSA 189:1, on account of workshops, conventions or teachers' institutes.

3 School Boards, Transportation, and Instruction of Pupils; Standard School. Amend RSA 189:24 to read as follows:

189:24 Standard School. A standard school is one approved by the state board of education, and maintained for at least 180 days in each year, or the equivalent number of hours [~~as required in the rules of the department of education~~], in a suitable and sanitary building, equipped with approved furniture, books, maps and other necessary appliances, taught by teachers, directed and supervised by a principal and a superintendent, each of whom shall hold valid educational credentials issued by the state board of education, with suitable provision for the care of the health and physical welfare of all pupils. A standard school shall provide instruction in all subjects prescribed by statute or by the state board of education for the grade level of pupils in attendance.

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

AMENDED ANALYSIS

This bill removes the requirement that the equivalent number of hours in the school year shall be provided for in department of education rules.

Amendment to HB 1172 (2012-0989h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 6:

2 New Subparagraph; Beverage Manufacturer; Farmers' Markets. Amend RSA 178:12, IV by inserting after subparagraph (b) the following new subparagraph:

(c) A holder of a beverage manufacturer license may transport its products to a farmers' market, and may sell such products at retail in the original container.

3 New Paragraph; Brew Pub; Farmers' Markets. Amend RSA 178:13 by inserting after paragraph V the following new paragraph:

VI. A brew pub licensee may transport its products to a farmers' market, and may sell such products at retail in the original container.

4 New Section; Alcohol Consultant. Amend RSA 178 by inserting after section 27 the following new section:

178:27-a Alcohol Consultant.

I. The commission may issue an alcohol consultant license for the purpose of education directly to consumers over 21 years of age and soliciting orders for the sale of alcoholic beverages tasted during an educational event at a residence. No alcohol consultant shall deliver or provide alcoholic beverages for sale during an educational event.

II. All wine or liquor used for educational events shall be purchased from the liquor commission at retail or from an in-state manufacturer. All beverages used for educational events shall be purchased from a licensed wholesale distributor. Any beer, wine, or liquor not available in New Hampshire may be obtained from a direct shipper who holds a valid direct shipper permit.

III. An alcohol consultant may provide wine samples of no more than 2 ounces per person for each bottle sampled, beer samples of not more than 4 ounces per person, and liquor samples of not more than 0.5 ounces per person. An alcohol consultant may provide samples from up to 6 bottles of wine or liquor or 12 bottles of beer at each educational event.

IV. Alcohol consultants shall remove all unused product from the premises after the educational event.

V. A copy of the alcohol consultant license shall be in any vehicle transporting alcoholic beverages to or from an educational event.

VI. Alcohol consultants shall register each educational event with the liquor commission-division of enforcement and licensing. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The registration procedures and required information to ensure that consumers are over 21 years of age.

(b) The signature form or other identification procedures to be used by an alcohol consultant to ensure compliance with RSA 179:5 and 178:27.

VII. Any person holding an alcohol consultant license under this section who serves or permits or allows to be served alcoholic beverages to a person under 21 years of age shall be guilty of a class B felony and shall have such license permanently revoked.

VIII. Alcohol consultants shall maintain records for at least 3 years in a manner which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of filings upon reasonable request.

5 New Subparagraph; Fees; Alcohol Consultant. Amend RSA 178:29, V-b by inserting after subparagraph (b) the following new subparagraph:

(c) The annual alcohol consultant fee shall be \$100 or, if the alcohol consultant is an agent of a direct shipper, \$25.

AMENDED ANALYSIS

This bill authorizes nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets. This bill also establishes an alcohol consultant license.

Amendment to HB 1174 (2012-0933h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend the bill by replacing section 1 with the following:

1 New Section; Counties; Commissioners Negotiations; Convention Representative.

Amend RSA 28 by inserting after section 10-b the following new section:

28:10-c Collective Bargaining with Employee Bargaining Units. The county executive committee or the county convention may designate a member of the convention to observe collective bargaining negotiating sessions for the purpose of advising the convention regarding the cost items contained in any proposed contract to be approved by the county convention. Such advice shall only occur after a proposed contract is approved by the parties and sent to the convention for approval. The convention designee shall be a silent observer only and shall not participate in the negotiations in any way. The convention designee shall be subject to the same legal requirements as the employer negotiating team, including, but not limited to, confidentiality requirements.

AMENDED ANALYSIS

This bill allows for a member of the county convention to be an observer in the negotiations for a county employee contract in order to provide advise on the costs items in any contract to be approved by the convention.

**Amendment to HB 1185-FN-A
(2012-0751h)**

Proposed by the Committee on Executive Departments and Administration - C

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

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

AMENDED ANALYSIS

This bill specifies the rulemaking authority of the police standards and training council and requires governor and council approval of donations and grants made to the police standards and training council.

**Amendment to HB 1202-FN
(2012-0602h)**

Proposed by the Committee on Education - C

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

AN ACT amending the definition of “sending district” as it applies to students attending regional vocational education programs.

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

1 Regional Vocational Education; Definition. Amend RSA 188-E:2, II to read as follows:

II. “Sending district” shall mean:

(a) A school district where students reside~~[-, and for whom said district has tuition responsibility,]~~ who attend a regional center, regional course, or alternative education program other than within the district itself; **or**

(b) If a student attends a chartered public school the sending district shall be the school district in which the student resides.

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

AMENDED ANALYSIS

This bill amends the definition of “sending district” as it applies to students attending regional vocational education programs and adds specific language relative to chartered public school students attending such programs.

**Amendment to HB 1204
(2012-0684h)**

Proposed by the Committee on Ways and Means - C

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

AN ACT relative to matching funds of highway projects, and relative to the administration of the meals and rooms tax.

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

3 Meals and Rooms; Suspension and Revocation of Licenses; Appeal. Amend RSA 78-A:5, II to read as follows:

II. Any operator aggrieved by a suspension, revocation or refusal of the commissioner may appeal from the ruling either by application to the board of tax and land appeals or by petition to the superior court in the county in which he or she resides or conducts his or her operation within 10 days after receiving written notice of the commissioner’s ruling in the manner prescribed in RSA 78-A:15. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith. If the appealing operator files a bond running to the state in an amount fixed by the board of tax and land appeals or the court, with a surety company authorized to do business in the state as surety, conditioned on the payment of taxes due and to become due during the pendency of the appeal, the ruling appealed from is inoperative if it is a ruling of suspension or revocation. If the ruling appealed from is a refusal to ~~[issue a]~~ **renew an existing** license, the ~~[commissioner shall issue the license]~~ **existing license shall remain valid** during the pendency of the appeal if the appeal bond is given.

4 Collection of Tax on Meals and Rooms; Reference to Tax Rate Corrected. Amend RSA 78-A:7, I(a) to read as follows:

I.(a) The operator shall either state the amount of the tax to each occupant, purchaser of a meal, or renter, or state that the tax is included in the price of the occupancy, meal, or gross rental receipts received. If the amount of the gratuity is not separately stated, the purchaser's or occupant's contract or receipt shall include the following language:

"The [8] **9** percent tax on meals and rooms is included for the costs of meals and lodging only."

5 Collection of Tax on Meals and Rooms; Reference to Tax Rate Corrected. Amend RSA 78-A:7, IV to read as follows:

IV. In lieu of keeping detailed records of taxes collected, and in lieu of payment of the taxes collected under this chapter, an operator may, in writing, elect to compute the amount of taxes due at [8] **9** percent of the total taxable rent, charge for meals, or gross rental receipts received by it, or both, exclusive of the taxes collected on such rents, charges, and gross rental receipts. If this election is made, the operator may not change the method of computing taxes without the written consent of the department. Any balance of the tax remaining in possession of the operator may be retained by it.

6 Meals and Rooms; Surety Bonds. Amend RSA 78-A:8-b, I to read as follows:

I. When the commissioner or his designee, in his discretion, deems it necessary to protect the revenues to be obtained under this chapter, he may, after notice and hearing, require any operator required to collect the tax imposed by RSA 78-A:6 to file with him a bond issued by a surety company authorized by the New Hampshire insurance department to do business in this state, in an amount fixed by the commissioner or his designee, to secure the payment of any tax, interest or penalties due, or which may become due. ~~[The operator shall file a bond within 10 days after the department has issued and mailed such notice.]~~ Surety bonds may be required in situations such as, but not limited to, failure to file returns, failure to make payments with returns at the time required by law, tender by an operator of checks returned for insufficient funds, failure to pay interest and penalties assessed, operators who are itinerant, transient, or temporary, and any other situation which, in the discretion of the commissioner or his designee, renders the collection of the tax in jeopardy. ***If, after a hearing, the commissioner or the commissioner's designee issues an order requiring an operator to file a surety bond with the department, the operator shall file such bond within 10 days of the issuance of the order.***

7 Effective Date.

I. Sections 1 and 2 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 permits use of turnpike toll credits as a match for federal highway funds and road projects without approval of the capital budget overview committee. The bill also makes changes to the appeal procedure and surety bond requirement for meals and rooms tax operators.

Amendment to HB 1206

(2012-0823h)

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

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

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

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

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

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

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

AMENDED ANALYSIS

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

Amendment to HB 1207-FN (2012-0680h)

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

Amend RSA 79:1, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) For purposes of tenants-in-common, any one or more of the tenants-in-common that hold title to the subject property. For purposes of RSA 79:10, I(a), any one or more of tenants-in-common may sign an intent to cut. Provided, however, that non-signing tenants-in-common shall have been notified by certified mail of the intent to cut at least 30 days prior to cutting and that a bond or surety is filed to secure payment of the yield tax if any tenant-in-common does not sign or give a power of attorney to sign a notice of intent to cut.

Amendment to HB 1208 (2012-0941h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT relative to advertising of alcoholic beverages.

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

1 Advertising Restrictions. Amend RSA 179:31, XII to read as follows:

XII. No holder of a beverage manufacturer license, wholesale distributor license, or beverage vendor license, ***and no on-premises licensee or off-premises licensee, or group thereof,*** shall advertise, either directly or indirectly, ***promoting the consumption of alcohol*** in any [~~booklet, program, program book,~~] yearbook[, ~~magazine, newspaper, periodical, brochure, circular, or other similar publication published by, for, or in behalf of any religious, fraternal, educational, patriotic, social, or civic group. No on-premises licensee or off-premises licensee, any group thereof, or any holder of a beverage manufacturer license, wholesale distributor license, or vendor license, through any control, ownership, interlocking ownership, interlocking directors, or otherwise shall advertise or cause any manner or form of advertising to be inserted in such publications]~~ ***or other publication distributed predominantly to persons under 21 years of age.***

2 Label Approval Not Required. The liquor commission shall not, by rule or otherwise, require a beverage vendor, beverage manufacturer, nano brewery, or brew pub to obtain federal label approval for beer, as defined in RSA 175:1, VII, sold exclusively in the state of New Hampshire.

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

AMENDED ANALYSIS

This bill:

I. Limits a prohibition on advertising in certain publications by liquor licensees.

II. Prohibits the liquor commission from requiring federal label approval for New Hampshire beer.

Amendment to HB 1216

(2012-0952h)

Proposed by the Majority of the Committee on Judiciary - R

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

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

AMENDED ANALYSIS

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

Amendment to HB 1223-FN

(2012-0866h)

Proposed by the Committee on Judiciary - C

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

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter or to address a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid.

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

IV. If the court finds that an officer, employee, or other official of a public body or public agency has knowingly violated RSA 91-A:2-a, or has violated any other provision of this chapter in bad faith, the court shall order that such officer, employee, or other official of a public body or public agency be removed from his or her position or positions within the public body or agency. Upon such finding, such person or persons shall also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I.

Amendment to HB 1230-FN

(2012-0726h)

Proposed by the Committee on Public Works and Highways - C

Amend RSA 4:39-e, I as inserted by section 1 of the bill by replacing it with the following:

I. On or before July 1, 2013, and biennially thereafter, each state agency, as defined in RSA 21-G:5, III, shall make a report identifying all real property owned or leased by the agency. For each parcel owned by the agency, the report shall include any reversion provisions, conservation or other easements, lease arrangements with third parties, and any other agreement that may affect the future sale of the property. For each parcel leased by the agency, the report shall include the lease term.

Amend the bill by replacing section 2 with the following:

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

Amendment to HB 1231

(2012-0446h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT removing the prohibition on the sale, gift, or display of certain young birds.

Amend the bill by replacing section 1 with the following:

1 Sale of Rabbits. Amend RSA 437:15 to read as follows:

437:15 Sale or Gift of Small Quantities. ~~[Chicks, ducklings, goslings, and]~~ Rabbits younger than 4 weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device~~[- in quantity of less than 12 birds or animals to an individual person].~~

AMENDED ANALYSIS

This bill removes the prohibition on the sale, gift, or display of certain young birds.

Amendment to HB 1233

(2012-0562h)

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

Amend RSA 482-A:14-c as inserted by section 1 of the bill by replacing it with the following:

482-A14-c Limitation on Enforcement Action. No person who acquires property, by any means, more than 5 years after an activity constituting a violation of this chapter has been completed, shall be subject to an enforcement action under this chapter for such violation, provided such person allows restoration of impacted areas, unless the person knew of the existence of the violation at the time that the person acquired the property. Nothing in this section shall limit any enforcement action for violation of this chapter, including injunctive relief requiring restoration of impacted areas, against the person who committed the violation. Nothing in this section shall limit any enforcement action with respect to any violation of this chapter, including injunctive relief requiring restoration of impacted areas, for which written notice of the violation has been provided to the owner by the department prior to January 1, 2013. In addition to any common law remedy, any person who suffers damages as a result of a violation of this chapter committed by another may seek compensation from the person who committed the violation, including diminution in property value and reasonable attorney's fees.

Amendment to HB 1237

(2012-0910h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

AN ACT establishing the joint committee on employee relations.

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

1 New Paragraph; Joint Legislative Committee. Amend RSA 273-A:9 by inserting after paragraph V the following new paragraph:

VI. There shall be a joint legislative committee known as the joint committee on employee relations.

(a) The joint committee on employee relations shall include the following members:

(1) Two members, one appointed by the speaker of the house of representatives, and one appointed by the minority leader of the house of representatives.

(2) Two members, one appointed by the president of the senate, and one appointed by the minority leader of the senate.

(b) The chair of the committee shall rotate biennially between the president of the senate or designee and the speaker of the house or designee, provided that the president of the senate shall serve as the first chairperson under the provisions of this subparagraph. In the event that the presiding officer or designee serving as chairperson resigns or for any reason is unable to serve, the other presiding officer or designee shall become chairperson, provided that such substitution shall not change the rotation provided for in this subparagraph.

(c) The joint committee on employee relations shall meet with the state negotiating committee after the first Wednesday in December in the even-numbered years as necessary, to discuss the state's objectives in the bargaining process. Meeting shall be at the call of the chairperson of the joint committee on employee relations.

(d) The joint committee on employee relations shall hold hearings on all collective bargaining agreements with state employees and on all fact-finders' reports relative to the collective bargaining process with state employees and shall submit any recommendation on such agreements or reports to the members of the senate and the house of representatives.

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

AMENDED ANALYSIS

This bill establishes the joint committee on employee relations.

Amendment to HB 1240

(2012-0783h)

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

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

1 Refusal of Consent; Suspension. Amend RSA 265-A:14, II to read as follows:

II. *Except as provided in paragraph VI*, the 180-day or 2-year suspension period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provision of this title. Any such suspension or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as provided in RSA 265-A:31.

2 New Paragraph; Refusal of Consent; Suspension. Amend RSA 265-A:14 by inserting after paragraph V the following new paragraph:

VI. The commissioner, after a hearing and for good cause shown, may authorize the concurrent running of a suspension period or denial of issuance period imposed pursuant to this section, to be applied retroactively, if:

(a) The person's license or privilege to drive has been continuously suspended or revoked for 10 years or more;

(b) The person has no conviction for negligent homicide with a motor vehicle, or equivalent out-of-state offense, and no more than 2 lifetime convictions for driving under the influence of drugs or liquor or aggravated driving while intoxicated, or equivalent out-of-state offense; and

(c) The person has not driven a motor vehicle for 10 years or more and has not held a driver's license in any state during that time.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of safety to allow that a license suspension for refusal to consent to an alcohol test run concurrently if the license has been suspended or revoked for 10 years and the person meets requirements established by the bill.

Amendment to HB 1251-FN

(2012-1011h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - R

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

AN ACT establishing a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.

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

1 Committee Established. There is established a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.

2 Membership and Compensation.

- I. The members of the committee shall be as follows:
 - (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
 - (b) Three members of the senate, appointed by the president of the senate.
- II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.
- 3 Duties. The committee shall study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores. The committee study shall include:
 - I. The benefits and drawbacks of eliminating sales of beer and wine at grocery and convenience stores, where alcoholic beverages are currently available alongside such common household items as milk, bananas, and newspapers.
 - II. The extent to which consolidating all retail sales at state liquor stores will improve control and scrutiny of employees handling and selling alcoholic beverages, including requiring that such persons be 21 years of age.
 - III. The effect of such consolidation on expenditures for enforcement actions against licensees.
 - IV. The effect of such consolidation on the duties of the liquor commission to optimize profitability and maintain proper controls.
- 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.
- 5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2012.
- 6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.

Amendment to HB 1255 (2012-0943h)

Proposed by the Committee on Executive Departments and Administration - C
Amend RSA 126-T:1, XI as inserted by section 1 of the bill by replacing it with the following:
XI. A representative of the New Hampshire Area Health Education Center, appointed by the organization.

Amendment to HB 1263 (2012-0189h)

Proposed by the Majority of the Committee on Judiciary - R
Amend the title of the bill by replacing it with the following:
AN ACT relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.
Amend the bill by replacing all after the enacting clause with the following:
1 New Subparagraph; Grounds for Termination of Tenancy; Expiration of Lease Term.
Amend RSA 540:2, II by inserting after subparagraph (f) the following new subparagraph:
(g) Expiration or rightful termination of the term of a lease or other agreement of tenancy, or the rescission of any such lease or agreement.
2 Repeal. RSA 540:1-b, relative to the requirement that landlords of restricted residential property provide service of process information to the municipality, is repealed.
3 Effective Date.
I. Section 1 of this act shall take effect January 1, 2013.

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

AMENDED ANALYSIS

This bill:

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

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

Amendment to HB 1270

(2012-0840h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

AN ACT requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Non-Compete and Non-Piracy Agreements. Amend RSA 275 by inserting after section 69 the following new subdivision:

Non-Compete and Non-Piracy Agreements

275:70 Notice of Non-Compete and Non-Piracy Agreements Required. Prior to or concurrent with making an offer of change in job classification or an offer of employment, every employer shall provide a copy of any non-compete or non-piracy agreement that is part of the employment agreement to the employee or potential employee. Any contract that is not in compliance with this section shall be void and unenforceable.

AMENDED ANALYSIS

This bill requires an employer to disclose non-compete and non-piracy agreements to an employee or potential employee prior to making an offer of employment or an offer of change in job classification.

Amendment to HB 1282-FN-LOCAL

(2012-0722h)

Proposed by the Minority of the Committee on Municipal and County Government

- R

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

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

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

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

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

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

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

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

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

AMENDED ANALYSIS

This bill:

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

II. Requires certain restrictive covenants relative to workforce housing.

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

Amendment to HB 1297

(2012-0527h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - R

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

AN ACT relative to federal health care reform and health care exchanges.

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

1 Federal Health Care Reform; Purpose and Scope. Amend RSA 420-N:1 to read as follows:

420-N:1 Purpose and Scope.

~~[I.]~~ The intent of this chapter is to preserve the constitutional integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United States Constitution and part I, article 7 of the New Hampshire constitution by creating a legislative oversight committee to supervise the insurance commissioner's ~~[implementation]~~ **administration** of the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder (hereinafter "the Act").

~~[II. Further, it is the intent of this chapter to prevent the state of New Hampshire from defaulting into federal oversight regarding the Act by not meeting certain federally-mandated time frames for state implementation of the Act. It is the intent of this chapter to preserve the state's flexibility by allowing consideration of each state implementation requirement as it arises.]~~

2 Federal Health Care Reform; Consistency. Amend RSA 420-N:6 to read as follows:

420-N:6 Consistency. In order to ~~[prevent a default to federal regulation and to preserve the state's status as the sole regulator of]~~ **protect the state's rights and responsibilities to regulate** the business of insurance within the state, the oversight committee shall have the authority to find, with respect to any specific provision within Title XXXVII, that the provision is inconsistent with and prevents the application of the Act. Upon such a finding, the ~~[commissioner may, on a provisional basis, implement this provision of the Act]~~ **oversight committee shall make a recommendation to the legislature.** The ~~[commissioner's]~~ **commissioner and any other state official in any agency, department and subdivision and any government in New Hampshire shall not have** authority to

implement this provision [~~shall extend only~~] until such time as the general court can take legislative action to amend Title XXXVII as it deems appropriate.

3 New Section; Prohibition. Amend RSA 420-N by inserting after section 6 the following new section:

420-N:7 Prohibition. The state of New Hampshire and all of its agencies, departments, and subdivisions and any government in New Hampshire shall not plan, create, participate in or enable a state exchange for health insurance including, but not limited to, the exchange requirements of the Act. In addition, the state of New Hampshire and all of its agencies, departments, and subdivisions and any government in New Hampshire shall not contract with any private entity to plan, create, or enable a state exchange for health insurance including, but not limited to, the exchange requirements of the Act.

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

AMENDED ANALYSIS

This bill clarifies the implementation of certain provisions of the Patient Protection and Affordable care Act.

This bill also prohibits the state of New Hampshire from planning, creating, or participating in a state health care exchange.

Amendment to HB 1306-FN-LOCAL (2012-0986h)

Proposed by the Special Committee on Public Employee Pensions Reform - C

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

AN ACT requiring a report on part-time employment of retired members of the retirement system.

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

1 Retirement System Employers; Report on Part-time Wages of Retirees; Revenue Administration Report.

I. Each employer in the retirement system, as defined in RSA 100-A:1, IV, shall compile from its employee's W-2 information the total dollars paid for each part-time employee who is a retired member of the New Hampshire retirement system, and shall submit to the department of revenue administration on or before September 1, 2012 the names of such part-time employees, the amount paid in wages to the employee in the previous state fiscal year, and the retirement system group and classification from which the employee is retired.

II. The department of revenue administration shall provide a report to the chairperson of the house special committee on public employee pensions reform on or before November 1, 2012 compiling and detailing the information received under paragraph I.

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

AMENDED ANALYSIS

The bill requires retirement system employers to provide information on the wages of part-time employees who are retired members of the retirement system and for the department of revenue administration to report to the house special committee on public employee pensions reform.

Amendment to HB 1327 (2012-0873h)

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

Amend the bill by replacing section 2 with the following:

2 Official Oppression. Amend RSA 643:1 to read as follows:

643:1 Official Oppression.

I. A public servant, as defined in RSA 640:2, II, is guilty of a misdemeanor if, with a purpose to benefit himself, *herself*, or another or to harm another, he *or she* knowingly commits an unauthorized act which purports to be an act of his *or her* office; or knowingly

refrains from performing a duty imposed on him **or her** by law or clearly inherent in the nature of his **or her** office.

II. A public servant, as defined in RSA 640:2, II, is guilty of a violation if, without a purpose to benefit himself, herself, or another or to harm another, he or she purposely commits an unauthorized act which purports to be an act of his or her office; or purposely refrains from performing a duty imposed upon him or her by law.

III. Any county attorney or law enforcement officer receiving notice of any alleged violation of this section shall immediately forward written notice of the same with any other information that the county attorney or law enforcement officer may have to the department of justice.

AMENDED ANALYSIS

This bill revises the offense of official oppression by making it either a class B misdemeanor or a violation, depending on whether a public servant acted with a purpose to benefit himself, herself, or another or to harm another.

Floor Amendment to HB 1355 (2012-0926h)

Proposed by Rep. Kingsbury - R

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

1 County Convention; Annual Budget. Amend RSA 24:14, II to read as follows:

II. The county convention shall adopt the annual budget ~~[within 90 days after]~~ **as soon as possible after the first meeting under RSA 24:9-a and in no case later than** the beginning of the county's fiscal year if the county operates on a calendar year basis. If the county operates on an optional fiscal year basis pursuant to RSA 31:94-a, then the county convention shall adopt the annual budget not later than September 1. If the county convention does not adopt the annual budget by the time specified, **either the county's annual budget from the previous year, or the budget[-]** as recommended by the commissioners, **whichever is the lesser in total appropriations**, shall take effect as the county budget.

2 County; Recommended Budget; Commissioners. Amend RSA 24:21-a, I to read as follows:

I. Except as provided in paragraph II, the county commissioners shall **make publicly available and shall** deliver or mail to each member of the county convention who **are in office or who** will be in office on the date that appropriations are voted and to the chairperson of the board of selectmen in each town and the mayor of each city within the county and to the secretary of state prior to ~~[December 1]~~ **September 30** annually their itemized recommendations of the sums necessary to be raised for the county in the year next ensuing, stating therein in detail the objects for which the money is required, together with a statement of actual expenditures and income for at least 9 months of the preceding calendar year. All moneys to be appropriated by the county must be stipulated in the budget on a "gross" basis, showing revenues from all sources, including grants, gifts, bequests and bond issues, as offsetting revenues to appropriations affected.

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

AMENDED ANALYSIS

This bill provides that if the county convention does not approve an annual county budget, the lesser of either the commissioners' budget or the previous year's budget shall take effect. The bill also provides for earlier adoption of the county budget.

Amendment to HB 1366 (2012-0903h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

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

AN ACT relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits.

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

1 Unemployment Compensation; Most Recent Employer. Amend RSA 282-A:12 to read as follows:

282-A:12 Most Recent Employer. "Most recent employer" means the last ***non-reimbursing*** employer prior to the effective date of the initial claim with whom an individual's work record exceeded [4] **12** consecutive weeks of employment while such individual received no benefits under RSA 282-A ***provided that the employer provided employment, or from which wages in employment were paid or are payable, between the beginning of the base period, whether primary or alternate, and the benefit year ending of the claim year.***

2 Unemployment Benefits; Benefit Eligibility Conditions. Amend RSA 282-A:31, I(d) to read as follows:

(d) He or she is available for and seeking permanent, full-time or part-time work for which he or she is qualified provided that[.] :

(1) ***He or she must also be available for and seeking temporary, full-time or part-time work for which he or she is qualified if the commissioner determines that permanent full-time or part-time work for which he or she is qualified is not immediately available within the individual's labor market area; and***

(2) ***He or she must instead be available for and seeking temporary, full-time or part-time work for which he or she is qualified if the commissioner determines that the individual reasonably expects to be recalled in 4 to 26 weeks to permanent full-time or part-time work from which the individual is temporarily separated and equivalent or better work for which he or she is qualified is not immediately available within the individual's labor market area; and***

(3) ***The wages, hours, or other conditions of the temporary work are not substantially less favorable to the individual than those prevailing for similar temporary or permanent work in the locality; and***

(4) If availability is limited to part-time work, the claim for unemployment benefits is based on wages earned in part-time work.

3 Disqualifications for Benefits. Amend RSA 282-A:32, I(a)(1) to read as follows:

(1) An unemployed individual, not under a disqualification, accepts employment which would not have been deemed suitable work under subparagraph (d) and terminates such employment within a period of not more than [4] **12** consecutive weeks of employment with or without good cause;

4 Disqualifications for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) ~~[He]~~ ***The individual*** has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept suitable work when offered him ***or her***, or to return to his ***or her*** customary self-employment (if any) when so directed by the commissioner.

(1) ~~[The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following]~~ ***If the commissioner determines that work in the individual's customary occupation, at the individual's customary rate of pay, is immediately available within the individual's labor market area, the commissioner, to find that any work is suitable for an individual, shall determine each of the following:***

(A) ***That*** the degree of risk involved to ~~[his]~~ ***the individual's*** health, safety and morals ***in performing such work is reasonable***; and

(B) ~~[His]~~ ***That the individual's*** physical fitness ***reasonably allows the individual to perform the essential functions of the work***; and

(C) ~~[His]~~ ***That the individual's*** prior training ***and experience*** reasonably allow the individual to successfully perform or to acquire those skills necessary to perform the work; and

(D) ~~[His experience; and~~

~~(E) His prospects for securing, in his labor market area, work in his customary occupation; and~~

~~(F)~~ ***That*** the distance of the available work from ~~[his]~~ ***the individual's*** residence ***is reasonable***; but such distance shall not be ***considered reasonable if it is both*** substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also ***substantially greater than the distance*** to where ~~[he]~~ ***the individual*** acquired his ***or her*** currently available annual earnings; and

(E) ***That the rate of pay for the work is reasonable in light of the individual's***

~~[(C) His]~~ prior earnings and length of unemployment, but ***in determining whether the rate of pay is reasonable*** his ***or her*** prior earnings shall be given more weight than his ***or her*** length of unemployment.

(2) ***If the commissioner determines that work in the individual's customary occupation and at the individual's customary rate of pay is not immediately available within the individual's labor market area, the commissioner, to find that any work is suitable for an individual, shall determine each of the following:***

(A) ***That the degree of risk involved to the individual's health, safety and morals in performing such work is reasonable; and***

(B) ***That the individual's physical fitness reasonably allows the individual to perform the essential functions of the work; and***

(C) ***That the individual's prior training and experience reasonably allow the individual to successfully perform, or to acquire those skills necessary to perform, the work; and***

(D) ***That the distance of the available work from the individual's residence is reasonable; but such distance shall not be considered reasonable if it is both substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also substantially greater than the distance to where the individual acquired the individual's currently available annual earnings; and***

(E) ***That the work, part-time or full-time, pays minimum wage or an hourly rate which when multiplied times 40 is equal to or greater than 150 percent of the individual's weekly benefit, whichever is greater; and***

(F) ***That the wages, hours, or other conditions of the temporary work are not substantially less favorable to the individual than those prevailing for similar temporary or permanent work in the locality.***

~~[(2)]~~ (3) Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new full-time or part-time work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours, or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) If the individual is unable to apply for or accept full-time or part-time work during the hours of a particular shift because he or she is the only adult available for the care of an ill, infirm, or physically or mentally disabled family member whom a licensed physician has certified is in need of care for the activities of daily living;

(E) If the individual is unable to apply for or accept full-time or part-time work during the hours of a particular shift because he or she is the only adult available for the care of a natural, adopted, step, or foster child under the age of 16; or

(F) If the individual is permanently physically and/or mentally disabled, full-time or part-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(4) Notwithstanding any other provision of this chapter, benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new suitable, temporary, full-time, or part-time work, offered to the individual without the expectation of such work becoming permanent, for any week which follows the earlier of:

(A) The last week which includes one or more days within the maximum expected duration of the temporary work; or

(B) The fifth week of the 5 weeks in which the individual, subsequent to the date the individual refused such temporary work, meets the earnings requalification requirements of RSA 282-A:32, I.

~~(3)~~ (5) For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

4 Effective Date. This act shall take effect October 1, 2012.

AMENDED ANALYSIS

This bill increases the number of weeks a non-reimbursing employer must provide employment before its separate account becomes chargeable for unemployment compensation benefits. This bill also amends the criteria for establishing suitable work and the eligibility and disqualification provisions for unemployment compensation claimants.

Amendment to HB 1371

(2012-0706h)

Proposed by the Committee on Municipal and County Government - C

Amend RSA 30-A:3, II as inserted by section 1 of the bill by replacing it with the following:

II. County government officials shall not participate in any matter in which they, or their spouse, parent, sibling, child, or dependents have a private interest, personal or pecuniary, which may directly affect or influence the performance of their duties.

Floor Amendment to HB 1371

(2012-0981h)

Proposed by Rep Almy

Amend RSA 30-A:3 as inserted by section 1 of the bill by deleting paragraph III.

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

2 Committee Established. There is established a committee to develop legislation to enable the enforcement of RSA 30-A:3 as inserted by this act.

I.(a) The committee shall consist of 5 members of the house of representatives, at least 3 of whom shall have served more than one term on their county executive committees, appointed by the speaker of the house of representatives.

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

II. The committee shall:

(a) Develop legislation to enable the enforcement of RSA 30-A:3.

(b) Develop a definition for the term private personal interest.

- (c) Determine the best forum for airing complaints and deciding on penalties.
 - (d) Establish possible penalties and consider a statewide mechanism for providing advice on procedures and precedents.
 - (e) Solicit testimony and advice from county officials to assist in its duties.
- 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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.
- IV. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the house clerk, and the state library on or before November 1, 2012.

3 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 requires that county government officials not participate in matters they have an interest in, and establishes a committee to develop legislation to enable enforcement.

**Amendment to HB 1377
(2012-0614h)**

Proposed by the Majority of the Committee on Education - R

Amend the bill by replacing section 1 with the following:

1 Delivery of an Adequate Education; Remedial Education Reports. Amend RSA 193-E:3, VI(a) to read as follows:

(a) Annually, beginning with the ~~[2011-2012]~~ **2012-2013** school year, each postsecondary institution as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the ***speaker of the house of representatives, senate president, the members of the house and senate education committees, and the commissioner of the*** department of education containing information on indicators in the following areas:

(1) Remedial education courses, ***including:***

(A) The number of courses offered.

(B) The areas of study of such courses.

(C) The number of pupils enrolled in each course.

(D) The number and percentage of pupils who graduate high school and enroll in a community college in the same year, and who require remediation.

(E) The number of pupils who have been in remedial classes for more than one year.

(F) The number and percentage of pupils who successfully complete remedial courses in their first attempt and then go on to graduate.

(G) The total cost of providing such remedial courses.

(H) The cost, if any, for remedial courses charged to the pupil or parents of a pupil.

(I) The name and location of all previous high schools, public, private, or home school, attended by pupils who graduate high school and enroll in a community college in the same year, and who are enrolled in remedial courses.

(2) Entry, withdrawal, and transfers.

(3) Degrees and certificates granted.

**Amendment to HB 1393
(2012-0399h)**

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

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

AN ACT relative to the assessment of property for property tax purposes.

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

1 Taxable Property; Market Value; Residential and Commercial Property. Amend RSA 75:1 to read as follows:

75:1 How Appraised.

I. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, and all other taxable property at its market value. Market value means the property's full and true **market** value ~~[as the same would be appraised in payment of a just debt due from a solvent debtor]~~ **substantially as provided by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and as defined in paragraph II. Market value of residential property shall be applied according to paragraph III.** The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination. ***If existing zoning restrictions, new zoning changes, or wetland issues diminish the market value of the property these factors shall be taken into consideration. The review of abatement requests under RSA 76:16 shall follow generally accepted appraising procedures to support and justify the market value of the property when the owner requests an abatement.***

II. ***Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:***

- (a) Buyer and seller are typically motivated;***
- (b) Both parties are well informed or well advised, and acting in what they consider their own best interests;***
- (c) A reasonable time is allowed for exposure in the open market;***
- (d) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and***
- (e) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.***

III. ***The selectmen or assessors shall assess residential property as follows: The assessed value of residential property shall be based on the sales comparison approach using arms-length sales in the same community of the prior 3 years, adjusted for time when appropriate. The sales used to determine market value shall be the same sales used to calculate the equalization rate for the community provided under RSA 21-J:9-a. If no comparable arms length sales are available in the subject community, sales from nearby communities may be used. In no case shall sales from out of state be used to determine market value of residential property, and in no case shall a separate addition of the value of a view be included in an assessment under the sales comparison approach.***

IV. ***Assessing officials shall at no point enter a residential property for a physical inspection for any purpose, unless they have probable cause to believe that***

a homeowner has willfully refused to obtain a necessary building permit for an improvement, and in such cases, the assessing official shall obtain an administrative inspection warrant pursuant to RSA 595-B prior to entering a property. A homeowner, at any time, may request in writing an inspection during the abatement or appeals process and the assessor shall inspect the property within a reasonable time subsequent to the receipt of such notice.

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

AMENDED ANALYSIS

This bill establishes requirements for determining the market value of property for property tax assessments by the selectmen or assessors.

Amendment to HB 1409 (2012-0544h)

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 421-B:2, XX as inserted by section 4 of the bill by replacing it with the following:

XX.(a) "Security" ~~means~~ ***shall include*** any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit sharing agreement; membership interest in a limited liability company; partnership interest in a registered limited liability partnership; partnership interest in a limited partnership; collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; investment metal contract or investment gem contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under such a right, title or lease; ***any put, call, straddle, option, or privilege on any security, certificate of deposit for a security, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency,*** or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified ~~period~~ ***time***.

Amendment to HB 1410 (2012-0442h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph XXII the following new paragraph:

XXIII. "Willful" or "willfully," especially in connection with RSA 421-B:24, but not limited thereto, means an intentional act or omission to perform an act in that the person was aware of what he or she was doing or failing to do. However, evil motive, scienter, intent to violate this title, or knowledge that this title was being violated is not required.

2 Sales and Purchases. The introductory paragraph of RSA 421-B:3, II is repealed and reenacted to read as follows:

II. For purposes of paragraph I(c), to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, shall include but not be limited to:

3 Criminal Penalty. Amend RSA 421-B:24 to read as follows:

421-B:24 Criminal Penalty.

I. Any person who willfully, ***as defined in RSA 421-B:2, XXIII***, violates any provisions of RSA 421-B:3, 421-B:4, 421-B:5 or fails to comply with an order from the secretary of state to cease and desist or for an injunction issued pursuant to RSA 421-B:23,

or who fails to comply with an order to pay a fine, penalty, rescission, restitution, or disgorgement greater than \$10,000 pursuant to RSA 421-B:10, 421-B:23, or 421-B:26, or who violates RSA 421-B:19 knowing that the statement was false or misleading in any material respect, shall be guilty of a class B felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

II. Any person who willfully violates RSA ~~421-B:3-a~~, 421-B:6, 421-B:11 or 421-B:20 shall be guilty of a class A misdemeanor if a natural person, and guilty of a **class B** felony if any other person. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. For any subsequent offense, any person shall be guilty of a class B felony.

III. [Repealed.]

IV. Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute.

V. The crimes established in paragraphs I and II of this section are public welfare offenses.

4 Hearing Procedures. Amend RSA 421-B:26-a, XXI-XXVIII to read as follows:

XXI. Within a reasonable time after the hearing, the presiding officer shall issue a written decision stating the action to be taken by the department and may set forth findings of fact, conclusions of law, and disposition. All decisions shall be reached upon the basis of a preponderance of the evidence. ~~[The decision of the presiding officer shall be construed as the decision of the secretary of state.]~~

XXII. Any party to whom notice has been forwarded pursuant to and in accordance with these rules who fails to appear shall have a default judgment rendered against him.

XXIII.(a) Within 30 days after a final decision or disposition of a motion for reconsideration by the presiding officer:

(1) Any party, including the bureau staff, may file an appeal of the presiding officer's decision to the secretary of state; or

(2) Upon his or her own motion, the secretary of state may elect to review a presiding officer's decision.

(b) In either case, the procedure for such proceeding shall be the same as in paragraph XXVI.

(c) The secretary of state may elect to conduct the proceeding de novo, on the record, with or without allowing the parties to supplement the record. In the latter case, the procedure shall be the same as that provided for in paragraph XVII.

(d) At the conclusion of the proceedings, by written decision, the secretary of state may accept or reject the presiding officer's decision, in whole or in part, substitute his or her own findings of fact and conclusions of law, or return the case to the original presiding officer, or to a substitute presiding officer, for action consistent with the secretary's instruction.

XXIV. The presiding officer may take judicial notice.

~~[XXIV.]~~ XXV. Where the interests of justice will be better served without prejudice to the substantial rights of any party, a presiding officer may sever one case from another or may consolidate 2 or more cases, preserving to all parties the right of appeal from the single or several decisions rendered.

~~[XXV.]~~ XXVI. Once a hearing notice has been issued commencing an adjudicatory proceeding, no party shall communicate with the presiding officer or the secretary of state concerning the merits of the case except upon notice to all parties nor shall any party cause another person to make such communications.

~~[XXVI.]~~ XXVII. Within 30 days after ~~[a]~~ ***the presiding officer's*** final decision, any party ***including the bureau's staff***, may ***but is not required to*** file a motion for reconsideration which shall serve as a petition for rehearing under RSA 541. No distinctions

shall be made between the terms “reconsideration” and “rehearing.” A motion for reconsideration shall:

[~~(1)~~] **(a)** Identify each error of law, error of reasoning, or erroneous conclusion contained in the final order which the moving party wishes the ~~[secretary of state]~~ **presiding officer** to reconsider.

[~~(2)~~] **(b)** Concisely state the correct factual finding, correct reasoning, and correct conclusion being advocated.

[~~(3)~~] **(c)** Include any memorandum of law the petitioner wishes to submit.

[~~XXVII.~~] **XXVIII.** Within 30 days after a final decision, the presiding officer may reconsider, revise or reverse any final action on the presiding officer’s own motion. If reconsideration is based upon the existing record, prior notice shall not be given to the parties. If the presiding officer believes further information or argument should be considered, the parties shall be provided with an appropriate notice and opportunity to be heard before any revision is made in the previous action.

[~~XXVIII.~~ The filing of a motion for reconsideration shall not operate as a stay of any order or decision, but a motion for stay may be combined with a motion for reconsideration.]

XXIX. During the process outlined in this section, any preliminary order, such as a summary cease and desist order, shall remain in full force and effect. Further, during the process of reconsideration or appeal, any order or decision shall not be stayed. However, the presiding officer or the secretary before whom the case is heard may consider a motion for stay.

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

AMENDED ANALYSIS

This bill makes various changes to securities regulation laws, including increasing criminal penalties.

Amendment to HB 1415 (2012-0934h)

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

Amend the bill by replacing the title with the following:

AN ACT relative to permits for repair or replacement of sewage and waste disposal system.

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

1 Permit by Rule Submissions. Amend RSA 485-A:30, I and I-a to read as follows:

I. Any person submitting plans and specifications for a subdivision of land shall pay to the department a fee of \$300 per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications **or an application for a permit by rule as provided in RSA 485-A:33, IV** for sewage or waste disposal systems shall pay to the department a fee of \$290 for each system. Said fee shall be for reviewing such plans and specifications **or application for permit by rule**, making site inspections, the administration of sludge and septage management programs, and ~~for~~ establishing a system for electronic permitting for waste disposal systems, subdivision plans, ~~and for~~ permits and approvals under the department’s land regulation authority. The fees required by this paragraph shall be paid at the time said plans and specifications **or application for permit by rule** are submitted and shall be deposited in the subsurface systems fund established in paragraph I-b. For the purposes of this paragraph, the term “lot” shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

I-a. In addition to fees required under paragraph I, any person submitting plans and specifications **or an application for a permit by rule as provided in RSA 485-A:33, IV** for sewage or waste disposal systems shall pay to the department a fee of \$10 for each system for use in the septage handling and treatment facilities grant program to municipalities under RSA 486:3, III. ~~[Until July 1, 2010, the fees required by this paragraph shall be paid~~

~~at the time said plans and specifications are submitted and shall be deposited in the subsurface systems fund established in paragraph I b. After July 1, 2010,]~~ The fees required by this paragraph shall be paid at the time said plans and specifications **or application for permit by rule** are submitted and shall be deposited in the septage management fund established in paragraph I-c.

2 New Paragraph; Permit by Rule Submissions. Amend RSA 485-A:33 by inserting after paragraph III the following new paragraph:

IV.(a) The repair or replacement in-kind of a sewage or waste disposal system shall qualify for a permit by rule, provided all of the following criteria are met:

- (1) The existing system receives only domestic sewage.
- (2) There is no increase in sewage loading proposed for the repaired or replacement system.
- (3) The bottom of the bed is located no less than 24 inches above the seasonable high water table.
- (4) The system is located 75 feet or more from an abutter's well unless there is a standard well release form recorded with the registry of deeds in accordance with RSA 485-A:30-b or there is an existing department waiver to the distance for the abutter's well.
- (5) The system is located 75 feet or more from the owner's well unless there is an existing department waiver to the distance for the owner's well.
- (6) The existing system received prior construction and operational approval from the department and the replacement or repaired system will conform to the provisions of such approval, provided the department may by rule require a minimum septic tank size of 1,000 gallons.
- (7) The system is not within 75 feet of any surface water, water supply well, or very poorly drained soil unless authorized by the prior departmental approval described in subparagraph (6).
- (8) No new waivers to the department's rules are requested.
- (9) The system has not been previously repaired or replaced under a permit by rule in accordance with the provisions of this paragraph.

(b) Construction of the system may proceed upon the submission of an application to the department by a permitted designer under RSA 485-A:35 and receipt of the permit by rule from the department.

(c) The repaired or replacement system shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspection by the department shall be accomplished within 7 business days after receipt of written notice from the installer that the system is ready for inspection. The installer shall provide the authorized agent of the department, at the time of the inspection, a copy of the previously approved plan bearing the state approval stamp and associated operational approval, and an existing conditions plan bearing the seal of the permitted designer performing work under the permit by rule.

(d) The applicant submitting the permit by rule application shall assume all liability and responsibility for the components of the design that are part of the system being repaired or replaced under the permit by rule.

(e) The installer constructing the system shall assume all liability and responsibility for the construction of the system components repaired or replaced under the permit by rule.

(f) For purposes of this paragraph, "in-kind" shall mean a repair or replacement that is of an equivalent nature and in the same location.

3 New Paragraph; Rulemaking. Amend RSA 485-A:41 by inserting after paragraph IV the following new paragraph:

V. Adopt rules relative to the application for and granting of permits by rule for repair or replacement of certain sewage or waste disposal systems under RSA 485-A:33, IV.

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

AMENDED ANALYSIS

This bill creates a permit for the repair or replacement of certain sewage or waste disposal systems.

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

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

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

AN ACT relative to a required fluoride statement.

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

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

485:14-b Fluoride Statement Required.

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

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

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

AMENDED ANALYSIS

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

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

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

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

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

77-E:5 Returns.

I. Every business enterprise having gross business receipts in excess of ~~[\$150,000]~~ ***\$200,000 as adjusted biennially for inflation and rounded to the nearest \$1,000 by the commissioner using the Consumer Price Index, Northeast Region*** as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than ~~[\$75,000]~~ ***\$100,000 as adjusted biennially for inflation and rounded to the nearest \$1,000 by the commissioner using the Consumer Price Index, Northeast Region***, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

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

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

**Amendment to HB 1419
(2012-0984h)**

Proposed by the Committee on Children and Family Law - C

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

II. The mobilization of these military parents, with sometimes little advance notice, can have a disruptive effect on parenting arrangements involving minor children.

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

V. It is in the best interests of these children for the courts to address the military membership of one or both parents at the time of the initial parenting plan or anytime thereafter, regardless of whether the service member has temporary duty orders or a deployment or mobilization order.

Amend RSA 458-D:4, II as inserted by section 2 of the bill by replacing it with the following:

II. Nothing in this chapter shall preclude the court from hearing a motion for permanent modification of parental rights and responsibilities or parent-child contact prior to or upon return of the deploying parent. Absence created by deployment or mobilization or the potential for future deployment or mobilization shall not be the sole factor supporting a change in circumstances pursuant to RSA 458-C:5 or RSA 463:13.

AMENDED ANALYSIS

This bill establishes that parents who are absent due to military service have certain rights with regard to parenting arrangements involving minor children.

**Amendment to HB 1431
(2012-0923h)**

**Proposed by the Majority of the Committee on Executive Departments and
Administration - R**

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

AN ACT relative to requirements for a barber to obtain a license and for a licensed barber, cosmetologist, manicurist, or esthetician to obtain a shop license.

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

1 Findings.

I. Qualifications of barbers. The general court finds that:

- (a) For thousands and thousands of years parents taught their trade to their children;
- (b) In recent times, there has been a shift toward classroom training;
- (c) Many people who might not learn well in a classroom setting can learn very well via a hands-on experience of doing the work;
- (d) Education via a repeated experience is often retained better than via classroom training; and
- (e) The state, therefore, should facilitate alternatives to classroom training.

II. It is the intent of the general court that the board of barbering, cosmetology, and esthetics, be flexible in determining what is "equivalent training and experience" compared to classroom training, and that the board determine qualifications primarily by practical exam rather than by number of hours of training.

III. Shop licensure. The general court finds that a barber, cosmetologist, manicurist, or esthetician licensed under RSA 313-A is ipso facto qualified to engage in that trade; and that requiring a qualified applicant to wait one year before opening a shop is undue restraint of trade. The general court further finds that requiring a shop in a residence to have its own entrance, space, and required facilities, separate from the residents, is an unwarranted barrier to entry. It is the intent of the general court that the only requirements for a shop are those that are necessary to ensure public health and safety.

2 Barbers; Training. Amend RSA 313-A:10, I(c) and (d) to read as follows:

- (c) Have received training of:

(1) A minimum of 800 hours of training in a school of barbering approved by the board; or

(2) ~~[A minimum of 1,600 hours distributed over a period of at least 12 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years]~~ ***Equivalent training and experience;***

(d) Pass an examination conducted by the board, ***demonstrating the minimum skills needed to perform the art of barbering;*** and

3 Shop License; Minimum Licensure Removed. Amend RSA 313-A:19, II(a) to read as follows:

II.(a) Any licensed barber, cosmetologist, manicurist, or esthetician ~~[who has completed one year of actual experience in a salon or barbershop]~~ shall, upon written application accompanied by the required fees, receive a license to operate a salon, barbershop, or mobile barbershop in this state, provided that the salon, barbershop, or mobile barbershop meets all requirements established in the rules of the board.

4 Rulemaking; Shop Licenses. Amend RSA 313-A:8, X to read as follows:

X. Conditions and standards for operation under a shop license, including health and safety standards, ***provided that a shop in a residence may share its entrance, space, and required facilities with the residents and shall not be required to have its entrance marked;***

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

AMENDED ANALYSIS

This bill reduces the number of hours for a person to obtain a barber license by training and experience, and allows for a shop license to be issued for a residence and to a licensed barber, cosmetologist, manicurist, or esthetician upon licensure.

Amendment to HB 1434

(2012-0882h)

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 Antique Motor Vehicle Plates; Placement. Amend RSA 261:89-a, I to read as follows:

I. The director may permit the owner of an antique motor vehicle or motorcycle, as defined in RSA 259:4, or trailer, as defined in paragraph II of this section, to use a registration plate which was issued in the same year that the antique motor vehicle, motorcycle, or trailer was manufactured, provided the motor vehicle, motorcycle, or trailer is registered as an antique motor vehicle, motorcycle, or trailer under this chapter, and the number of the antique plate is recorded with the director. ***Registration plates issued in the same year that the antique motor vehicle was manufactured may be affixed to both the front and rear of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer for any such vehicle with a year of manufacture of 1950 or earlier if the registration plate matching the registration certificate is carried within the antique motor vehicle.*** Any antique motor vehicle, motorcycle, or trailer bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor vehicle, motorcycle, or trailer registration certificate and a permit issued under this section. ~~[The registration plate matching the registration certificate shall be affixed to the rear of the antique motor vehicle, motorcycle, or trailer. The registration plate which was issued in the same year that the antique motor vehicle was manufactured shall be affixed to the front of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer, provided it is not placed in a location where the registration plate is normally affixed.]~~

Amendment to HB 1440

(2012-0968h)

Proposed by the Majority of the Committee on Transportation - R

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Effective Date.

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

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

AMENDED ANALYSIS

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

Amendment to HB 1440 (2012-0645h)

Proposed by the Minority of the Committee on Transportation - R

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

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

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

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

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

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

I-a.(a)(1) A person who has attained the age 15 and 1/2 years may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person electing the online driver education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person electing the online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 20 hours of supervised driving time under the supervision of a licensed parent, guardian, foster parent, stepparent, or grandparent who shall have no convictions in the past 10 years for reckless driving under RSA 265:79, driving or operating under the influence of drugs or liquor under RSA 265-A:2, or aggravated driving while intoxicated under RSA 265-A:3. The commissioner shall adopt rules relative to the method of certification. This additional supervised driving time shall replace the supervised driving time performed by the driver education course instructor as part of a driver education course.

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

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

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

provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

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

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

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

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

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

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

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

6 Effective Date.

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

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

AMENDED ANALYSIS

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

Floor Amendment to HB 1440

(2012-1021h)

Proposed by Reps. Tholl and Hinch

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

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

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

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

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

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

driving time under the supervision of a driver education course instructor. The commissioner shall adopt rules relative to the method of certification.

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

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

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

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

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

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

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

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

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

6 Effective Date.

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

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

AMENDED ANALYSIS

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

Floor Amendment to HB 1440 (2012-1044h)

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

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

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

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

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

the provisions of paragraph I-a. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over ~~both~~ secondary school courses ~~and~~, private motor vehicle drivers' school courses, ***and approved online driver education courses.***

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

I-a.(a)(1) A person who has attained the age 15 and 1/2 years and who is enrolled in a home education program pursuant to RSA 193-A may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person eligible to enroll in an online driver education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person eligible to enroll in an online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 20 hours of supervised driving time under the supervision of a licensed parent, guardian, foster parent, stepparent, or grandparent who shall have no convictions in the past 10 years for reckless driving under RSA 265:79, driving or operating under the influence of drugs or liquor under RSA 265-A:2, or aggravated driving while intoxicated under RSA 265-A:3. The commissioner shall adopt rules relative to the method of certification. This additional supervised driving time shall replace the supervised driving time performed by the driver education course instructor as part of a driver education course.

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

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

(2) Online driver education course providers shall be required to customize their online programs to comply with New Hampshire laws and administrative rules; to promptly revise the curriculum to reflect changes to the laws and regulations in order to ensure that students always are exposed to current information; to include approved additions or deletions to the curriculum and tests regarding any areas the director has determined, based on accident, climatic, highway configuration, and traffic conditions data within the state which may require particular emphasis; and a provision that the state be held harmless to the satisfaction of the attorney general from liability regarding the content and delivery of the program. Online driver education course providers shall be required to include a system of study and test taking that is designed to ensure, to the satisfaction of the director, the identity of the person completing the course and the identity of the person taking the test; to provide random delivery of multiple versions of the test to ensure that the test taker cannot easily predict the questions that will be asked; a module to educate persons

designated to provide the additional 20 hours of supervised driving time regarding how to supervise student drivers in their required road driving experience; a system of recordkeeping and transmittal of individual student records and statistics to the division of motor vehicles to eliminate fraud and facilitate evaluation of the success of the program; and such other provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

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

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

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

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

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

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

department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

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

6 Effective Date.

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

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

AMENDED ANALYSIS

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

Amendment to HB 1448

(2012-0830h)

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Paragraph; Definition; Internet Content. Amend RSA 541-A:1 by inserting after paragraph VII-a the following new paragraph:

VII-b. "Internet content" means material that exists only on a website on the Internet.

2 New Paragraphs; Administrative Rules; Public Access to Documents and Internet Content Incorporated by Reference. Amend RSA 541-A:12 by inserting after paragraph V the following new paragraphs:

VI. Each agency shall, upon request for a copy of any document or Internet content incorporated by reference in the agency's rules, make available for inspection any such document or downloaded Internet content.

VII. Each agency shall include the information required in paragraph IV(b) as an appendix with each filing of the proposed or adopted rule. The agency shall make the information available to the public with a proposed or adopted rule whenever the rule is made available to or requested by the public. When the rule is published pursuant to RSA 541-A:15, the information shall be published as an appendix to the rule chapter containing the rule with a reference in the rule to the appendix. The information shall not be required to be filed on a separate page.

3 New Paragraph; Exception. Amend RSA 541-A:21 by inserting after paragraph VII the following new paragraph:

VIII. Rules relative to the department of health and human services medical assistance program coverage criteria for medical services and items, adopted under either RSA 161:4-a, IX or other rulemaking authority of the commissioner of the department relative to the medical assistance program, shall be exempt from RSA 541-A:12, V and may incorporate by reference these criteria as Internet content without specifying a date or edition for the content incorporated. Amendments to these criteria shall be exempt from the requirements of RSA 541-A:5 through RSA 541-A:14.

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

Amendment to HB 1480

(2012-0940h)

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

Amend RSA 153:5 as inserted by section 1 of the bill by replacing it with the following:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he *or she* shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but

not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation, or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt the most recent edition of the provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in detached one- or 2-family dwelling units in a structure used only for residential purposes, in areas of buildings or additions in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities, or electronic data processing equipment, or in telecommunications or electric utility company equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries, and standby engines or generators, provided that those spaces or areas are equipped throughout with an automatic fire detection system. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures, or equipment, ***except that no rule requiring sprinkler systems shall apply to buildings deemed of cultural importance by the town planning board, or selectmen where there is no planning board, until the building undergoes a substantial renovation equaling or greater than the assessed value of such property.*** The fire marshal may exempt a building, structure, or equipment from such rules if he or she finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

Amend RSA 674:36, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The planning board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system. ***No regulation requiring sprinkler systems shall apply to buildings deemed of cultural importance by the town planning board, or selectmen where there is no planning board, until the building undergoes a substantial renovation equaling or greater than the assessed value of such property.***

AMENDED ANALYSIS

This bill exempts certain historic buildings from sprinkler requirements until renovated.

Amendment to HB 1482 (2012-0729h)

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

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

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

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

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

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

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

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

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

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

4 Repeals. The following are repealed:

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

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

AMENDED ANALYSIS

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

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

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

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

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

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. A group I member shall cease to be an active member if he or she is absent from service for more than

180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return ~~[determined under RSA 100-A:16, II(h)]~~ or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

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

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. A group II member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return ~~[determined under RSA 100-A:16, II(h)]~~ or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

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

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

**Amendment to HB 1487
(2012-0920h)**

Proposed by the Majority of the Committee on Science, Technology and Energy - R

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

AN ACT relative to low carbon fuel standards programs.

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

1 New Subdivision; Participation in Low Carbon Fuel Standards Programs. Amend RSA 21-O by inserting after section 22 the following new subdivision:

Participation in Low Carbon Fuel Standards Programs

21-O:23 Low Carbon Fuel Standards Programs; State Participation.

I. The state of New Hampshire shall not join, implement, or participate in any state, regional, or national low carbon fuel standards program or any similar program that requires quotas, caps, or mandates on any fuels used for transportation, industrial purposes, or home heating.

II. The department may engage in regional and national discussions of such programs. In all such discussions, the department shall inform all other participants of the prohibitions of paragraph I.

III. The department shall report all expenses resulting from its discussions to the legislative fiscal committee on a quarterly basis.

21-O:24 Applicability. Nothing in this subdivision shall be construed to affect or modify the provisions of RSA 125-J or RSA 125-O.

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

AMENDED ANALYSIS

This bill prohibits the state from participating in any low carbon fuel standards program requiring quotas, caps, or mandates on fuels used for transportation, industrial purposes, or home heating.

Amendment to HB 1495-FN (2012-0815h)

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

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

AN ACT establishing a Purple Heart Trail along U. S. Route 3.

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

AMENDED ANALYSIS

This bill designates a Purple Heart Trail along U. S. Route 3 from the Massachusetts border to the Canadian border.

Amendment to HB 1510-FN (2012-0963h)

Proposed by the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

1 Declaratory Judgments; Standing. Amend RSA 491:22, I to read as follows:

I. Any person claiming a present legal or equitable right or title may maintain a petition against any person claiming adversely to such right or title to determine the question as between the parties, and the court's judgment or decree thereon shall be conclusive. ***The taxpayers of a taxing district in this state shall be deemed to have an equitable right and interest in the preservation of an orderly and lawful government within such district; therefore any taxpayer in the jurisdiction of the taxing district shall have standing to petition for relief under this section without having to demonstrate that his or her personal rights were impaired or prejudiced.*** The existence of an adequate remedy at law or in equity shall not preclude any person from obtaining such declaratory relief. However, the provisions of this paragraph shall not affect the burden of proof under RSA 491:22-a or permit awards of costs and attorney's fees under RSA 491:22-b in declaratory judgment actions that are not for the purpose of determining insurance coverage.

**Amendment to HB 1526-FN
(2012-0593h)**

Proposed by 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 possession of less than one-half ounce of marijuana.

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

1 New Section; Controlled Drug Act; Possession of Less Than One-Half Ounce of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new section:
318-B:2-c Possession of Less Than One-Half Ounce Marijuana.

I. Any person 18 years of age or older who is in possession of less than one-half ounce of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of:

(a) A violation and subject to a fine not to exceed \$250 and forfeiture of the marijuana for a first offense.

(b) A violation and subject to a fine not to exceed \$500 and forfeiture of the marijuana for a second offense.

(c) A class A misdemeanor and subject to a fine not to exceed \$1,000 and forfeiture of the marijuana for a third or subsequent offense.

II.(a) Any person under 21 years of age who is in possession of less than one-half ounce of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of:

(1) A violation and subject to a fine not to exceed \$250 and forfeiture of the marijuana for a first offense.

(2) A violation and subject to a fine not to exceed \$500 and forfeiture of the marijuana for a second offense.

(3) A class A misdemeanor and subject to a fine not to exceed \$1,000 and forfeiture of the marijuana for a third or subsequent offense.

(b) The parents or legal guardians of any offender under 18 years of age shall be notified of the offense. The court may order any offender under 21 years of age at the time of the offense to complete an approved drug awareness program, at the offender's expense, within one year of the date of the offense. Further, the court may order the offender to perform community service which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of a required drug awareness program or required community service. An offender who fails to complete either a required drug awareness program or community service, or both, shall be subject to a fine of up to \$500 for a first offense and a fine of up to \$1,000 for a second or subsequent offense.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

(d) In the case of marijuana *in a quantity of less than one-half ounce*, including any adulterants or dilutants~~[-or]~~, *the person shall be guilty as provided in RSA 318-B:2-c. In the case of 5 grams or less of hashish*, the person shall be guilty of a class A misdemeanor.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) Controls any premises or vehicle where he *or she* knows a controlled drug or its analog is illegally kept or deposited, *except if the controlled drug is less than one-half ounce of marijuana as provided in RSA 318-B:2-c;*

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

AMENDED ANALYSIS

This bill establishes penalties for any person who possesses less than one-half ounce of marijuana.

**Amendment to HB 1532-FN
(2012-0609h)**

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

Amend the bill by replacing section 1 with the following:

1 Criminal Trespass. Amend RSA 635:2, I to read as follows:

I. **(a)** A person is guilty of criminal trespass if, knowing that he *or she* is not licensed or privileged to do so, he *or she* enters or remains in any place **for any purpose, except as authorized in this paragraph.**

(b) A law enforcement officer may enter or remain on the property of another if invited to be there or when acting consistently with a recognized exception to the warrant requirement.

**Amendment to HB 1537-FN
(2012-0539h)**

Proposed by 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 violations of privacy occurring outside a private place.

Amend the bill by replacing section 1 with the following:

1 Violation of Privacy. Amend RSA 644:9, I(c) to read as follows:

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, **observing**, or in any way transmitting images, **location, movement**, or sounds originating in such place which would not ordinarily be audible, **visible**, or comprehensible outside such place.

AMENDED ANALYSIS

This bill amends the statute governing violations of privacy occurring outside a private place.

**Amendment to HB 1546
(2012-1026h)**

**Proposed by the Majority of the Committee on Constitutional Review and
Statutory Recodification - R**

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

AN ACT recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception.

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

1 Gender Neutral References. Amend RSA 306:1 to read as follows:

306:1 Membership. No person shall be liable as a member of an incorporated religious society without his *or her* express consent first having been obtained; and any person may separate from any such society by leaving with the clerk thereof a written notice signed by him *or her* of his *or her* intention so to separate, and by paying all legal assessments and arrearages then due from him *or her* to the society.

2 Powers as to Donations. Amend RSA 306:3 to read as follows:

306:3 Powers as to Donation. If a donation, gift or grant is made to any unincorporated religious society **consisting of 10 or more unrelated individuals**, such society shall be a corporation so far as may be necessary to take, hold, manage and use the donation, gift or grant [~~but the income of the donations, gifts or grants to any such unincorporated religious society shall not exceed the sum of \$5,000 a year~~].

3 Corporate Powers. Amend RSA 306:4 to read as follows:

306:4 Corporate Powers. The trustees, deacons, church wardens or other similar officers of churches or religious societies [~~if citizens of the United States,~~] shall be deemed bodies corporate for the purpose of taking and holding in succession grants and donations, whether of real or personal estate, made either to them and their successors, or to their respective churches, or to the poor of their churches.

4 Joint Donees. Amend RSA 306:5 to read as follows:

306:5 Joint Donees. If the [~~ministers, elders or vestry~~] **clergy** of a church shall, in the grants and donations mentioned in RSA 306:4, have been joined with the deacons or church

wardens as donees or grantees, such officers and their successors, together with the deacons or church wardens, shall be deemed the corporation for the purposes of the grants and donations.

5 Parsonage Land. Amend RSA 306:6 to read as follows:

306:6 Parsonage Land. The ~~[minister]~~ **clergy** of a church or religious society, of whatever denomination, ~~[if a citizen of the United States,]~~ shall be capable of taking in succession parsonage land granted to the ~~[minister]~~ **clergy** and his **or her** successors, or to the use of the ~~[ministers]~~ **clergy**, or granted by any words of the like import, and may prosecute and defend in all actions relating to the land.

6 Sale of Meeting Houses by Proprietors. Amend RSA 307:1 to read as follows:

307:1 By Proprietors. The proprietors of a meetinghouse~~[-other than a religious society subject to the provisions of RSA 308,]~~ may sell the same and divide the proceeds as provided in this chapter when it has ceased to be occupied as a place of public worship for the space of 2 years.

7 Sale of Meeting Houses; Procedure. Amend RSA 307:4 to read as follows:

307:4 Procedure. At the meeting called as provided in RSA 307:3, the proprietors may vote to sell the meetinghouse and appurtenances, and appoint all necessary agents to carry their votes into effect. ~~[If the interest of the proprietors consists of the ownership of pews, each one shall have the right to cast one vote for each pew owned by him, and a majority vote shall bind the proprietors.]~~

8 Repeal. The following are repealed:

I. RSA 306:2, relative to taxes.

II. RSA 306:7 through RSA 306:11, relative to general provisions regarding religious societies.

III. RSA 307:10 through RSA 307:20, relative to repairs, alterations, and removals of meetinghouses.

IV. RSA 308, relative to dissolutions of religious societies.

9 Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services; Group; Religious Exemption. Amend RSA 415:18-i to read as follows:

415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No employer shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

10 Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services; Health Service Corporations; Religious Exemption. Amend RSA 420-A:17-c to read as follows:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or

renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No employer shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

11 Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services; Health Maintenance Organizations; Religious Exemption. Amend RSA 420-B:8-gg to read as follows:

420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any policy of group health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No employer shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

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

AMENDED ANALYSIS

This bill recodifies title 29, relative to religious societies.

This bill also adds a religious exemption to the insurance mandates relative to coverage for contraception.

Amendment to HB 1551 (2012-0839h)

Proposed by the Committee on Fish and Game and Marine Resources - C

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

AN ACT clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing party's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants.

Amend RSA 212:34, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, ride horseback, ride bicycles, hike, use for water sports, winter sports, use of snowmobiles as defined in RSA 215-C, or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuel wood was granted for a ~~[consideration]~~ **monetary charge** other than the ~~[consideration]~~ **monetary charge**, if any, paid to said landowner by the state; or

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

3 New Subdivision; Losing Party's Payment of Prevailing Party's Attorney's Fees and Court Costs in Certain Actions Against Landowners, Lessees, and Occupants. Amend RSA 507 by inserting after section 17 the following new subdivision:

Payment of Attorney's Fees and Court Costs in Certain Actions
Against Landowners, Lessees, and Occupants

507:18 Payment of Attorney's Fees and Court Costs in Certain Actions Against Landowners, Lessees, and Occupants..

I. In any action arising under RSA 212:34, III against a landowner, lessee, manager, holder of an easement, or occupant of land, the court shall order the losing party to pay the prevailing party's attorney's fees and court costs.

II. The court shall offer the losing party the opportunity to present evidence to the court of inability to pay the entire amount of the prevailing party's attorney's fees and court costs. If the court finds that the losing party is unable to pay the entire amount of attorney's fees and court costs, it may waive the portion of the prevailing party's attorney's fees and court costs which the losing party is unable to pay.

AMENDED ANALYSIS

This bill clarifies the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood. The bill also requires the losing party to pay the prevailing party's attorney's fees and court costs in actions against such landowners, lessees, and occupants.

Amendment to HB 1553 (2012-0996h)

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

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

1 Repeal; Agriculture. RSA 184-A, relative to northeast interstate dairy compact, is repealed.

2 Repeal; Education. The following are repealed:

I. RSA 186-C:7-a, IV, relative to revisions to the interagency agreement for special education.

II. RSA 186-C:21, III, relative to a plan provided by the executive planning commission on special education.

III. RSA 188-F:27, V, relative to education and training requirements for fish and game officers.

IV. RSA 188-F:27, VI, relative to education and training of investigators under RSA 106-A and RSA 287-E.

V. RSA 188-F:35, II, relative to training of campus security officers.

VI. RSA 193:37, relative to a report and recommendations on the parents and teachers programs.

VII. RSA 193-E:2-b, III, relative to determination of the cost of an adequate education.

VIII. RSA 198:4-d, III-a, relative to a report on school accounting standards.

3 Repeal; Health and Human Services. The following are repealed:

- I. RSA 151-C:4, IV-VII, relative to certificate of need prohibitions.
- II. RSA 151-E:6, III, relative to implementation of the acuity-based reimbursement system.
- III. RSA 151-E:6-c, IV, relative to changes to the payment system for Medicaid services in nursing facilities.
- 4 Repeal; Probate Courts. RSA 560:3, II and III, relative to notice of dower and curtesy claims, are repealed.
- 5 Effective Date. This act shall take effect 60 days after its passage.

**Amendment to HB 1574
(2012-0842h)**

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

Amend the bill by replacing section 1 with the following:

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

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

AMENDED ANALYSIS

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

**Amendment to HB 1582
(2012-0885h)**

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend the bill by inserting before section 1 the following and renumbering the original sections 1-2 to read as 2-3, respectively:

1 Statement of Intent. The intent of this act is to encourage state employees to contribute pretax moneys to post-retirement medical savings plans if authorized by a collective bargaining agreement.

**Amendment to HB 1587
(2012-0820h)**

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - C

Amend RSA 281-A:64, II and III as inserted by section 2 of the bill by replacing them with the following:

II. All employers with ~~[40]~~ **15** or more employees shall prepare, with the assistance of the commissioner, a current written safety program **and file this program with the commissioner. [The programs] After a written safety program has been filed, the program** shall be ~~[filed biennially with the commissioner on January 1]~~ **reviewed and updated by the employer at least every 2 years.** Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program.

III. Every employer of ~~[5]~~ **15** or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return

to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section.

**Amendment to HB 1589
(2012-0697h)**

Proposed by the Committee on Education - C

Amend the bill by replacing paragraph I of section 2 with the following:

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

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

(b) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

**Amendment to HB 1590
(2012-0990h)**

**Proposed by the Minority of the Committee on Commerce and Consumer Affairs: -
R**

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

1 Patients Bill of Rights; Costs. Amend RSA 151:21, III to read as follows:

III. The patient shall be fully informed in writing in language that the patient can understand, before or at the time of admission and as necessary during the patient's stay, of the facility's basic per diem rate and of those services included and not included in the basic per diem rate. ***Also, because the patient has the right to receive information from the facility and to discuss the benefits, risks, and costs of appropriate treatment alternatives, except for emergency admissions, every uninsured patient and every prospective patient shall be entitled, upon his or her request, to be informed in advance and in writing of the expected list price for services, as an estimate.*** A statement of services that are not normally covered by Medicare or Medicaid shall also be included in this disclosure.

2 Patient Information; Request for Charges for Services. Amend RSA 332-I:2, I(b) to read as follows:

(b) The patient has the right to receive information from the health care provider and to discuss the benefits, risks, and costs of appropriate treatment alternatives.

Accordingly, every uninsured patient and every prospective patient shall be entitled, upon his or her request, to be informed in advance and in writing of the expected list price for services, as an estimate.

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

AMENDED ANALYSIS

This bill requires persons or institutions providing health care services to provide the expected list price for medical services upon the request of the uninsured patient or of a prospective patient.

**Amendment to HB 1593
(2012-0884h)**

Proposed by the Committee on Executive Departments and Administration - C

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

2 Information Technology Council; Agency Membership. Amend RSA 21-R:6, II(f) to read as follows:

(f) Two heads of other departments, ***or their designees***, appointed by the governor.

3 Information Technology Council; Members Added. Amend RSA 21-R:6, II(k) to read as follows:

(k) ***One representative of academia, appointed by the governor for a 3-year term.***

(l) ***One representative of the business community, appointed by the governor for a 3-year term.***

(m) One person appointed by the governor for a 3-year term, who shall serve as the chairperson of the council.

4 New Paragraphs; Department of Information Technology; Duties of the Commissioner. Amend RSA 21-R:4 by inserting after paragraph XV the following new paragraphs:

XVI. Developing and implementing a strategy to address cyber security risks to the state's data, information, and technology resources.

XVII. Developing and implementing a strategy to address the state's geographical information system (GIS) technology.

5 New Section; Department of Information Technology; Rulemaking Authority. Amend RSA 21-R by inserting after section 4 the following new section:

21-R:4-a Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

I. Computer system consolidations, implementation, and operation.

II. Implementation and operation of centralized services.

III. Implementation and operation of technology security.

6 Advisory Council on Emergency Preparedness and Security; Commissioner of the Department of Information Technology Added. Amend RSA 21-P:48, I(uu) to read as follows:

(uu) ***The commissioner of the department of information technology, or designee.***

(vv) Such other representatives as the governor, from time to time, may deem necessary for the fulfillment of the council's mandates.

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

AMENDED ANALYSIS

This bill:

I. Repeals the prospective repeal date of July 1, 2014 for the department of information technology.

II. Permits agency heads to appoint designees to the information technology council and adds certain public members to the council.

III. Requires the commissioner of the department of information technology to develop a cyber security strategy and GIS strategy and authorizes the commissioner to adopt related administrative rules.

IV. Adds the commissioner of the department of information technology to the advisory council on emergency preparedness and security.

Amendment to HB 1595

(2012-0771h)

Proposed by the Majority of the Committee on Election Law - R

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

AN ACT relative to changes of party registration on primary day.

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

1 Elections; Voters and Checklists; Provisions for Primary Elections; Change of Registration. Amend RSA 654:34, II-IV to read as follows:

II. Change of registration of a voter who has been registered as an undeclared voter.

(a) Any legal voter who has been registered as an undeclared voter may register as a member of the party of the voter's choice by appearing before the supervisors of the

checklist for the voter's town or ward any time they meet, except as prohibited by paragraph IV, and stating to them, under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which the voter offers to register, in which case the voter shall be registered as a member of such party.

(b) A voter may also register as a member of a party at any primary by requesting to be registered as a member and voting the ballot of the party of the voter's choice. ~~[A voter may also register once again as an undeclared voter after voting in a primary as a registered member of a party by returning the card provided for in paragraph V to the person at the polls designated by the town or city clerk to accept the card. All such cards shall be in the possession of the supervisors of the checklist at the close of the polls on election day.]~~

III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change the person's party registration~~[- unless, prior to voting in the primary, the person was registered as an undeclared voter, in which case the person may once again register as an undeclared voter, as provided in subparagraph II(b)].~~

IV. No person, who is already registered to vote, whether his *or her* party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary election. ***No person shall disaffiliate from a party during the 90 days following a state or presidential primary election.***

2 Repeal. RSA 654:34, V, relative to change of registration cards for undeclared voters, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Eliminates the special provisions permitting undeclared voters to revert to undeclared status after voting in a primary election.

II. Requires undeclared voters to follow the same procedures for change of registration as voters whose party affiliations were declared prior to voting in the primary election.

III. Prohibits disaffiliation from a party during the 90 days following a state or presidential primary election.

Amendment to HB 1596 (2012-0802h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - C
Amend the bill by replacing all after the enacting clause with the following:

1 Advisory Council on Child Care; Representative of School Age Child Care Providers.
Amend RSA 126-A:17, II(e) to read as follows:

(e) One individual representing the interests of school age child care **providers**, appointed by ~~[Plus Time N.H.]~~ **the New Hampshire Afterschool Network.**

2 New Subparagraph; Advisory Council on Child Care; Representative of Foster Parents.
Amend RSA 126-A:17, II by inserting after subparagraph (n) the following new subparagraph:

(o) One individual representing the interests of foster parents, appointed by the New Hampshire Foster and Adoptive Parent Association.

3 Advisory Council on Child Care; Report to Health and Human Services Oversight Committee. Amend RSA 126-A:17, V(a) and (b) to read as follows:

(a) Developing a 5-year state plan of recommended improvements of child care services in the state of New Hampshire, copies to be sent to the speaker of the house **of representatives**, the president of the senate, and the governor.

(b) Submitting an annual progress report of the council's 5-year state plan to the speaker of the house ***of representatives***, the president of the senate, ***the oversight committee on health and human services***, and the governor.

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

AMENDED ANALYSIS

This bill revises the membership of the advisory council on child care to include representatives of afterschool child care providers and foster parents. The bill also requires the council to provide the oversight committee on health and human services with a copy of its annual report.

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

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

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

AN ACT relative to the certificate of need board.

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

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

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

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

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

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

(A) A representative of health care insurers.

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

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

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

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

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

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

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

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

III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, ~~2012~~ **2014**. This moratorium shall also apply to new certificates of need regarding any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need may be issued for construction or renovation as necessary to repair or refurbish an existing facility, or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair, refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds. If the application is approved, it shall be deemed that the board has agreed with the indicated reason for such application.

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

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

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

(e) The increase or conversion of inpatient beds;

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

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

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

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

151-C:12-a Additional Reports Required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

from the 12-month period ending immediately prior to the filing of the federal request for approval of the distinct part unit; provided, however, that the number determined under this subparagraph shall not exceed 10 beds; ~~and~~

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

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

10 Effective Date.

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

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

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

AMENDED ANALYSIS

This bill:

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

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

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

IV. Requires certain periodic reports.

Amendment to HB 1618

(2012-0915h)

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

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

AN ACT relative to types of community living facilities.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 126-A:23, relative to types of community living facilities, is repealed.

AMENDED ANALYSIS

This bill repeals the law regarding types of community living facilities.

Floor Amendment to HB 1629-FN

(2012-1028h)

Proposed by Rep. Baldasaro

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

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

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

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

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

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

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

263:40 Form of License. The commissioner shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the commissioner may deem expedient and in such form as the commissioner may prescribe. Licenses issued to persons under the age of 21 shall be designed so that their horizontal and vertical axes are opposite the horizontal and vertical axes of licenses issued to other persons, and said licenses shall prominently display the date on which the licensee shall attain the age of 21 years. Consistent with RSA 263:14, the youth operator license shall expire on the 21st anniversary of the applicant's date of birth, at which time the applicant shall be issued a traditional license. The license shall bear thereon a distinguishing number assigned to the licensee and

an instant full-face color photograph, image, or likeness of the licensee. There shall also be provided a space wherein the licensee may enter his or her blood type ***and a space wherein the licensee may indicate his or her honorable veteran's status for purposes of identification for receiving benefits and services under New Hampshire law*** if the licensee so desires. ***The license shall bear a special designation or symbol indicating honorable veteran's status for licensees who indicate such veteran status.***

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

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

AMENDED ANALYSIS

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

Amendment to HB 1635

(2012-0792h)

Proposed by the Majority of the Committee on Transportation - R

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

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

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

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

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

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

AMENDED ANALYSIS

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

Amendment to HB 1644

(2012-0947h)

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

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

AN ACT relative to the regulation of individual home health care service providers by the department of health and human services.

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

1 License or Registration Required. Amend the section heading of RSA 151:2 to read as follows:

151:2 License ***or Registration*** Required.

2 New Paragraph; Individual Home Care Service Provider; Registration Required.

Amend RSA 151:2 by inserting after paragraph IV the following new paragraph:

V. No person shall operate as, or represent himself or herself as, an individual home care service provider as defined in RSA 151:2-b, V unless that person is registered in accordance with this chapter.

3 Individual Home Health Care Service Provider. Amend the section heading of RSA 151:2-b to read as follows:

151:2-b Home Health Care Provider *and Individual Home Care Service Provider*.

4 New Paragraph; Definition Added. Amend RSA 151:2-b by inserting after paragraph IV the following new paragraph:

V. "Individual home care service provider" means any individual not employed by a home health care provider licensed under RSA 151:2, I(b) who solicits and provides personal care services or homemaker services for compensation to clients in their places of residence; provided that the client is not a family member.

5 Rulemaking. Amend the section heading of RSA 151:9-a to read as follows:

151:9-a Rules for Home Health Care Providers *and Individual Home Care Service Providers*.

6 New Paragraph; Rulemaking Added. Amend RSA 151:9-a by inserting after paragraph XI the following new paragraph:

XII. Requirements for mandatory registration of individual home care service providers which shall not exceed a criminal background check and a state registry check.

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

AMENDED ANALYSIS

This bill requires persons providing individual personal care services or homemaker services to be registered with the department of health and human services.

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

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

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

AN ACT relative to decertification of a bargaining unit.

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

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

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

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

AMENDED ANALYSIS

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

Floor Amendment to HB 1650-FN (2012-0979h)

Proposed by Rep. Lambert

Amend RSA 439-A:4 and 5 as inserted by section 2 of the bill by replacing them with the following:

439-A:4 Exclusive to New Hampshire Labels.

I. If a producer or processor desires the protections of this chapter he or she shall print, stamp, or otherwise label the packaging or display of his or her foodstuffs with “Exclusive to New Hampshire.”

II. Any producer or processor who sells his or her product only at farmers’ markets, roadside stands, or by farm and home based sales directly to the end consumer and labels his or her food as prescribed in paragraph I shall be exempt from federal licensing, certification, and inspection requirements.

III. There shall be no licensure, certification, or inspection by any federal governmental agency provided the transaction between the producer, the processor, the producer’s agent or the processor’s agent and the end consumer when the food is for home consumption or the food is prepared for a community social event is a foodstuff grown, raised, and produced in New Hampshire with the intended purpose or reasonable belief that such foodstuff shall be consumed within the state of New Hampshire so long as such food stuff is labeled as provided in paragraph I.

439-A:5 Penalty.

I. Any producer, processor, producer’s agent, or processor’s agent which labels foodstuff as “Exclusive to New Hampshire” where said foodstuff fails to meet the definition of “Exclusive to New Hampshire” shall be guilty of class B misdemeanor.

II. Notwithstanding any other provision of law, this chapter shall not grant to the producer, the processor, the producer’s agent, or the processor’s agent immunity from civil legal remedies by the consumer.

AMENDED ANALYSIS

This bill:

I. Exempts foodstuff grown or produced in and then sold in New Hampshire from federal regulation so long as it is labeled as “Exclusive to New Hampshire.”

II. Provides penalties for producers and processors who label their food as “Exclusive to New Hampshire” when it does not meet “Exclusive to New Hampshire” requirements.

Amendment to HB 1654-FN (2012-0646h)

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

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

1 New Section; Parole of Prisoners; Earned Time Credits. Amend RSA 651-A by inserting after section 22 the following new section:

651-A:22-a Earned Time Credits.

I. The commissioner, after reviewing a prisoner’s record, shall award to a prisoner a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated:

(a) Education Programs:

(1) GED

90 day reduction in the prisoner’s minimum sentence and 90 day reduction in the prisoner’s maximum sentence.

(2) High School Diploma

120 day reduction in the prisoner’s minimum sentence and 120 day reduction in the prisoner’s maximum sentence.

(3) Associate’s Degree

180 day reduction in the prisoner’s minimum sentence and 180 day reduction in the prisoner’s maximum sentence.

(4) Bachelor’s Degree

180 day reduction in the prisoner’s minimum sentence and 180 day

(5) Master's Degree

reduction in the prisoner's maximum sentence.

180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(6) Doctor of Philosophy

180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a reduction of up to 60 days in his or her minimum sentence and a reduction of up to 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

II. The earned time reductions authorized in paragraph I shall be available to prisoners who were sentenced prior to, on, or after the effective date of this section.

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

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 *and for earned time as provided in RSA 651-A:22-a*. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of corrections to award earned time credits for a prisoner's participation in or completion of educational or vocational programming.

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

Proposed by the Majority of the Committee on Judiciary - R

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The information contained in the printed materials given to her under RSA 132-B:5 and the streaming video are available on a state-maintained website.

III. The information required in paragraphs I and II is provided to the woman individually and in a private room to protect her privacy, to maintain the confidentiality of her decision, and to ensure that the information focuses on her individual circumstances and that she has an adequate opportunity to ask questions.

IV. At least 24 hours before the abortion, the woman is given a copy of the printed materials and permitted to view the streaming video described in RSA 132-B:5. If the woman is unable to read the materials, they shall be read to her. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in a language she can understand.

V. Prior to the abortion, the woman certifies in writing on a checklist form provided or approved by the department that the information required to be provided under RSA 132-B:5 has been provided. All physicians who perform abortions shall report the total number of certifications received monthly to the department. The department shall make the number of certifications received available to the public on an annual basis.

VI. Except in the case of a medical emergency, the physician who is to perform the abortion shall receive and sign a copy of the written certification prescribed in paragraph V of this section prior to performing the abortion. The physician shall retain a copy of the checklist certification form in the woman's medical record.

VII. In the event of a medical emergency requiring an immediate termination of pregnancy, the physician who performed the abortion shall clearly certify in writing the nature of the medical emergency and the circumstances which necessitated the waiving of the informed consent requirements of this chapter. This certification shall be signed by the physician who performed the emergency abortion, and shall be permanently filed in both the records of the physician performing the abortion and the records of the facility where the abortion takes place.

VIII. A physician shall not require or obtain payment for a service provided in relation to abortion to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the 24-hour reflection period required in this section.

132-B:5 Publication of Materials.

I. The department shall cause to be published printed materials and provide the streaming video on the website in English and Spanish and other appropriate language within 90 days after this chapter becomes law. The department shall develop and maintain a secure Internet website, which may be part of an existing website, to provide the information described in this section. No information regarding persons using the website shall be collected or maintained. The department shall monitor the website on a weekly basis to prevent and correct tampering.

II. On an annual basis, the department shall review and update, if necessary, the following easily comprehensible printed materials and streaming video:

(a) Geographically indexed materials that inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while her child is dependent, including but not limited to adoption agencies.

(1) The materials shall include a comprehensive list of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies, and shall inform the woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care.

(2) The department shall ensure that the materials described in this section are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service described in this section. The materials shall also contain a toll-free, 24-hour-a-day telephone number which may be called to obtain information about the agencies in the locality of the caller and of the services they offer.

(3) The materials shall state that it is unlawful for any individual to coerce a woman to undergo an abortion. The materials shall also state that any physician who performs an abortion upon a woman without her informed consent may be liable to her for damages in a civil action at law and that the law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal care. The materials shall also include the following statement:

“There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place her or him for adoption. The state of New Hampshire strongly urges you to contact one or more of these agencies before making a final decision about abortion. The law requires that your physician or his or her agent give you the opportunity to call agencies like these before you undergo an abortion.”

(b) Materials that include information on the support obligations of the father of a child who is born alive, including but not limited to the father’s legal duty to support his child, which may include child support payments and health insurance, and the fact that paternity may be established by the father’s signature on a birth certificate, by a statement of paternity, or by court action. The printed material shall also state that more information concerning establishment of paternity and child support services and enforcement may be obtained by calling state or county public assistance agencies.

(c) Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the unborn child at 2 week gestational increments from fertilization to full term, including color photographs of the developing unborn child at 2 week gestational increments. The descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development, and any relevant information on the possibility of the unborn child’s survival. If a photograph is not available, a picture must contain the dimensions of the unborn child and must be realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

(d) Materials which contain objective information describing the various surgical and drug induced methods of abortion, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, the risks of

infection, hemorrhage, cervical or uterine perforation or rupture, danger to subsequent pregnancies, increased risk of breast cancer, the possible adverse psychological effects associated with an abortion, and the medical risks associated with carrying a child to term.

(e) Materials that inform the pregnant woman that there is evidence of a direct link between abortion and breast cancer. It is scientifically undisputed that full-term pregnancy reduces a woman's lifetime risk of breast cancer. It is also undisputed that the earlier a woman has a first full-term pregnancy, the lower her risk of breast cancer becomes, because following a full-term pregnancy the breast tissue exposed to estrogen through the menstrual cycle is more mature and cancer resistant. In fact, for each year that a woman's first full-term pregnancy is delayed, her risk of breast cancer rises 3.5 percent. The theory that there is a direct link between abortion and breast cancer builds upon this undisputed foundation. During the first and second trimesters of pregnancy the breasts develop merely by duplicating immature tissues. Once a woman passes the thirty-second week of pregnancy (third trimester), the immature cells develop into mature cancer resistant cells. When an abortion ends a normal pregnancy, the woman is left with more immature breast tissue than she had before she was pregnant. In short, the amount of immature breast tissue is increased and this tissue is exposed to significantly greater amounts of estrogen—a known cause of breast cancer. Women facing an abortion decision have a right to know that such medical data exists. At the very least, women must be informed that it is undisputed that pregnancy provides a protective effect against the later development of breast cancer.

(f) A uniform resource locator (URL) for the state-maintained website where the materials described in this section and the streaming video can be found.

(g) A checklist certification form to be used by the physician or a qualified person under RSA 132-B:4, V, which will list all the items of information which are to be given to the woman by a physician or the agent under this chapter.

(h) The department shall produce a streaming video on the Internet website that may be used statewide, presenting the information described in this section. In preparing the video, the department may summarize and make reference to the printed comprehensive list of geographically indexed names and services described in subparagraph II(a). The video shall, in addition to the information described in this section, show an ultrasound of the heartbeat of an unborn child at 4 to 5 weeks gestational age, at 6 to 8 weeks gestational age, and each month thereafter, until viability. That information shall be presented in an objective, unbiased manner designed to convey only accurate scientific information.

(i) The materials required under this section and the video described in subparagraph (h) shall be available for viewing on the Internet website required by this section.

Amendment to HB 1664-FN (2012-0858h)

Proposed by the Majority of the Committee on Election Law - R

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

AN ACT establishing a committee to study transferring election law enforcement to the secretary of state.

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

1 Committee Established. There is established a committee to study transferring election law enforcement to the secretary of state.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall:

- I. Evaluate the effectiveness of election law enforcement by the attorney general.
- II. Assess the feasibility and practicality of transferring election law enforcement responsibilities to the secretary of state.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study transferring election law enforcement to the secretary of state.

Amendment to HB 1665-FN (2012-0197h)

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

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

AN ACT enabling a superior court or circuit court to implement one or more drug courts.

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

1 New Chapter; Drug Courts. Amend RSA by inserting after chapter 490-F the following new chapter:

CHAPTER 490-G DRUG COURTS

490-G:1 Purpose; Policy and Goals.

I. The legislature recognizes that a critical need exists in this state for the criminal justice system to reduce the incidence of substance abuse and the crimes resulting from it. For the criminal justice system to maintain credibility, all drug offenders must be held accountable for their actions. A growing body of research demonstrates the impact of substance abuse on public safety, personal health and health care costs, the spread of communicable disease, educational performance and attainment, work force reliability and productivity, family safety, and financial stability. Requiring that accountability and rehabilitating treatment, in addition to or in place of, conventional and expensive incarceration, will promote public safety, the welfare of the individuals involved, reduce the burden upon the public treasury and benefit the common welfare of this state. The goals of this chapter shall include:

- (a) To enhance community safety and quality of life for citizens;
- (b) To reduce recidivism;
- (c) To reduce substance abuse;
- (d) To increase the personal, familial, and societal accountability of drug offenders;
- (e) To restore drug offenders to productive, law-abiding, and taxpaying citizens;
- (f) To promote effective interaction and use of resources among criminal justice and community agencies;
- (g) To reduce the costs of incarceration; and
- (h) To improve the efficiency of the criminal justice system by enacting an effective methodology.

II. While working in drug court reshapes the traditional roles of judges and lawyers, ethical duties do not significantly differ from those in traditional courtrooms. Drug court judges and lawyers must adhere to the standards set forth in the Model Code of Judicial

Conduct, the Model Rules of Professional Conduct, the American Bar Association Standards of Criminal Justice, and the Model Drug Offender Accountability and Treatment Act. The proper exercise of the roles of judge or lawyer in the drug court need not conflict with the professionals' ethical obligations and can enable judges and attorneys to fulfill the highest aspirations of their professional ethics while embarking on an innovative way to break the cycle of substance abuse and crime. Drug court judges and attorneys must remain continually cognizant of the due process rights guaranteed to all citizens and the state's substantial interest in maintaining effective and efficient judicial and penal systems.

490-G:2 Implementation of Drug Courts.

I.(a) Each superior or circuit court may establish one or more drug courts under which drug offenders may be processed to address appropriately an identified substance abuse problem. "Drug court" means a judicial intervention process that incorporates and substantially complies with the Ten Key Components listed in subparagraph (b) and may include:

- (1) "Pre-adjudication" where a drug offender is ordered to participate in drug court before charges are filed or before conviction;
- (2) "Post-adjudication" where a drug offender is ordered to participate in drug court after entering a plea of guilty or nolo contendere or having been found guilty;
- (3) "Reentry" where a drug offender is ordered to participate in drug court upon release from a sentence of incarceration; or
- (4) "Combination program" which may include pre-adjudication, post-adjudication, and/or reentry.

(b) "Ten Key Components" as outlined in the Model Drug Offender Accountability and Treatment Act and as defined by the United States Department of Justice, are:

- (1) Drug courts integrate alcohol and other drug treatment services with justice system case processing;
- (2) Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' (drug offenders') due process rights;
- (3) Eligible participants (drug offenders) are identified early and promptly placed in the drug court program;
- (4) Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;
- (5) Abstinence is monitored by frequent alcohol and other drug testing;
- (6) A coordinated strategy governs drug court responses to participants' (drug offenders') compliance;
- (7) Ongoing judicial interaction with each drug court participant (drug offender) is essential;
- (8) Monitoring and evaluation measure the achievement of program (drug court) goals and gauge effectiveness;
- (9) Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations; and
- (10) Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

II. Upon successful completion of a program recommended by the drug court, a drug offender's case may be disposed of by the judge in the manner prescribed by the agreement and by the applicable policies and procedures adopted by the drug court. This may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

III. A person sentenced by a drug court may, at least one year after successful completion of all programs and conditions imposed by the drug court, petition for annulment of the charges that resulted in entry into the drug court.

IV. The drug court may convene a local steering committee made up of community leaders who can provide support for the drug court.

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

AMENDED ANALYSIS

This bill enables a superior court or circuit court to implement one or more drug courts.

Amendment to HB 1672

(2012-1000h)

Proposed by the Special Committee on Redistricting - C

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

1 Delegates to State Party Conventions. RSA 662:6 is repealed and reenacted to read as follows:

662:6 Delegates to State Party Conventions. At every state primary election, the voters shall elect delegates to each state party convention as follows:

I. Belknap County

Alton

2

Barnstead

1

Belmont

2

Center Harbor

1

Gilford

2

Gilmanton

1

Laconia

5

Meredith

2

New Hampton

1

Sanbornton

1

Tilton

1

II. Carroll County

Albany

1

Bartlett	
Brookfield	1
Chatham	1
Conway	1
Eaton	3
Effingham	1
Freedom	1
Hale's Location	1
Hart's Location	1
Jackson	1
Madison	1
Moultonborough	1
Ossipee	1
Sandwich	1
Tamworth	1
Tuftonboro	1
Wakefield	1
	2

Wolfeboro	2
III. Cheshire County	
Alstead	1
Chesterfield	1
Dublin	1
Fitzwilliam	1
Gilsum	1
Harrisville	1
Hinsdale	1
Jaffrey	2
Keene	7
Marlborough	1
Marlow	1
Nelson	1
Richmond	1
Rindge	2
Roxbury	1
Stoddard	1
	73

Sullivan	
Surry	1
Swanzey	1
Troy	2
Walpole	1
Westmoreland	1
Winchester	1
	1
IV. Coos County	
Atkinson & Gilmanton Academy Grant	
Bean's Grant	0
Bean's Purchase	0
Berlin	0
Cambridge	3
Carroll	1
Chandler's Purchase	1
Clarksville	0
Colebrook	1
Columbia	1
	1

Crawford's Purchase	
Cutt's Grant	0
Dalton	0
Dix's Grant	1
Dixville	1
Dummer	1
Errol	1
Erving's Location	1
Gorham	0
Green's Grant	1
Hadley's Purchase	1
Jefferson	0
Kilkenny	1
Lancaster	0
Low & Burbank's Grant	1
Martin's Location	0
Milan	0
	1

Millsfield	
Northumberland	1
Odell	1
Pinkham's Grant	1
Pittsburg	1
Randolph	1
Sargent's Purchase	1
Second College Grant	1
Shelburne	0
Stark	1
Stewartstown	1
Stratford	1
Success	1
Thompson & Meserve's Purchase	0
Wentworth's Location	0
Whitefield	1
	1
V. Grafton County	
Alexandria	1

Ashland	
Bath	1
Benton	1
Bethlehem	1
Bridgewater	1
Bristol	1
Campton	1
Canaan	1
Dorchester	1
Easton	1
Ellsworth	1
Enfield	1
Franconia	1
Grafton	1
Groton	1
Hanover	1
Haverhill	3
	1

Hebron	
Holderness	1
Landaff	1
Lebanon	1
Lincoln	4
Lisbon	1
Littleton	1
Livermore	2
Lyman	0
Lyme	1
Monroe	1
Orange	1
Orford	1
Piermont	1
Plymouth	1
Rumney	2
Sugar Hill	1
	1

Thornton	
Warren	1
Waterville Valley	1
Wentworth	1
Woodstock	1
	1
VI. Hillsborough County	
Amherst	
Antrim	3
Bedford	1
Bennington	6
Brookline	1
Deering	2
Francestown	1
Goffstown	1
Greenfield	5
Greenville	1
Hancock	1
Hillsborough	1
	2

Hollis	
Hudson	2
Litchfield	7
Lyndeborough	3
Manchester	1
Mason	3 3
Merrimack	1
Milford	8
Mont Vernon	5
Nashua	1
New Boston	2 6
New Ipswich	2
Pelham	2
Peterborough	4
Sharon	2
Temple	1
Weare	1
	3

Wilton	
Windsor	1
	1
VII. Merrimack County	
Allenstown	
Andover	1
Boscawen	1
Bow	1
Bradford	2
Canterbury	1
Chichester	1
Concord	1
	1
Danbury	3
Dunbarton	1
Epsom	1
Franklin	1
Henniker	3
Hill	1
Hooksett	1
	4

Hopkinton	
Loudon	2
New London	2
Newbury	1
Northfield	1
Pembroke	1
Pittsfield	2
Salisbury	1
Sutton	1
Warner	1
Webster	1
Wilmot	1
	1

VIII. Rockingham County

Atkinson	
Auburn	2
Brentwood	2
Candia	1
Chester	1
	1

Danville	
Deerfield	1
Derry	1
East Kingston	1 0
Epping	1
Exeter	2
Fremont	4
Greenland	1
Hampstead	1
Hampton	3
Hampton Falls	5
Kensington	1
Kingston	1
Londonderry	2
New Castle	7
Newfields	1
Newington	1
	1

Newmarket	
Newton	3
North Hampton	1
Northwood	1
Nottingham	1
Plaistow	1
Portsmouth	2
Raymond	6
Rye	3
Salem	2
Sandown	9
Seabrook	2
South Hampton	3
Stratham	1
Windham	2
	4
IX. Strafford County	
Barrington	
Dover	3
	9
	84

Durham	
Farmington	4
Lee	2
Madbury	1
Middleton	1
Milton	1
New Durham	1
Rochester	1
Rollinsford	9
Somersworth	1
Strafford	4
	1
X. Sullivan County	
Acworth	
Charlestown	1
Claremont	2
Cornish	4
Croydon	1
Goshen	1
	1

Grantham	
Langdon	1
Lempster	1
Newport	1
Plainfield	2
Springfield	1
Sunapee	1
Unity	1
Washington	1

2 Reference Deleted. Amend RSA 653:6 to read as follows:

653:6 Delegates to State Party Conventions. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention ~~in accordance with the districts laid out in RSA 662:6~~. In order to be elected as a delegate to a state party convention, a person shall be a registered voter of the same party in the district from which the person is to be elected, and shall receive either a minimum of 10 votes or 10 percent of the votes cast in the district from which the person is to be elected, whichever is less. A person who is entitled to serve as a delegate because he or she has been nominated for office as provided in RSA 667:21 shall not be entitled to serve as an elected delegate under this section, and the next highest eligible vote-getter shall be elected.

3 Repeal. RSA 662:6, relative to delegates to state party conventions, is repealed.

4 Effective Date.

I. Sections 2 and 3 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill specifies how delegates to state party conventions are to be elected in accordance with the latest federal decennial census. This bill repeals the statute apportioning delegates to state party conventions effective January 1, 2015.

Amendment to HB 1673-FN (2012-0956h)

Proposed by the Committee on Election Law - C

Amend the bill by replacing section 1 with the following:

1 Enforcement of the Election Laws. Amend RSA 7:6-c to read as follows:

7:6-c Enforcement of the Election Laws.

I. Upon receipt of a **signed** written complaint [~~signed by a voter of the state of New Hampshire~~], or upon his **or her** own motion, the attorney general may in his **or her** discretion, conduct investigations to determine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his **or her** powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records, and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he **or she** is empowered to hold under this section shall be given under oath. ***The attorney general shall maintain records of complaints and investigations of alleged violations of the election laws.***

II. ***The attorney general shall report to the general court by September 1, 2012 and at least once during every 6-month period thereafter on the status of all complaints of alleged violations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law. The report shall include, but not be limited to the following:***

(a) A summary of each complaint received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months. The summary for each complaint shall include, at a minimum, the date received, the nature of the alleged violation, and the date of the alleged violation.

(b) A description of the response to each complaint received and whether the complaint was investigated.

(c) For each complaint not investigated, an explanation of why the complaint was not investigated.

(d) For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.

(e) An update on all complaints received but not resolved during a prior reporting period.

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

AMENDED ANALYSIS

This bill requires the attorney general to submit regular reports on election complaints to the general court.

Amendment to HB 1674-FN (2012-0569h)

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

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

AN ACT establishing a local option to authorize the governing body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

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

1 New Section; Interest Rates; Local Option. Amend RSA 76 by inserting after section 13-b the following new section:

76:13-c Interest Rates; Local Option.

I. Any town or city may authorize the governing body to set interest rates as provided for in this section and apply such rates to all applicable statutes requiring the charging of interest on unpaid property taxes, delinquent and subsequent tax payments, and other unpaid taxes, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such town or city may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the authority of the governing body to set interest rates as provided for in paragraph IV. If a majority of those voting on the question vote "yes," the authority for the governing body to set interest rates pursuant to paragraph IV shall take effect immediately and the governing body may set the rate for the town or city applicable to the tax year beginning April 1 following its adoption.

III. A town or city that has adopted the provisions of this section may rescind the authority of the governing body to set interest rates in the manner described in paragraph I. The question to be voted shall specify that the authority of the governing body to set interest rates shall be rescinded. If a majority of those voting on the question vote "yes," the authority for the governing body to set interest rates shall be rescinded and beginning on the April 1 following rescission, the statutory interest rates shall apply.

IV.(a) In lieu of the statutory rate of 12 percent per annum, the governing body may set a rate within the range of 6 percent up to 12 percent.

(b) In lieu of the statutory rate of 18 percent per annum, the governing body may set a rate within the range of 9 percent up to 18 percent.

(c) The rates set by the governing body pursuant to the authority in this section shall apply for assessments of interest beginning April 1 and shall be effective for the entire tax year and until further changed. Any subsequent change in the rates by the governing body pursuant to the authority in this section shall apply beginning on the April 1 for the following tax year.

2 Local Interest Rate; Pease Development Authority Lessees. Amend RSA 12-G:14, II(b)(1) to read as follows:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the due date until such taxes are paid;

3 Excavation Taxes. Amend RSA 72-B:6 to read as follows:

72-B:6 Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 72-B:4 shall bear interest at the rate of 18 percent per year, **or the rate set pursuant to RSA 76:13-c**, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the municipality. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

4 Property Taxes; Interest on Late Payment. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

5 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

6 Current Use; Land Use Change Tax. Amend RSA 79-A:7, II(d) to read as follows:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any taxes not paid within the 30-day period.

7 Discretionary Easements. Amend RSA 79-C:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any consideration not paid within the 30-day period.

8 Discretionary Preservation Easements. Amend RSA 79-D:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any consideration not paid within the 30-day period.

9 Community Revitalization Tax Relief Incentive. Amend RSA 79-E:9, II(d) to read as follows:

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

10 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his **or her** absence, at his **or her** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

11 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county, or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed, and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of

deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his **or her** purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his **or her** purchase at the tax sale to be included in his **or her** costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

12 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

13 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his **or her** service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

14 Unpaid Taxes; Normal Yield Tax. Amend RSA 79:4-a to read as follows:

79:4-a Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 79:3 shall bear interest at the rate of 18 percent per year, **or the rate set pursuant to RSA 76:13-c**, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the town. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

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

AMENDED ANALYSIS

This bill allows municipalities to authorize the governing body of the town or city to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes enforced through the lien procedure.

**Floor Amendment to HB 1674-FN
(2012-1001h)**

Proposed by Rep. Munck

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

AN ACT establishing a local option for the legislative body to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

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

1 New Section; Interest Rates; Local Option. Amend RSA 76 by inserting after section 13-b the following new section:

76:13-c Interest Rates; Local Option.

I. Any town or city may set interest rates as provided for in this section and apply such rates to all applicable statutes requiring the charging of interest on unpaid property taxes, delinquent and subsequent tax payments, and other unpaid taxes, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such town or city may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the interest rates as provided for in paragraph IV. If a majority of those voting on the question vote "yes," the interest rates proposed pursuant to paragraph IV shall take effect for the town or city applicable to the next property tax year following its adoption.

III. A town or city may change interest rates in the manner described in paragraph I. The question to be voted shall specify that the interest rates will be changed. If a majority of those voting on the question vote "yes," the interest rates shall be changed beginning on April 1 for the next property tax year.

IV.(a) In lieu of the statutory rate of 12 percent per annum, the legislative body may set a rate within the range of 6 percent up to 12 percent.

(b) In lieu of the statutory rate of 18 percent per annum, the legislative body may set a rate within the range of 9 percent up to 18 percent.

(c) The rates set by the legislative body pursuant to the authority in this section shall apply for assessments of interest beginning April 1 and shall be effective for the entire tax year and until further changed. Any subsequent change in the rates by the legislative body pursuant to the authority in this section shall apply beginning on the April 1 for the following tax year.

2 Local Interest Rate; Pease Development Authority Lessees. Amend RSA 12-G:14, II(b)(1) to read as follows:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, from the due date until such taxes are paid;

3 Excavation Taxes. Amend RSA 72-B:6 to read as follows:

72-B:6 Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 72-B:4 shall bear interest at the rate of 18 percent per year, **or the rate set pursuant to RSA 76:13-c**, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the municipality. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

4 Property Taxes; Interest on Late Payment. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

5 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

6 Current Use; Land Use Change Tax. Amend RSA 79-A:7, II(d) to read as follows:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any taxes not paid within the 30-day period.

7 Discretionary Easements. Amend RSA 79-C:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any consideration not paid within the 30-day period.

8 Discretionary Preservation Easements. Amend RSA 79-D:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any consideration not paid within the 30-day period.

9 Community Revitalization Tax Relief Incentive. Amend RSA 79-E:9, II(d) to read as follows:

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum, **or the rate set pursuant to RSA 76:13-c**, shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

10 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his **or her** absence, at his **or her** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at 18 percent per annum, **or the rate set pursuant to RSA 76:13-c**, upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his **or her** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice

from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

11 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county, or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed, and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his *or her* purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his *or her* purchase at the tax sale to be included in his *or her* costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per annum, *or the rate set pursuant to RSA 76:13-c*, from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

12 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at 18 percent per annum, *or the rate set pursuant to RSA 76:13-c*, upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

13 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his *or her* service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of 18 percent per annum, *or the rate set pursuant to RSA 76:13-c*, from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

14 Unpaid Taxes; Normal Yield Tax. Amend RSA 79:4-a to read as follows:

79:4-a Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 79:3 shall bear interest at the rate of 18 percent per year, ***or the rate set pursuant to RSA 76:13-c***, computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the town. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

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

AMENDED ANALYSIS

This bill allows the legislative body of municipalities to set the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes enforced through the lien procedure.

Amendment to HB 1676-FN-A (2012-0773h)

Proposed by the Minority of the Committee on Election Law - R

Amend RSA 664-A:2, III(f) as inserted by section 2 of the bill by replacing it with the following:

(f) Fines for excessive expenditures assessed under RSA 664-A:13.

Amend RSA 664-A:4, II as inserted by section 2 of the bill by replacing it with the following:

II. Each qualifying contribution shall be acknowledged by a qualifying form signed under penalty of perjury by the contributor. The form shall include the contributor's printed name and mailing address, the name of the candidate, and a certification that the purpose of the contribution is to help the candidate qualify for clean elections funding.

Amend RSA 664-A:4, VI-VII as inserted by section 2 of the bill by replacing it with the following:

VI. Qualifying contributions may be made by any individual adult, including the candidate and the candidate's family, who is not prohibited from making contributions by RSA 664:4.

VII. Each qualifying contribution shall be for \$5 and must be received by the candidate during the qualifying period.

Amend RSA 664-A:5, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The candidate shall itemize all seed money contributions in reports filed pursuant to RSA 664:7. For seed money contributions of \$25 or less, the candidate shall list the name of the contributor and the contributor's mailing address. Candidates shall not accept seed money contributions without the required disclosure information.

Amend RSA 664-A:7 as inserted by section 2 of the bill by replacing it with the following:

664-A:7 Objection to Registration. The registration of a candidate in accordance with the provisions of this chapter shall be regarded as valid and shall be received by the secretary of state unless an objection is made in writing to the ballot law commission no later than 7 days following the date the candidate filed his or her registration form. Upon receipt of the objection, the commission shall notify the candidate in writing of the time and place for its hearing. The ballot law commission shall determine whether a candidate qualifies as a participating candidate within 7 days of receiving the objection. If the ballot law commission determines that the candidate does not meet the requirements of this chapter, it may revoke the candidate's eligibility and order the candidate to return to the fund any payments received pursuant to this chapter.

Amend the bill by replacing all after section 3 with the following:

4 Certification and Applicability. The state treasurer shall certify to the secretary of state the date that the balance in the New Hampshire clean elections fund reaches \$1,500,000. On the November 1 next following such certification at least one year prior to the next state primary election, the secretary of state shall commence administering the clean elections financing provisions of RSA 664-A.

5 Transfer of Funds. All moneys held in the clean election fund shall be transferred to the election fund established under RSA 5:6-d, to be used exclusively for voter education and election law enforcement.

6 Effective Date.

I. Sections 3 and 5 of this act shall take effect January 1, 2018.

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

**Amendment to HB 1679-FN
(2012-0985h)**

Proposed by the Majority of the Committee on Judiciary - R

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

AN ACT relative to partial-birth abortion.

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

1 Findings.

I. The general court of the state of New Hampshire finds that:

(a) Partial-birth abortion is a gruesome and inhumane procedure that is never medically necessary and, as such, should be prohibited.

(b) In 2003, the 108th United States Congress passed the “Partial-Birth Abortion Ban Act of 2003” (18 U.S.C. section 1531) and President George W. Bush signed it into law.

(c) Later, on April 18, 2007, the Supreme Court of the United States upheld the “Partial-Birth Abortion Ban Act of 2003” (“the federal ban”) in *Gonzales v. Carhart*, 550 U.S. 124 (2007), specifically ruling that a ban on partial-birth abortion need not include a maternal “health” exception to be constitutional.

(d) This act’s language stems from and uses as its primary influence the language of the federal ban as upheld in *Gonzales v. Carhart*.

(e) This act – a state ban on partial-birth abortion – is needed to supplement the federal ban. Importantly, the federal ban was narrowly tailored to reach only those partial-birth abortion procedures that implicate Congress’ power to regulate interstate or foreign commerce. U.S. CONST. art. 1, section 8, cl. 3. Without this act, partial-birth abortions performed, but not affecting these narrow categories of commerce, are not prohibited under the federal ban.

(f) Partial-birth abortion poses serious risks to women’s long-term health,

(g) There is a substantial evidentiary record upon which the general court of the state of New Hampshire has based its conclusion that a state ban on partial-birth abortion is not constitutionally required to contain a maternal “health” exception.

(h) Moreover, the medical evidence clearly supports the informed judgment of the state of New Hampshire that a partial-birth abortion is never medically necessary to preserve a woman’s health and instead poses serious health risks, lying outside the standard of medical care.

(i) Specifically, partial-birth abortion poses serious risks including, but not limited to: an increased risk of cervical incompetence, a result of cervical dilation that makes it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position — a procedure which, according to a leading obstetrics textbook, “there are very few, if any, indications for other than for delivery of a second twin”; and a risk of lacerations and secondary hemorrhaging as a result of the physician blindly forcing a sharp instrument into the base of the unborn child’s skull while he or she is lodged in the birth canal — an act which could result in severe bleeding and subsequent shock.

(j) There is no credible medical evidence that partial-birth abortions are safer than other abortion procedures. No controlled studies of partial-birth abortion have been conducted nor have any comparative studies been conducted to demonstrate its safety

and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures.

(k) In light of this overwhelming evidence, the state of New Hampshire has a compelling interest in prohibiting partial-birth abortion. Both *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), recognized a governmental interest in protecting the life of a child during the birth process. This interest is specifically implicated during a partial-birth abortion because labor is induced and the birth process is begun before an abortion is attempted or the child is actually aborted.

(l) In fact, partial-birth abortion kills a child who is mere inches away from birth and being considered a “person” under *Roe*. Thus, the state clearly has a heightened interest in protecting the life of the partially-born child.

(m) The public’s perception of the appropriate role of a physician during a child’s birth is undermined by aborting a child in the manner that purposefully seeks to kill the child inches from birth.

(n) Partial-birth abortion is disturbingly similar to the killing of a newborn infant and blurs the legal and moral lines between infanticide and abortion. This act reinforces that line at birth — just as the Supreme Court established in *Roe v. Wade* — while also preserving the integrity of the medical profession and promoting respect for human life.

(o) The vast majority of infants killed during partial-birth abortions are alive up through the very end of the procedure. Medical science has established that an unborn infant can feel pain when subjected to painful stimuli like that inflicted during a partial-birth abortion procedure. Moreover, fetal pain experts believe that an unborn child’s perception of pain can be even more intense than that of newborn infants and older children subjected to the same stimuli.

II. For these reasons, the general court’s purposes in establishing this act are to conclusively establish that partial-birth abortion is never medically indicated to preserve the health of the mother and instead poses significant health risks to her; to clearly define the line between abortion and infanticide; and to safeguard the role of a physician during childbirth.

2 New Subdivision; Partial-Birth Abortion Ban Act. Amend RSA 329 by inserting after section 31 the following new subdivision:

Partial-Birth Abortion Ban Act

329:32 Title. This act may be known and cited as the “Partial-Birth Abortion Ban Act.”

329:33 Definitions. In this subdivision:

I. “Department” means the department of health and human services.

II. “Medical facility” means any licensed public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician’s office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

III. “Partial-birth abortion” means an abortion in which the person performing the abortion:

(a) Deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(b) Performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

IV. "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery licensed by the state in which the doctor performs such activity, or any other individual legally authorized by the state to perform abortions; provided, however, that any individual who is not a physician or not otherwise legally authorized by the state to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this subdivision.

329:34 Prohibition; Limitations.

I. A person shall not knowingly perform or attempt to perform a partial-birth abortion.

II. No person shall perform or induce a partial-birth abortion on a viable fetus unless such person is a physician and has a documented referral from another physician not legally or financially affiliated with the physician performing or inducing the abortion and both physicians determine that the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

329:35 Reporting.

I. If a physician determines in accordance with the provisions of RSA 329:34, II that a partial-birth abortion is necessary and performs a partial-birth abortion on the woman, the physician shall report such determination and the reasons for such determination in writing to the medical facility in which the abortion is performed for inclusion in the report of the medical facility to the department; or if the abortion is not performed in a medical facility, the physician shall report the reasons for such determination in writing to the department as part of the written report made by the physician to the department. The physician shall retain a copy of the written reports required under this section for not less than 5 years.

II. Failure to report under this section shall not subject the physician to criminal or civil penalties under RSA 329:36 and 329:37.

III. Paragraph II shall not preclude sanctions, disciplinary action, or any other appropriate action by the board.

329:36 Criminal Penalties.

I. In addition to other penalties under this chapter, any person who intentionally or knowingly violates this subdivision shall be guilty of a class B felony.

II. Any physician who intentionally or knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined not less than \$10,000 nor more than \$100,000 under this subdivision, or be imprisoned not less than one year nor more than 10 years, or both.

329:37 Civil Penalties.

I. The father, if married to the mother at the time she receives a partial-birth abortion procedure, and, if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

II. Such relief shall include:

(a) Money damages for all injuries, psychological and physical, occasioned by the violation of this subdivision; and

(b) Statutory damages equal to 3 times the cost of the partial-birth abortion.

329:38 Review by Board.

I. A physician-defendant accused of an offense under this subdivision may seek a hearing before the board as to whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

II. The findings on this issue are admissible on this issue at the civil and criminal trials of the physician-defendant. Upon a motion of the physician-defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

329:39 Penalties for Ambulatory Health Care Facilities.

I. An ambulatory health care facility licensed pursuant to RSA 151 in which the partial-birth abortion is performed in violation of this subdivision shall be subject to immediate revocation of its license by the department.

II. An ambulatory health care facility licensed pursuant to RSA 151 in which the partial-birth abortion is performed in violation of this subdivision shall lose all state funding for 3 years and shall be required to reimburse the state for funds from the fiscal year in which the partial-birth abortion was performed.

329:40 Prosecutorial Exclusion. A woman upon whom a partial-birth abortion is performed may not be prosecuted under this subdivision for a conspiracy to violate RSA 329:34.

329:41 Construction.

I. Nothing in this subdivision shall be construed as creating or recognizing a right to abortion.

II. It is not the intention of this subdivision to make lawful an abortion that is currently unlawful.

329:42 Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

329:43 Intervenors. The general court, by joint resolution, may appoint one or more of its members, who sponsored or cosponsored this in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

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

AMENDED ANALYSIS

This bill establishes the partial-birth abortion ban act.

**Amendment to HB 1685-FN-LOCAL
(2012-0970h)**

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

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

AN ACT relative to public employee opt-outs from labor organization membership and dues payments.

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

1 New Section; Public Employees; Opt-Out From Labor Organization Membership and Dues Payment. Amend RSA 273-A by inserting after section 9-a the following new section:

273-A:9-b Public Employees; Opt-Out From Labor Organization Membership and Dues Payment.

I. Any public employee may opt out of joining a labor organization and paying membership dues or fees to such labor organization.

II. No labor organization shall have an obligation to represent public employees who have opted out under paragraph I in collective bargaining negotiations. However, if the labor organization elects to represent such public employees in collective bargaining negotiations, the labor organization may charge each such employee a negotiation fee. The negotiation fee shall be determined as follows:

(a) After a new employee contract is approved, the labor organization shall submit a certified account of its negotiation costs to the governor and the state treasurer for state employee contracts or to the governing body for political subdivision employee contracts;

(b) The total amount of the negotiation costs shall first be divided by the number of positions covered by the employee contract and the resulting number shall then be divided by the number of years covered by the employee contract; and

(c) The final resulting number under subparagraph (b) shall be the amount of the negotiation fee which shall be paid by each public employee covered by the employee contract who has opted out under paragraph I.

III. If all public employees in a particular employee classification in a contract elect to opt out under paragraph I, the labor organization shall not represent such employees in collective bargaining negotiations and such public employees shall not be subject to a negotiation fee. The salary ranges, salaries, and benefits of such public employees shall be established through personnel policies of the state or political subdivision.

IV. A new public employee who fills a position covered by an existing employee contract shall have the option to become a member of a labor organization and pay membership dues and fees.

2 Applicability. Section 1 of this act shall apply to all public employee contracts which take effect on or after the effective date of section 1 of this act.

3 Contingency. If HB 1677-FN of the 2012 legislative session becomes law, sections 1 and 2 of this act shall not take effect. If HB 1677-FN does not become law, sections 1 and 2 of this act shall take effect 60 days after its passage.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 3 of this act.

AMENDED ANALYSIS

This bill permits public employees to opt out of membership in a labor organization and payment of dues to such labor organization. It establishes the responsibilities and obligations of public employees and labor organizations regarding collective bargaining negotiations when opt-outs are exercised.

Amendment to HB 1687

(2012-0883h)

Proposed by the Committee on Executive Departments and Administration - C

Amend the bill by replacing section 1 with the following:

1 Online Access to Budget Information and Reports; State Employee Positions. Amend RSA 9-F:1, II (d) to read as follows:

(d) ***All full-time state employee positions including state agency, accounting unit, position number, job title, current labor grade and step, current annual salary and whether the position is vacant or filled, in a searchable format. Information published under this subparagraph shall not include employee names and shall be updated no later than biweekly.***

(e) Any other information as determined by the department of information technology and the department of administrative services, in consultation with the legislative oversight committee established in RSA 9-F:2.

AMENDED ANALYSIS

This bill requires the state transparency website to include certain information relative to full-time state employee positions.

Amendment to HB 1698-FN-A

(2012-0860h)

Proposed by the Committee on Ways and Means - C

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

AN ACT establishing a committee to study implementing keno in the state of New Hampshire.

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

1 Committee Established. There is established a committee to study implementing keno in the state of New Hampshire.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study if and how to implement keno in the state.

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

5 Report. The committee shall report its findings 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 November 1, 2012.

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

AMENDED ANALYSIS

This bill establishes a committee to study implementing keno in the state of New Hampshire.

**Amendment to HB 1699-FN
(2012-0115h)**

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

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

1 Chemical Substance. Amend RSA 261:180, III to read as follows:

III. The commissioner, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving or attempting to drive under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, under RSA 265-A:2, I, or aggravated driving while intoxicated or attempted aggravated driving while intoxicated under RSA 265-A:3, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

2 Chemical Substance. Amend RSA 265-A:2 to read as follows:

265-A:2 Driving or Operating Under Influence of Drugs or Liquor; Driving or Operating With Excess Alcohol Concentration.

I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to operate an OHRV:

(a) While such person is under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and ~~[controlled drugs]~~ **chemical substances, natural or synthetic**; or

(b) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

II. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and a ~~[controlled drug or drugs]~~ **chemical substance or substances, natural or synthetic**, or while such person has an alcohol concentration of 0.08 or more or in the case of persons under the age of 21, 0.02 or more.

3 Chemical Substance. Amend the introductory paragraph of RSA 265-A:3, I to read as follows:

I. While under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and ~~[controlled drug or drugs]~~ **chemical substance or substances, natural or synthetic**, and, at the time alleged:

4 Chemical Substance. Amend RSA 265-A:4 to read as follows:

265-A:4 Implied Consent of Driver or Operator to Submit to Testing to Determine Alcohol Concentration. Any person who drives, operates, or attempts to operate an OHRV, drives or attempts to drive a vehicle upon the ways of this state, or operates or attempts to operate a boat upon the public waters of the state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether such person is under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, and to a chemical, infrared molecular absorption, or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the ~~[controlled drug]~~ **chemical substance, natural or synthetic**, content of such person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or while having an alcohol concentration in excess of the statutory limits contained in RSA 265-A:2 or RSA 265-A:3. The test or tests shall be administered at the direction of a law enforcement officer, peace officer, or authorized agent having reasonable grounds to believe the person to have been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving or in actual physical control of a vehicle, or operating or in actual physical control of a boat while under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265-A:16, the prerequisites of RSA 265-A:8 shall not apply. Properly trained personnel of the United States Coast Guard may arrest and conduct tests on persons who are believed to be under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or a combination thereof, and who are in physical control of a boat operating upon the public coastal waters of this state.

5 Chemical Substance. Amend RSA 265-A:5, II to read as follows:

II. All such blood and urine tests made under the direction of a law enforcement officer, authorized agent, or peace officer shall be conducted in the forensic science laboratory of the department of safety established in RSA 106-B:2-a or, in the case of blood and urine samples to be tested for the presence of ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S.

Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended.

6 Chemical Substance. Amend RSA 265-A:5, V(a) to read as follows:

(a) Methods and procedures for the testing of blood, urine, and breath to determine alcohol concentration and ~~[controlled drug]~~ **chemical substance, natural or synthetic**, content of a person's blood;

7 Chemical Substance. Amend RSA 265-A:9 to read as follows:

265-A:9 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265-A:2, I(a), or RSA 265-A:3, I, was under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**.

8 Chemical Substance. Amend RSA 265-A:10 to read as follows:

265-A:10 Effect of Evidence of Refusal to Take Alcohol Concentration Test. If a person refuses to submit to a test as provided in RSA 265-A:4, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**.

9 Chemical Substance. Amend RSA 265-A:11 to read as follows:

265-A:11 Evidence.

I. Upon complaint, information, indictment, or trial of any person charged with the violation of RSA 265-A:2, the court may admit evidence of physical testing of the defendant for being under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, as provided in RSA 265-A:4, and of the ~~[controlled drug]~~ **chemical substance, natural or synthetic**, content of the defendant's blood and the defendant's alcohol concentration, as shown by a test of his or her breath, blood, or urine as provided in RSA 265-A:4. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:2, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:2, I(b); and evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265-A:3, II (a), (b), (c), and (d) constitute a separate offense under RSA 265-A:3, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.16 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:3, III.

II. Upon complaint, information, indictment, or trial of any person charged with a violation of the provisions of RSA 265-A:2, II relative to the operation of boats by a person under the influence of intoxicating liquor or a ~~[controlled drug]~~ **chemical substance, natural or synthetic**, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption, or gas

chromatograph test or tests of his or her breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

10 Chemical Substance. Amend RSA 265-A:12, V to read as follows:

V. Any person who is arraigned on a charge arising under RSA 265-A:2, RSA 265-A:3, or RSA 265-A:43 shall file, within 10 days of such person's receipt of the results of any toxicology test administered to such person for the presence of any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, a notice in said court requiring the attendance of the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the certifying scientist at trial. The official report of the test issued pursuant to RSA 265-A:4 shall be deemed conclusive evidence of the conduct of the result of such test.

11 Chemical Substance. Amend RSA 265-A:14, IV(a) to read as follows:

(a) That the authorized agent or peace officer had reasonable grounds to believe the arrested person had been operating, had been attempting to operate, or was in actual physical control of a boat upon the public waters of this state while under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or any combination thereof;

12 Chemical Substance. Amend RSA 265-A:15, I to read as follows:

I. Any law enforcement officer, authorized agent, or peace officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat upon the public waters of the state while under the influence of intoxicating liquor or ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or while the person's alcohol concentration was 0.08 or more or in the case of a person under the age of 21, 0.02 or more or in the case of a person licensed to operate and operating a commercial vehicle or operating a commercial vessel and licensed pursuant to RSA 270-E:22 at the time of the offense, 0.04 or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of any test administered under this section may be introduced into evidence in a court for any relevant purpose. Failure to submit to the test shall not constitute a violation of this chapter. Evidence of a failure to submit to a preliminary breath test shall not be admissible in court in any prosecution under this subdivision, except for the purpose of determining whether the officer had probable cause to arrest the person. The provisions of this section shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with violating RSA 265-A:2, I(a), RSA 265-A:2, II, or RSA 265-A:3 was under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The police officer requesting the test shall advise orally the person to be tested that his or her failure to take the test or his or her taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The results of the test shall be furnished immediately to the person tested by the police officer administering the test and in writing, if requested.

13 Chemical Substance. Amend the introductory paragraph of RSA 265-A:16 to read as follows:

265-A:16 Blood Testing of Certain Motor Vehicle Fatalities. When a collision, boating accident, or OHRV accident results in death or serious bodily injury to any person, all drivers or operators involved, whether living or deceased, and all deceased vehicle, boat, or OHRV occupants and pedestrians involved shall be tested for evidence of alcohol or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**. A law enforcement officer, authorized agent, or peace officer shall request a licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist to withdraw blood from each driver or operator involved if living and from the body of each deceased driver or operator, deceased occupant, or deceased pedestrian, in accordance with RSA 611-B:14, II, for the purpose of testing for evidence of alcohol content or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**; provided that in the case of a living driver or operator the officer has probable cause to believe that the driver or operator caused the collision or accident. All tests made under this section shall be conducted by the forensic science laboratory established in RSA 106-B:2-a or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

14 Chemical Substance. Amend RSA 265-A:17 to read as follows:

265-A:17 Arrest Without a Warrant. Notwithstanding any other statutory provision of law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in a traffic accident, OHRV accident, or boating accident when the officer has probable cause to believe that such person has committed an offense, an element of which is driving under the influence of intoxicating liquors, ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction in this state where the person or others are taken for treatment for injuries suffered in such traffic accident.

15 Chemical Substance. Amend RSA 265-A:21, I to read as follows:

I. Notwithstanding the provisions of RSA 651:5, no court shall order an annulment of any record of conviction of driving or attempting to drive a vehicle upon any way or driving, operating, attempting to operate, or being in actual physical control of an OHRV or operating or attempting to operate a boat on the waters of this state while under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or while having an alcohol concentration of 0.08 or more or of aggravated drunken driving until 10 years after the date of conviction. Any record thus annulled shall be retained in a permanent file, to be opened only for purposes of sentencing in the case of an offense under RSA 265-A:3.

16 Chemical Substance. Amend RSA 265-A:35, II to read as follows:

II. No holder of a probationary license shall drive or attempt to drive a vehicle upon any way when he or she is under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, so that the alcohol concentration is 0.03 or more. Driving with an alcohol concentration of 0.03 or more is a per se violation of a probationary license and subjects the probationary license holder to administrative suspension of his or her driver's license for not less than 90 days and not more than 180 days. Such administrative suspension shall be in addition to any court imposed suspension or revocation periods.

17 Chemical Substance. Amend RSA 270:12-a, I(b) to read as follows:

(b) The provisions of RSA 265-A, relative to the operation or attempted operation of boats by a person under the influence of intoxicating liquor or a ~~[controlled drug]~~

chemical substance, natural or synthetic, or other unlawful operation of boats thereunder;

18 Chemical Substance. Amend RSA 651:6, II(b)-(c) to read as follows:

(b) Has previously been convicted of a violation of RSA 630:3, II, RSA 265-A:3, I(b) or II(b), or any crime in any other jurisdiction involving driving or attempting to drive a motor vehicle under the influence of ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b); or

(c) Has twice previously been convicted in this state or any other jurisdiction, for driving or attempting to drive a motor vehicle under the influence of intoxicating liquors or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b).

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

AMENDED ANALYSIS

This bill changes the prohibition on driving under the influence of a controlled drug to driving under the influence of a chemical substance, natural or synthetic.

Floor Amendment to HB 1703-FN (2012-1051h)

Proposed by Reps. Balboni, Boehm, Hill, L. Jones and Hoell

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

AN ACT requiring the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction.

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

1 Legislative Intent. The general court finds that:

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government; an education that is consistent with the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks (RSA 193-E:1, I); and

II. Respecting New Hampshire's long tradition of community involvement, in which a public education is provided through an integrated system of shared responsibility between state and local government, wherein the state establishes, through curriculum guidelines, the framework for the delivery of educational services at the local level, and wherein school districts then have flexibility in implementing diverse educational approaches tailored to meet student needs (RSA 193-E:1, II); and

III. The curriculum frameworks present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the academic standards for each area of education, including the area of financial literacy and personal finance (RSA 193-E:2-a, V and "K-12 Social Studies New Hampshire Curriculum Framework" Strand: Economics (EC:6), Standard:SS:EC:6:Personal Finance); and

IV. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used (RSA 193-E:2-a, V); therefore,

V. A school board shall develop and implement a policy that incorporates the foundations of financial literacy, including personal finance, into the school curriculum and instruction. Financial literacy is critical to the success of citizens in modern society, therefore such instruction shall include, but not be limited to, the concepts of budgeting, checking and savings accounts, understanding how credit operates and factors that affect

creditworthiness, understanding compound interest, basic investment principles, elements of home purchase, risk management and how insurance operates, an introduction to federal and state taxation, and consumer rights and protection.

2 New Section; School Boards; Financial Literacy. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Financial Literacy. Because financial literacy is critical to the success of citizens in modern society, the school board shall develop and implement a policy that incorporates the foundations of financial literacy, including personal finance, into the school curriculum and instruction.

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

AMENDED ANALYSIS

This bill requires the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction.

Floor Amendment to HB 1712 (2012-1004h)

Proposed by Rep. Bergevin

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

1 Intent and Justification. The general court finds and recognizes the history of our country, from the Mayflower Compact, Revolutionary War, the Federalist Papers, and other speeches and writings of our Founding Fathers, is rooted in the belief in God and the teachings of the Bible.

2 New Paragraph; State Board of Education; Duties. Amend RSA 186:11 by inserting after paragraph IX-c the following new paragraph:

IX-d.(a) Require school districts to adopt a policy establishing an elective course for pupils in grades 9-12 in the study of the Bible as a work of literature. The policy shall permit a school to offer:

- (1) An elective social studies course on the Hebrew Scriptures, Old Testament of the Bible; or
- (2) An elective social studies course on the New Testament of the Bible; or
- (3) An elective social studies course on the Hebrew Scriptures and the New Testament of the Bible.

(b) The purpose of the course shall be to:

- (1) Teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, morals, oratory, and public policy; and
- (2) Familiarize students with, as applicable:
 - (A) The contents of the Hebrew Scriptures or the New Testament;
 - (B) The history of the Hebrew Scriptures or the New Testament;
 - (C) The literary style and structure of the Hebrew Scriptures or the New Testament; and

(D) The influence of the Hebrew Scriptures or the New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

(c) A student shall not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the school or school district.

(d) Such course shall comply with applicable federal and state laws and guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of pupils in the school. A course developed under this paragraph shall not endorse, favor, promote, disfavor, or show hostility toward, any particular religion or nonreligious faith or religious perspective. The state board of education shall not violate any provision of the United States Constitution or federal law, the New

Hampshire constitution or any state law, or any administrative regulations of the United States Department of Education or the New Hampshire department of education.

(e) A school district may accept gifts or donations of any kind from any source for the purpose of developing and delivering such a course to pupils.

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

AMENDED ANALYSIS

This bill allows a school district to offer an elective course in the study of the Bible as a work of literature for pupils in grades 9-12.

Amendment to HB 1718

(2012-0617h)

Proposed by the Majority of the Special Committee on Redistricting - R

Amend the bill by replacing section 1 with the following:

1 New Section; Elective Districts; Judicial Review. Amend RSA 662 by inserting after section 6 the following new section:

662:7 Judicial Review.

I. Any court deciding the merits of a challenge to the validity of electoral districts shall give precedence to the challenge over all other matters before it and shall hear and rule on the challenge as expeditiously as possible. No decision of the superior court on the validity of electoral districts shall be subject to appeal unless filed with the supreme court within 5 days after the date of the decision. The supreme court shall give the appeal precedence over all other matters before it.

II. The house of representatives and the senate shall be necessary parties to any case involving a challenge to the validity of their electoral districts and may be represented by counsel chosen by the speaker of the house of representatives and the president of the senate respectively. The provisions of this paragraph shall not relieve the attorney general of any duty to represent the state in such case.

Amendment to HB 1720-FN

(2012-0922h)

Proposed by the Committee on Judiciary - R

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

AN ACT relative to jury trials in class actions brought under the consumer protection act.

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

1 Consumer Protection Act; Class Actions. Amend RSA 358-A:10-a, I to read as follows:

I. Persons entitled to bring an action under RSA 358-A:10 may, if the unlawful act or practice has caused similar injury to numerous other persons, institute an action as representative or representatives of a class of persons who are residents of this state or whose cause of action arose within this state against one or more defendants as individuals or as representatives of a class or against one or more such defendants having a principal place of business within this state, and the petition shall allege such facts as will show that these persons or the named defendants specifically named and served with process have been fairly chosen and adequately and fairly represent the whole class, to recover [actual] damages as provided for in RSA 358-A:10. The court may require the plaintiff to prove such allegations, unless all of the members of the class have entered their appearance, and the court may also determine that it shall not be sufficient to prove such facts by the admissions of the defendants who have entered their appearance. In any action brought under this section, the court may order, in addition to actual damages, injunctive or other equitable relief and reasonable attorney's fees.

2 Consumer Protection Act; Qualifications of Class Action. Amend RSA 358-A:10-a, II(e)(3) to read as follows:

(3) The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a

class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include: the interest of members of the class in individually controlling the prosecution or defense of separate actions; the extent and nature of any litigation concerning the controversy already commenced by or against members of the class; the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and the difficulties likely to be encountered in the management of a class action[-]; **and**

(f) The attorney for the representative parties will adequately represent the interests of the class.

3 New Paragraph; Consumer Protection Act; Class Actions; Jury Trial. Amend RSA 358-A:10-a by inserting after paragraph X the following new paragraph:

XI. In any action brought in the superior court pursuant to this section, except those in which the amount in controversy does not exceed \$50,000, the parties have a right to a trial by jury. For the purposes of this section, the separate claims of the proposed members of the class may be aggregated to meet the minimum amount in controversy required.

4 Applicability. This act shall apply only to actions brought on or after January 1, 2013.

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

**Amendment to HB 1721
(2012-0992h)**

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

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

AN ACT relative to permitting for the replacement of sewage disposal systems and relative to oil spillage prevention, control, and countermeasure plans.

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

1 Approval for Modifications to Sewage Systems. Amend RSA 485-A:38, II-a to read as follows:

II-a.**(a)** No construction or operational approval shall be required from the department prior to expanding, relocating, or replacing any structure that does not increase the load on a sewage disposal system, as long as all of the following conditions are met:

~~[(a)]~~**(1)(A)** The lot is served by a sewage disposal system that received construction and operational approval from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement[-]; **or**

(B) The lot is 5 acres or more in size.

~~[(b)]~~**(2)** If the property is nonresidential, no waivers were granted in the construction or operational approval of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils.

~~[(c)]~~**(3)** When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the shoreland water quality protection act, RSA 483-B.

(b) An owner of a project that requires department approval to proceed because neither of the conditions of subparagraphs (a)(1)(A) or (B) are met, may either submit for approval a design for a new sewage disposal system or apply for a permit by rule for in-kind replacement under RSA 485-A:33, IV. Under either approach, once approval for the sewage disposal system is received from the department, work may commence on expanding, relocating, or replacing the structure. Construction of the sewage disposal system is not required to satisfy the requirements of this subparagraph.

2 Approval for Modifications to Sewage Systems. Amend RSA 485-A:38, II-a to read as follows:

II-a.**(a)** No construction or operational approval shall be required from the department prior to expanding, relocating, or replacing any structure that does not increase the load on a sewage disposal system, as long as all of the following conditions are met:

~~[(a)]~~ **(1)(A)** The lot is served by a sewage disposal system that received construction and operational approval from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement[-]; **or**

(B) The lot is 5 acres or more in size.

~~[(b)]~~ **(2)** If the property is nonresidential, no waivers were granted in the construction or operational approval of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils.

~~[(c)]~~ **(3)** When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the shoreland water quality protection act, RSA 483-B.

(b) An owner of a project that requires department approval to proceed because neither of the conditions of subparagraphs (a)(1)(A) or (B) are met, may either submit for approval a design for a new sewage disposal system or apply for a permit for in-kind replacement under paragraph II-b. Under either approach, once approval for the new sewage disposal system is received from the department, work may commence on expanding, relocating, or replacing the structure. Construction of the sewage disposal system is not required to satisfy the requirements of this subparagraph.

3 New Paragraph; In-Kind Replacement by Permit by Rule. Amend RSA 485-A:38 by inserting after paragraph II-a the following new paragraph:

II-b.(a) For the purposes of subparagraph I-a(b), a sewage disposal system shall qualify for in-kind replacement through a permit by rule, provided all of the following criteria are met:

- (1) The existing system receives only domestic sewage.
- (2) There is no increase in sewage loading proposed for the replacement system.
- (3) The bottom of the bed is located no less than 24 inches above the seasonable high water table.
- (4) The system is located 75 feet or more from an abutter's well unless there is a standard well release form recorded with the registry of deeds in accordance with RSA 485-A:30-b or there is an existing department waiver to the abutter's well.
- (5) The system is located 75 feet or more from the owner's well unless there is an existing department waiver to the owner's well.
- (6) The existing system received prior construction and operational approval from the department and the replacement system will conform to the provisions of such approval, provided the department may by rule require a minimum septic tank size of 1,000 gallons.
- (7) The system is not within 75 feet of any surface water, water supply well or very poorly drained soil unless authorized by the prior departmental approval described in subparagraph (6).
- (8) No new waivers to the department's rules are requested.
- (9) The system has not been previously replaced under a permit by rule in accordance with the provisions of this paragraph.

(b) Construction of the system may proceed upon the submission of an application to the department by a permitted designer under RSA 485-A:35 and receipt of construction approval from the department.

(c) The replacement system shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspection by the department shall be accomplished within 7 business days after receipt of written notice from the installer that the system is ready for inspection. The installer shall provide the authorized agent of the department, at the time of the inspection, a copy of the previously approved plan bearing the state approval stamp and associated operational approval, and an

existing conditions plan bearing the seal of the permitted designer performing work under the permit by rule.

(d) The applicant submitting the permit by rule application shall assume all liability and responsibility for the components of the design that are part of the system being replaced under the permit by rule.

(e) The installer constructing the system shall assume all liability and responsibility for the construction of the system components replaced under the permit by rule.

(f) For purposes of this paragraph, "in-kind" means a repair or replacement of an equivalent nature and in the same location.

4 New Paragraph; Rulemaking. Amend RSA 485-A:41 by inserting after paragraph IV the following new paragraph:

V. Adopt rules relative to the application for and granting of permits by rule for replacement of certain sewage disposal systems under RSA 485-A:38, II-b.

5 New Paragraph; Definitions; Oil Spillage. Amend RSA 146-A:2 by inserting after paragraph XIII the following new paragraph:

XIV. "Qualified facility" means a facility:

(a) That has had no single discharge exceeding 1,000 gallons or no 2 discharges each exceeding 42 gallons, other than discharges that are the result of natural disasters, acts of war, or terrorism;

(b) That has an aggregate aboveground oil storage capacity of 5,000 gallons or less, of which not more than 660 gallons is for storage of gasoline; and

(c) For which preparation of a spill prevention, control, and countermeasure (SPCC) plan does not necessitate the practice of engineering as defined in RSA 310-A:2, III.

6 New Paragraph; Rulemaking; Oil Spillage. Amend RSA 146-A:11-c by inserting after paragraph I the following new paragraph:

I-a. Requirements for facility owners to prepare, submit, and comply with a spill prevention, control, and countermeasure (SPCC) plan prepared in accordance with 40 C.F.R. section 112, provided that no such rules shall require the owner of a qualified facility, as defined in RSA 146-A:2, XIV, to engage a professional engineer to prepare or approve the SPCC plan for that facility.

7 Contingency. If HB 1415 of the 2012 legislative session becomes law, section 1 of this act shall take effect and sections 2-4 of this act shall not take effect. If HB 1415 does not become law, section 1 of this act shall not take effect and sections 2-4 of this act shall take effect upon its passage.

8 Effective Date.

I Sections 1-4 of this act shall take effect as provided in section 7 of this act.

II. Sections 5-6 of this act shall take effect July 1, 2012.

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

AMENDED ANALYSIS

This bill allows certain sewage disposal systems to be replaced after approval by the department of environmental services and requires the department of environmental services to adopt rules regarding requirements for oil spill prevention, control, and countermeasure (SPCC) plans.

Amendment to HB 1722 (2012-1006h)

Proposed by the Committee on Election Law - C

Amend RSA 490-F:9 as inserted by section 1 of the bill by replacing it with the following:

490-F:9 Disqualifications of Judges. No judge or clerk of *any division* of the circuit court shall be retained or employed as an attorney in any action, complaint, or proceeding pending in a division of the circuit court or circuit court site in which that judge or clerk has

been certified or assigned. ~~[No attorney shall be permitted to practice before any division of the circuit court where any justice, associate justice, or special justice is associated with such attorney in the practice of law]~~ ***No attorney associated with such a judge in the practice of law shall be permitted to practice in the division at the circuit court site in which the judge is assigned.***

**Floor Amendment to HB 1723
(2012-0998h)**

Proposed by Rep. Giuda

Amend the introductory paragraph of RSA 132:34, II as inserted by section 1 of the bill by replacing it with the following:

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any ***superior court*** judge ~~[of a court of competent jurisdiction]~~ shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby.

**Amendment to HR 22
(2012-0817h)**

**Proposed by the Minority of the Committee on State-Federal Relations and
Veterans Affairs - R**

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

Whereas, on June 8, 1967 the USS Liberty, while operating in international waters in the eastern Mediterranean was the object of an assault by Israeli warplanes, torpedo boats, and a helicopter gunship; and

Whereas, this assault killed 34 members of the USS Liberty crew, injured 174 personnel on board, and caused extensive damage to the ship; and

Whereas, in the 44 years since the incident the United States government has accepted the Israeli explanation that the assault was an accident; and

Whereas, as a result of this the surviving crewmembers of the USS Liberty are under restraint from making public the truth connected with the assault; and

Whereas, as a result the crewmembers of the USS Liberty are denied appropriate recognition for their valor in service; now, therefore, be it

Resolved by the House of Representatives:

That the state of New Hampshire house of representatives questions the assault on the USS Liberty on June 8, 1967 and respectfully requests that the United States government make a full and complete naval inquiry and accounting for the reason for the assault; and

That the United States government is urged to make public the results of its investigation into the June 8, 1967 assault demonstrating that the assault was the result of Israeli military tactics and strategy in the Arab-Israeli "Six Day War" of 1967; and

That the United States government is urged to re-address its acceptance of the Israeli explanation that the assault was accidental; and

That the United States government officially recognize the extraordinary heroic actions of the USS Liberty commanding officer and his crew for their performance under combat conditions in a state of undeclared war with a friendly nation; and

That a copy of this resolution be transmitted by the house clerk to the members of the New Hampshire congressional delegation.

**Amendment to HR 25
(2012-0704h)**

**Proposed by the Majority of the Committee on State-Federal Relations and
Veterans Affairs - R**

Amend the bill by replacing the second paragraph after the resolving clause with the following:

That copies of this resolution be transmitted by the House Clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the New Hampshire congressional delegation.

**Amendment to SB 153-FN
(2012-0798h)**

Proposed by the Committee on Ways and Means - C

Amend RSA 310-B:19 as inserted by section 14 of the bill by replacing it with the following:

310-B:19 Hearings; ***Investigations. The board may undertake investigations of allegations of misconduct. The form of an investigation is a matter of discretion of the board.*** The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints ~~received~~ ***not dismissed*** by the board within ~~90~~ ***180*** days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted within ~~90~~ ***180*** days of receipt of the complaint before at least ~~5~~ ***4*** members of the board. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance. Orders of the board shall be subject to the contested case provisions of RSA 541-A.