

HOUSE RECORD

Second Year of the 162nd General Court Calendar and Journal of the 2012 Session

Vol. 34 Concord, N.H.

Friday, March 16, 2012

No. 22

Contains: Reports and Amendments for March 21, House Bills Amended by the Senate, Hearings, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in Session on **Wednesday, March 21, 2012 at 10:00 a.m.**

The Committee on Redress of Grievances has begun to issue its reports and findings with regard to petitions submitted to the Committee. These reports will appear in the House Calendar for informational purposes. As they do not constitute legislation, they do not require a vote of the House, but will be placed in the Permanent Journal.

I have appointed Rep. Don LeBrun to be the Speaker's liaison to statutory committees. He will follow up with the Chairs of those committees to ensure they meet and file reports in a timely manner.

Please remember that Representatives Hall is not to be used for any purpose, whether legislative or non-legislative, without the express permission of the Speaker.

You are reminded that material is not to be placed in members' mailboxes in the anteroom behind the Chamber unless and until it has been approved for such distribution by the House Chief of Staff. Also, material is not to be distributed by members in Representatives Hall while the House is in Session.

Chairmen and Vice-Chairmen will meet on Tuesday, March 20th in LOB 305-307 at 9:00 a.m.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **March 21 at 9:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **March 21 at 9:15 a.m.** in Rooms 306-308, LOB.

Terie Norelli, Democratic Leader

NOTICE

The House calendar closes at **3:00 p.m. on Wednesdays** for scheduling and notices. It closes at **NOON on Thursdays** for Committee Reports. Please be sure to do your scheduling in order to meet that deadline.

CLOSES NOON THURSDAY:

March 22

March 29

AVAILABLE FRIDAY:

March 23

March 30

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2012 SESSION

Thursday, March 22, 2012

Last day to report all remaining
House bills.

Thursday, March 29, 2012

Last day to act on House bills.
CROSSOVER.

WEDNESDAY, MARCH 21

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 332, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill will allow auxiliary troopers to work 1,300 hours per year, which is the part time certification limit. Currently they can only work 90 days. These are the troopers that are at the State House and LOB while we're in session. This bill also repeals RSA:375-B. There is no one licensed under this RSA, and there hasn't been since federal regulations went into effect a few years ago. It was felt that since it is no longer needed let's get it off the books. **Vote 11-0.**

JUDICIARY

HB 443-FN, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M Peterson for Judiciary: The committee is recommending passage of HB 437, which covers all the same material. Both were not needed. **Vote 17-0.**

SPECIAL COMMITTEE ON EDUCATION FUNDING

HB 1225, permitting a charter school to incur long-term debt. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edith A Hogan for Special Committee on Education Funding: This bill as amended allows charter schools that have been in existence for 5 or more years to incur long-term debt for the purpose of purchasing buildings or land for new construction or renovations of existing buildings. The state will not be liable for any debt or other financial obligation incurred by a charter school for the purposes listed above. The language added to this bill to protect the state should a charter school debt be unpaid, mirrors the language already in state statute that protects school districts from being liable for charter school debt. **Vote 14-0.**

SPECIAL COMMITTEE ON REDISTRICTING

HB 1671, apportioning congressional districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W Hess for Special Committee on Redistricting: The current congressional districts pose a 502 person redistricting deviation, CD 2 has 251 more people than it should have, and CD 1 has 251 fewer people. This bill as amended provides a 500 person solution. It moves just two political subdivisions – Waterville Valley and Sargent’s Purchase, from Congressional District 2 to Congressional District 1 resulting in a deviation of just 2, - plus 1 in CD 2 and minus 1 in CD 1. This bill essentially maintains the status quo. It is simple, straightforward, surgical, symmetrical, precise and minimalist. It makes good sense, and it is as close to perfect as you can get. **Vote 14-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1140, relative to the care of war memorials in Franconia Notch state park. **OUGHT TO PASS.**

Rep. Steven L Cunningham for State-Federal Relations and Veterans Affairs: This bill assures the proper maintenance of veterans’ memorials and remains at the Franconia State Park. It also allows active duty military, veterans and immediate family to access the trails of the park. The bill anticipates possible future leases and sees that veterans’ interests are protected. The bill does nothing to prevent state agencies to otherwise exercise their authority. The director of parks and recreation may solicit and expend funds for the purpose of maintaining the memorials. **Vote 11-0.**

WEDNESDAY, MARCH 21 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

CACR 31, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. David S Robbins for the **Majority** of Children and Family Law: The committee majority strongly believes it is the right, duty and obligation of parents to educate, care for and protect their children. In this the committee, the sponsors, the United States and New Hampshire Supreme Courts agree. “It is cardinal with us that the custody, care and nurture of the child resides first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder...It is in recognition of this that these decisions have respected the private realm of family life which the state cannot enter.” *Prince v. Commonwealth of Massachusetts*, 321 U.S. 158 (1944).

“The values of Parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society. Even more markedly than in *Prince*, therefore, this case involves the fundamental interest of parents, as contrasted with that of the state, to guide the religious future and education of their children.” *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

“The judicial reluctance to interfere with parental prerogatives derives, historically, from the notion that parents have a natural entitlement to exclusive “companionship, care, custody and management” of their children.” *Stanley v. Illinois*, 405 U.S. 645, 651 (1972).

“We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.” *Quilloin v. Walcott*, 434 U.S. 246 (1978).

“The liberty interest at issue in this case-the interests of parents in the care, custody and control of their children-is perhaps the oldest of the fundamental liberty interests recognized by this Court. In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care custody and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 66 (2000).

“In New Hampshire the rights of parents over the family are considered “natural, essential and inherent rights within the meaning of the New Hampshire Constitution, Part I, Article 2.” In re Diana P., 120 N.H. 791, 798, 424 A.2d 178, 182 (1980).

“Thus parents enjoy a constitutionally protected right to raise their children as they see fit, unfettered by undue state intrusion.” State v. Robert H., 118 N.H. 713, 716, 393, A.2d 1387, 1389 (1978).

“The right of biological parents to raise and care for their children is a fundamental liberty interest protected by Part I, Article 2 of the New Hampshire Constitution.” In the Matter of Nelson & Horsley, 149 N.H. 545, 547 (2003).

Supporters testified that CACR 31 will have no significant impact on current law or practices and that there is no pressing need for this amendment. Why is it before us today? Some supporters are concerned that the U.S. or N.H. Supreme Court will change their constitutional interpretations and provide a greater opportunity for state intervention in parent-child affairs. They want to make a statement that parents’ rights are paramount. Others cited inappropriate parent-child interventions by state executive branch components. To the former we suggest one can rarely predict how a Supreme Court will decide issues raised by new constitutional amendments. It is as likely a future court will determine that this amendment limits parent rights as it does protect them. That would be a catastrophic unintended consequence. To the latter we suggest looking at specific issues and trends raised by citizen interaction with executive branch components and writing appropriate legislation to correct problems. We do this every year. A one sentence constitutional amendment will not “fix” specific problems – especially when no specific problem is identified. Legislation can and will address specific issues as they are identified. Parents should determine the health, welfare and education needs of their children. Only in the most extreme circumstances should the state, acting under explicit guidelines, be authorized to intervene.

The United States and New Hampshire case law is settled and consistent in support of a parent’s rights to control decisions concerning their child’s health, education and welfare needs. We strongly urge you to recognize and support a parent’s natural right – as determined in precedent and statute - by voting ITL on CACR 31. **Vote 11-3.**

Rep. Anne S Cartwright for the **Minority** of Children and Family Law: The purpose of our constitution is to protect natural rights, given by God and nature. This legislature has observed repeated violations of the natural right of parentage by our executive departments and legislative courts. Therefore, the minority believes it is necessary to give the people the opportunity to state those rights explicitly in the Constitution to defend those rights which have long been recognized by the Supreme Court of New Hampshire as implied in Part I, Article 2. The ability to defend one’s rights ought not to depend entirely on having the resources for appeal.

EDUCATION

HB 1313, allowing school districts to offer higher education scholarships to high school pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Education: The majority did not feel that this bill was necessary in that local districts have the opportunity, and in fact, some all ready do, what this bill seeks to accomplish. Several local districts participate with the community college system’s program called Running Start which is a valuable program for the students who want to access college courses while still in high school. **Vote 13-2.**

HB 1389, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education: This bill, though laudable, will place a burden on elementary school – grades K – 5. Adding additional curriculum to these grades will further erode the needed math and reading skills. Nothing prevents the local school district from including technology in their math or reading curriculum now. **Vote 15-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1642-FN, relative to destination cancer hospitals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. John M Reagan for the **Majority** of Health, Human Services and Elderly Affairs: The only successful strategy for reducing health care costs is the timely resolution of the disease or injury. Destination hospitals are successful because their specialization sees better outcomes for the patients and lower costs for the payers. Many destination specialty providers are located outside of the United States attracting American patients. The New Hampshire health delivery paradox is how can we be the healthiest state in the union but have the highest per capital health care costs? The reason is obvious. We are paying the hospitals and doctors too much for too many procedures and not enough health problem resolution. We are paying too much to those who deliver our New Hampshire health care and have no basis for comparing the health providers success. The solution to the high price conundrum is competition between providers. Competition often brings a better outcome faster and competition always lowers the price when we allow it. We should have specialty hospitals operating their businesses in New Hampshire and advance the transparency allowing the consumer to choose his or her own best outcome. We will allow New Hampshire to enjoy the good jobs, valuable service and tax payments from new providers like all successful business provide. The amendment resolved the contentious requirement to exempt a hospital from paying the undesirable but necessary MET, Medicaid Enhancement Tax. **Vote 10-8.**

Rep. Donald L LeBrun for the **Minority** of Health, Human Services and Elderly Affairs: HB 1642 in its amended form allows small specialty hospitals to come into New Hampshire without going through the Certificate of Need process (CON). The CON requires health care facilities to submit an application for review and approval before expanding or building and prior to the purchase of expensive medical technology. The goal of the CON is to contain health care costs by assuring unnecessary duplication of services and promoting rational allocation of health care resources. In addition the CON stimulates collaboration among providers to manage health care costs. Exempting specialty hospitals from the CON process gives them an unfair competitive advantage over existing health care facilities in NH. Furthermore, specialty hospitals will not take Medicaid patients which will leave our community hospitals with the Medicaid patients and patients who have no insurance. This is called "cherry picking." As a result, the cost of care will be shifted to private insurance companies who will then have to increase their premiums which will then put a significant burden on those that must pay the costs for health insurance- New Hampshire businesses. This is the reason that the BIA opposes HB 1642. Experts testified before the committee that increasing availability of health care services increases utilization of services and therefore increases health care costs. "If you build it, they will come." Any new capacity in the form of a new hospital or technology will be utilized whether or not there is a documented need for these services. This only stands to reason as the new service or equipment must be paid for. The only way you can pay for the equipment is to use it. The CON process provides for a rational review as to the need for these services in a community and the impact the service will have on the health care delivery and health care costs. The minority supports specialty hospitals coming to New Hampshire but opposes HB 1642 because it creates an uneven playing field for our local community hospitals.

JUDICIARY

SPECIAL ORDER

CACR 22, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian JX Murphy for the **Majority** of Judiciary: This bill would offer an amendment to the New Hampshire Constitution, to be voted upon by the citizens of the state at the general

election of November 2012. Currently the justices of the state supreme court make the rules that govern the administration of all courts in the state. The majority of the committee believes that court rules should have the force and effect of law. Accordingly, it was determined that the legislature, the body charged with passing laws, should be involved in this process. This is not a novel concept. Prior to 1978, the New Hampshire legislature passed the statutes on judicial rules and procedures. This amendment would strike a balance between the judicial and legislative branches and require that the chief justice establish the court rules with the concurrence of the state legislature. The majority of the committee concluded that this issue was important enough to be put before the people by way of Constitutional Amendment. **Vote 12-4.**

Rep. Lucy M. Weber for the **Minority** of Judiciary: This is the first of two mutually inconsistent CACRs recommended for passage by this committee. One of the popular myths about our present constitution is that the passage of Part II, Article 73-1 in 1978 somehow took power away from the legislature and put it in the hands of the court. This is not true. Article 73-a simply reallocated rulemaking power within the judicial branch from the superior court to the supreme court. This CACR would amend Part II Article 73-a of the constitution to allow the supreme court to make rules of court procedure only with the concurrence of the legislature. Those in favor of this change argue that this is already being done on the federal level. However, the federal system is different in that the court sets the rules, and then the legislature has seven months in which to decide if they want to overrule or modify the court's action. Requiring the legislature to take affirmative action before a rule can be adopted will be counterproductive in many instances. An example of this would be the rulemaking required of the court upon passage of the parental notification bill to set out procedures for the judicial bypass contained in the bill. There, the rules needed to be in place when the bill was implemented. The minority is also concerned about adhering to the charge of a much older part of our constitution, Part I, Article 37, which says, "[i]n the government of this state, the three essential powers thereof to wit, the legislative, executive, and the judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity." Finally, the minority believes that the majority abdicated its duty to make a considered recommendation to this House when it recommended two inconsistent CACRs addressing the same subject matter to the full House.

SPECIAL ORDER

CACR 26, Relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gregory M Sorg for the **Majority** of Judiciary: This CACR, if ratified, would repeal Article 73-a of Part II of the New Hampshire constitution. It is one of several CACRs aimed at correcting the perceived improvident cumulative transfer of authority from the legislative to the judicial branch through several constitutional amendments ratified between 1966 and 1978. The authority given to the supreme court by Article 73-a in 1978 to make rules having "the force and effect of law" is by its terms limited to "rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts." However, acting under color of Article 73-a, the court has repeatedly issued rules unrelated to and going well beyond court administration, practice and procedure, and the majority believes that this abuse justifies withdrawal of its supposed basis by repeal of Article 73-a.

Vote 11-5.

Rep. Janet G Wall for the **Minority** of Judiciary: This CACR would repeal all authority for the Chief Justice of the Supreme Court to make rules governing the administration of all the courts. The bill is flawed in that it does not tell the voters the correct information. There is a legislative myth that Part II, Article 73-a altered power between the legislature and the

supreme court. It did not. Article 73-a reallocates power within the judicial branch by authorizing rulemaking power by the supreme court, rather than the superior court. It did nothing to the legislative branch. Just as the various state agencies make rules for the applications of laws the legislature passes, the judicial branch needs to make rules as well. Rules made by the judicial branch deal with numerous functions including the everyday operations of the court system. The rulemaking process in the judicial branch is not undertaken lightly. We have a system of checks and balances in government with respect for the separation of powers. While the legislative branch makes laws, the judicial branch, in this instance, develops rules. This CACR is not needed.

HB 437-FN, relative to the definition of marriage. OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory M Sorg for Judiciary: As introduced, HB 437 seeks to repeal same-sex marriage as enacted in 2009, and restore civil marriage to its previous state. An amendment recommended by the committee, would, in addition, reinstitute civil unions, but a much more inclusive kind than that repealed in 2009 in that it would be open to any two unmarried adults, without regard to gender or blood relationship. HB 437 also contains a statement of purpose declaring, among other things, that marriage is a social institution predating organized government, and “understood as the legal union of a man and woman.” This view is supported by at least two provisions of the New Hampshire constitution.

First, the power to legislate conferred by Part II, Article 5 is limited by its terms to objects judged by the general court to serve “the benefit and welfare of this state;” that is, the state and its people generally. It is difficult, given the underlying purpose of marriage and the basis for the state’s concern with people’s intimate personal relations, to discern what benefit to the state accrues from legally extending marriage beyond its ages-old limitation in Western culture to one man and one woman. By contrast, it is easy for anyone neither intimidated by detraction nor swept along by the latest fad in political correctness to discern the harm inherent in radically altering this or any other civil institution from the form to which society has long been accustomed.

Second, Part II, Article 76 uses the word “marriage” without defining it. Both logic and many decisions of the supreme court dictate that until changed by constitutional amendment a word contained in the constitution has the meaning in common usage at the time of its adoption. For example, in *Claremont School District v. Governor*, 138 N.H. 183 (1993) at p. 186, the supreme court states: “In interpreting an article in our constitution, we will give the words the same meaning that they must have had to the electorate on the date the vote was cast.’... In doing so, we must ‘place [ourselves] as nearly as possible in the situation of the parties at the time the instrument was made, that [we] may gather their intention from the language used, viewed in the light of the surrounding circumstances.’”

The 1780 edition of *Sheridan’s Dictionary* defines “marriage” as “the act of uniting a man and woman for life.” If it needs confirmation that this understanding prevailed over the following two centuries, it can be found in, among many other legal authorities, the 1968 edition of *Black’s Law Dictionary*, which defines “marriage” as “the civil status, condition, or relation of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on those whose association is founded on the distinction of sex.”

Liberty can be sustained only if original constitutional meaning prevails until changed by constitutional amendment. Accordingly, a union of two (or more) persons of the same sex is not marriage at all under New Hampshire’s fundamental law, and cannot become such by ordinary legislation. In *Matter of Blanchflower & Blanchflower*, 150 N.H. 226 (2003) at pp. 227-228, the supreme court applied the same principle to interpretation of a statute, in the context of a same-sex relationship: “We also note that ‘[a] law means what it did to its framers and its mere repassage does not alter that meaning.’...Based upon the foregoing, we conclude that adultery under RSA 458:7, II does not include homosexual relationships.”

The 2009 enactments to be repealed by HB 437 purported to create “marriage equality.” But equality or fairness in any context depends upon the terms of the comparison. The true basis for comparison between heterosexual and homosexual marriage - and thus for evaluating the equality implications of HB 437 - lies in the fact that the reason the institution of marriage exists in the first place is that sexual relations between men and women regularly and exclusively produce children. If they did not, neither society nor government would have cause to regulate people’s intimate unions. It is this unique reality that provides the rational basis for the law’s recognizing and encouraging marriage and limiting it to one man and one unrelated woman. On the other hand, if mutual caregiving or some other consideration were the basis for, rather than simply a byproduct of, marriage, there would be no principled reason to limit it either to two people or to unrelated people. Indeed, absent removal of these limits and the opening up of marriage to parties of any number and any degree of sanguinity, separating marriage from procreation produces inequality lacking any rational basis whatever.

In 2007, the legislature, through that session’s HB 437, enacted RSA 457-A, creating same-sex civil unions, granting to persons joined therein all the rights and subjecting them to all the obligations and responsibilities of persons joined in marriage. Equality of rights thus having been expressly codified, what could have been the purpose of advancing the agenda to formal marriage in 2009 if not to be able to claim society’s approbation of homosexual sex?

Why should the heterosexual majority be required to give such sanction? The homosexual minority not needing it in order to live as any two (or more) of them choose, by what right and to what object beneficial to the state does it insist on it? The law has historically recognized and encouraged as beneficial to the state the creation of heterosexual marriages so that as many children as possible are reared and nurtured by their biological parents in a common household. What comparable societal benefit; indeed, what benefit of any kind, can be claimed for recognizing and encouraging the creation of homosexual marriages?

Proponents have been unable to identify any specific, substantive contribution that same-sex marriage makes to the benefit and welfare of this state; certainly none that outweighs the burden it places upon traditional marriage. The closest approximation ever advanced is that of fostering mutual respect. But how does one legislate respect? Legislatively or judicially-imposed same-sex marriage seeks to enforce its proponents’ idea of the Golden Rule, not through persuasion and appeal to our better nature, but through threats of litigation, fines and imprisonment. We are often told that we cannot legislate morality. If that is so, then by what contortion of logic does it follow that we must legislate approval of what many regard as immorality?

Governmental recognition of marriage is pointless except as a way to nurture the vital but delicate relationship between sex and the rearing of children. Rather than expand the institution, same-sex marriage empties it of content. **Vote 11-6.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 39, urging Congress to privatize all aspects of social security. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lynne F Blankenbeker for the **Majority** of State-Federal Relations and Veterans Affairs: Self responsibility and accountability are values taught to our children in our schools today. We all understand that our actions have consequences. Americans are capable of making decisions regarding their futures and their future quality of life. They pick professions to support their lifestyles now and to support their retirement wishes. They invest today to secure the retirement of their choice.

The initial intent of social security as a survivor benefit plan was certainly noble and laudable. But social security has morphed into a benefit plan that keeps many of our elderly in poverty. Its breadth and depth has surpassed far beyond that initial intent. Early social security enjoyed the benefit of many payers into the system during the “baby boomer” years with far fewer recipients eligible for benefit. Those “baby boomers” are now collecting.

Unfortunately, those same “baby boomers” did not produce enough taxpayers themselves to

keep up with this out of control social security benefit growth. Simple math will tell any logical person there are just not going to be enough taxpayers to sustain the huge number of beneficiaries.

Furthermore, there are many groups of folks who opt out of the social security plan in favor of privatized retirement plans. For example, here in New Hampshire our group 2 employees are not subject to the social security tax. Many testified that the only way social security works is if ALL pay in. Yet there are many carve outs for groups who privately invest. That said, by the admission of many, social security will not be sustainable unless ALL pay in. A concern was raised regarding protection of those currently receiving benefits and the amendment was adopted to alleviate that concern by providing continued benefits to those current recipients.

Simply put, social security was arguably necessary at it's time of inception. However, times have changed. Let's send a message to Washington that we believe Americans can be responsible in making their own financial and retirement decisions. **Vote 8-6.**

Rep. John R Cloutier for the **Minority** of State-Federal Relations and Veterans Affairs: Privatizing social security would be a bad idea, especially for our most vulnerable citizens who work at low wage jobs, and are unfortunately unable to save for their retirements. While social security is not perfect, it is often the only income some of our poorest citizens receive in their so-called "golden years." The sponsors indicated that the program will be in major financial trouble within just a few years. According to testimony received at the hearing, social security is fully funded through 2037. Afterwards, it would still pay out 75% of promised benefits. By making a few minor changes now such as raising the earnings cap so that income above \$106,800 is taxed for the program, all workers would pay their fair share for benefits, and the program's finances could be strengthened for many years beyond 2037.

COMMITTEE FOR REDRESS OF GRIEVANCES REPORTS

The following reports are the result of committee hearings and deliberations on the petitions presented to it. They are printed here for informational purposes.

Petition #1: Voters of the Town of Hudson

REPORT

Grievance Unfounded.

Committee Findings:

The Petitioner failed to prove that Article 28-a, Part I of the New Hampshire Constitution was violated in the 2007 legislation mandating that school districts provide public kindergarten education and agrees with Judge Barry that the funds were provided if only at the minimum level of adequacy. **Vote 10-2.**

Rep. Robert F. Willette for the Committee

Petition Number #4: Grievance of Vincent Milano

MAJORITY:

Grievance Founded with Committee Recommendations.

Committee Majority Findings:

The Petitioner proved that an incident involving a threat of bodily injury occurred in the Epping School District. The Petitioner also proved that, whether or not the threat was meant seriously, the process and result of the subsequent investigation by local law enforcement officials were not open, transparent and accountable to those filing the complaint. Having reached these conclusions, the Committee found as follows:

1. There was an apparent conflict of interest between the Chief of Police, to whom the complaint was made, and the Chairman of the School Board, by reason that they were one and the same person. There was no evidence that this individual recused himself from the process at any stage, leaving a sense of impropriety even if one did not exist.
2. When the same person is the supervisor both of the person accused and of the person investigating the accusation, confidence in the integrity of the investigation is obviously compromised.

The Committee recommends for consideration in future legislation a) requiring external investigations when those investigating would otherwise be in a conflicted position vis a vis those being investigated; b) requiring all governmental agencies to create a transparent and impartial process for investigating complaint including amending the Right to Know laws so as to make complaints against public officials open to the public rather than sealed in personnel records; c) allowing citizens the option to make complaints directly to the court rather than to police departments; d) modifying state bullying statutes to protect children from bullying by teachers and staff. **Vote 8-1.**

Rep. George A. Lambert for the Committee

Minority:

Grievance unfounded.

The Minority of the Committee agreed this was an unfortunate situation but a decision of "founded" was not warranted. The action which led to the petition was trivial and the petitioner was not actually a party to it but was the father of a student who is an adult and has graduated. Also, the teacher named in the petition has left the Epping School District.

Rep. Timothy Horrigan for the Minority of the Committee

PETITION # 9: Grievance of Frank M. Handibode, Hebron, New Hampshire

MAJORITY:

Grievance Unfounded.

Committee Majority Findings:

The petition alleged disproportionate assessment by the assessors for the Town of Hebron and the failure of the Board of Tax and Land Appeals (BTLA) to correct the error. The Committee held public hearings at which it considered testimony of the Petitioner, and representatives of the BTLA, the Department of Revenue Administration (DRA) and the assessing company, Avitar Associates of New England. Following deliberations in executive session, the Committee made the following findings:

1. The Petitioner failed to exhaust his administrative remedies in that he did not file a motion for rehearing of the BTLA decision under RSA 541-A:6, which would have afforded the BTLA the opportunity to correct any error in its original decision, and even if it did not do so, would have provided the jurisdictional prerequisite to an appeal to the Supreme Court. The Committee believes that the redress process should not be invoked unless a petitioner

can show that he has already availed himself of all the remedies the law already provides or can make a satisfactory showing that they are ineffective or of no use.

2. The Petitioner did not show that his assessment was disproportionate. Although there was evidence suggesting anomalies in the assessment process, the resulting figure appeared to be within the acceptable norm of deviation.

While the Committee found no basis for relief in this instance, it wishes to encourage the ongoing efforts of the Assessing Practices Board to establish standards minimizing subjectivity in matters such as the view component, and making assessment cards more easily understood by property owners. **Vote 7-2.**

Rep. Gregory M. Sorg for the Majority of the Committee

Minority: Grievance founded.

Committee Minority Findings:

The Minority of the Committee believes the petition founded since there were several errors in the assessment's technical data including ceiling heights and front porch footage; because the much lower previous two years' assessments for a house which was unimproved were based on "fair market value;" because two similar neighbor's homes actually sold at almost a third less than the evaluated price although it was pointed out the sales were arm's length; and because the town opted to double the view tax in one assessment.

Rep. Stella Tremblay for the Minority of the Committee

LAID ON TABLE

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. (Pending question: adoption of the minority committee report of inexpedient to legislate.)

HB 162-FN, relative to capital murder for purposely causing the death of another. (Pending question: adoption of committee report of ought to pass.)

HB 448-FN, relative to spice incense products. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 475-FN, relative to penalties under the consumer protection act. (Pending question: adoption of committee report of ought to pass.)

HB 494-FN, relative to tipped employees who deal card and table games at games of chance venues. (Pending question: adoption of majority committee report of ought to pass with amendment.)

HB 591, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. (Pending question: adoption of majority committee report of inexpedient to legislate.)

HB 1147, proclaiming March 31 of each year as a day to remember Terri Schiavo. (Pending question: adoption of the committee report of inexpedient to legislate.)

HB 1318, relative to carrying firearms. (Pending question – adoption of the committee report of inexpedient to legislate.)

HB 1368, relative to real property held as a joint tenancy with rights of survivorship. (Pending question – adoption of the majority committee report of ought to pass with amendment.)

HB 1413-FN, directing New Hampshire to withdraw from the No Child Left Behind Act. (Pending question – adoption of the majority committee report of ought to pass.)

HB 1453, relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments. (Pending question – adoption of the majority committee report of ought to pass.)

HB 1517-FN-L, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court. (Pending question – adoption of the majority committee report of ought to pass.)

HB 1522-FN, reducing the penalty for violating a local vendor ordinance. (Pending question – adoption of the committee majority report if inexpedient to legislate.)

HB 1685-FN-L, relative to collective bargaining under the public employee labor relations statutes. (Pending question: adoption of the majority committee amendment.)

HB 1709-FN, establishing a criminal offense for failure to report a missing or deceased child. (Pending question - adoption of the committee report of refer for interim study.)

HCO 1, relative to implementing an election pursuant to representative districts established in the order.

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Pending question: adoption of the majority committee report of ought to pass with amendment.)

HOUSE BILLS AMENDED BY THE SENATE

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (House Nonconcurrent; C of C 3/7/12)

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (House Nonconcurrent; C of C 3/14/12)

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (House Nonconcurrent; C of C 2/22/12)

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. (House Concurred 2/1/12)

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (House Nonconcurrent; C of C 3/7/12)

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (House Nonconcurrent; C of C 3/7/12)

HB 158, relative to the misuse of social security numbers. (House Nonconcurrent; C of C 3/7/12)

HB 186-FN, relative to the definition of political communication. (House Nonconcurrent 2/1/12)

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. (House Concurred 2/1/12)

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 508-FN, establishing a performance measurement for State agencies. (House Nonconcurrent; C of C 2/1/12)

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (House Nonconcurrent; C of C 3/7/12)

HB 627-FN, relative to “essential benefits” under federal health care reform. (House Nonconcurrent; C of C 2/22/12)

HB 648, relative to eminent domain petitions by public utilities. (House Concurred 2/8/12)

COMMITTEES OF CONFERENCE

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds. (Reps. Stepanek, Sanborn, Ulery and Azarian - Subject to Senate agreement.)

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (Reps. L. Ober, Hess, Balboni and Renzullo - Subject to Senate agreement.)

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (Reps. Hunt, Mauro, McGuinness and Gidge - Subject to Senate agreement.)

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (Reps. Welch, Warden, Parsons and Ginsberg - Subject to Senate agreement.)

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (Reps. Giuda, LaCasse, McClarren and Wall - Subject to Senate agreement.)

HB 158, relative to the misuse of social security numbers. (Reps. Murphy, Hagan, Palmer and Watrous - Subject to Senate agreement.)

HB 508-FN, establishing a performance measurement for State agencies. (Reps. Bowers, Moran, Cebrowski and Winter - Subject to Senate agreement.)

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (Reps. Moran, Edith Hogan, Soucy and Lovejoy - Subject to Senate agreement.)

HB 627-FN, relative to “essential benefits” under federal health care reform. (Reps. Hunt, Manuse, Flanders and Schlachman - Subject to Senate agreement.)

COMMITTEE MEETINGS

FRIDAY, MARCH 16

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

1:00 p.m. Regular meeting.

RULES COMMITTEE, Room 303, LOB

9:00 a.m. Regular meeting.
Executive session to follow.

SUNDAY, MARCH 18

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community College, Room 235 Student Center, Crocker Wellness Center Building, Concord

1:00 p.m. Regular meeting.

MONDAY, MARCH 19

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

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 307, LOB (Please note room change.)

9:00 a.m. Subcommittee work session on **HB 1360**, relative to the rulemaking authority of the state board of education.
11:30 a.m. Subcommittee work session on **HB 1508**, relative to procedures of the board of mental health practice.

Room 303, LOB

11:30 a.m. Subcommittee work session on **HB 1260-FN**, relative to poker games and charitable gaming.

FINANCE, Rooms 210-211, LOB

9:30 a.m. **HB 1727-FN**, to return certain insurance exchange moneys to the federal government.
Executive session may follow.
10:00 a.m. Rescheduled full committee work session on **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account, **HB 1727-FN**, to return certain insurance exchange moneys to the federal government.

FINANCE – (DIVISION II), Room 209, LOB

1:00 p.m. Work session on **HB 1692-FN**, making changes to the administration of the university system of New Hampshire.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306-308, LOB

9:00 a.m. Rescheduled public hearing on proposed amendment to **HB 1460**, establishing a committee to study additional public employee pension reforms. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
Executive session may follow.

TUESDAY, MARCH 20

CHILDREN AND FAMILY LAW, Room 205, LOB (Please note room change.)

10:00 a.m. **HB 1325**, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.
Executive session may follow.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:15 a.m. Full committee work session on **HB 1402**, relative to the sale of homemade food and licensing of certain milk producer-distributors, **HB 1560**, relative to the interstate Health Care Compact, **HB 1597**, relative to taking by eminent domain for certain purposes, **HB 1241**, relative to table wines.
1:15 p.m. Executive session on **HB 1241**, relative to table wines, **HB 1402**, relative to the sale of homemade food and licensing of certain milk producer-distributors, **HB 1560**, relative to the interstate Health Care Compact, **HB 1597**, relative to taking by eminent domain for certain purposes.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. **HB 1227**, relative to disqualification of certain members of the general court.

- 10:30 a.m. **HB 1350**, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.
- 11:00 a.m. **HB 1395**, revoking amendments to supreme court rules 50 and 50-A.
Executive session may follow.
- 1:00 p.m. Executive session on **HB 1475**, relative to enforcement of interstate compacts.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Executive session on **HB 445-FN**, relative to the regulation of electronic tracking devices.
- 10:30 a.m. **HB 1659-FN**, relative to the women's right to know act regarding abortion information.
Executive session may follow.

EDUCATION, Room 207, LOB

- 10:30 a.m. Rescheduled public hearing on **HB 1331**, relative to the grounds for termination of employment of a school administrative unit or school district employee.
- 11:00 a.m. Rescheduled public hearing on **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.
Executive session may follow.
- 1:30 p.m. Rescheduled executive session on **HB 1331**, relative to the grounds for termination of employment of a school administrative unit or school district employee, **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Executive session on **HB 1726**, exempting the transport of certain electronic waste and universal waste from the hazardous waste transporter registration program.
- 11:00 a.m. **SB 370-FN**, relative to the powers of law enforcement and animal control officers.
Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 8:30 a.m. Subcommittee work session on **HB 1360**, relative to the rulemaking authority of the state board of education.
- 10:00 a.m. Subcommittee work session on **HB 1508**, relative to procedures of the board of mental health practice.
- 10:30 a.m. Executive session on **HB 1260-FN**, relative to poker games and charitable gaming, **HB 1360**, relative to the rulemaking authority of the state board of education, **HB 1476**, prohibiting the enforcement of out-of-state laws, rules, codes, and fees not approved by the New Hampshire legislature, **HB 1508**, relative to procedures of the board of mental health practice, **HB 1436**, establishing a committee to oversee the management of natural resources by the department of resources and economic development, **HB 1435**, establishing a committee to oversee the department of environmental services.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Public hearing on proposed amendment to **HB 1658-FN**, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF). Copies of the proposed amendment will be available from the Sergeant-at-Arms office.
- 11:00 a.m. Executive session on **HB 1274-FN**, transferring the McAuliffe-Shepard

discovery center to a private operator and making a supplemental appropriation therefor, **HB 1285-FN**, repealing the state art fund, **HB 1521-FN**, relative to retired state employees group insurance participation, rescheduled executive session on **HB 234-FN-A**, relative to food service licensure and establishing a committee to study the regulation of food service establishments, **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year, executive session on **HB 1692-FN**, making changes to the administration of the university system of New Hampshire, **HB 1552-FN**, relative to the reporting of funds, **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account, rescheduled executive session on **HB 1658-FN**, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF), **HB 604**, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation, **HB 1727-FN**, to return certain insurance exchange moneys to the federal government.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 201, LOB

2:00 p.m. Mental health subcommittee meeting.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 201, LOB

1:00 p.m. Subcommittee work session on abortion statistics.

JOINT HEALTH CARE REFORM OVERSIGHT (RSA 420-N:3), Room 302, LOB

3:00 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:30 a.m. Full committee work session on the rights of conscience for medical professionals.

10:45 a.m. Executive session on **HB 1725-FN**, prohibiting health care practitioner self-referrals for medical devices.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

10:30 a.m. Executive session on **HB 1361**, relative to fiscal notes on bills and **HB 1623**, relative to records of the legislative ethics committee.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Rescheduled public hearing on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.

Executive session may follow.

10:30 a.m. Rescheduled full committee work session on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities. Immediately following the work session, executive session on **HB 1634**, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities. Executive session to follow.

REDRESS OF GRIEVANCES, Room 307, LOB

10:00 a.m. Rescheduled public hearing on **PETITION 11**, grievance of David D. Vandenberg.

10:05 a.m. Rescheduled public hearing on **PETITION 20**, grievance of Carl E. Dow.

10:10 a.m. Rescheduled public hearing on **PETITION 21**, grievance of Arthur Ginsberg, Nashua, New Hampshire.

10:15 a.m. Rescheduled public hearing on **PETITION 22**, grievance of Joseph Haas.

- 10:20 a.m. Rescheduled public hearing on **PETITION 23**, grievance of Bill and Mary Cloutier, Epping, New Hampshire.
- 10:25 a.m. **PETITION 26**, grievance of Joshua Youssef.
- 10:30 a.m. Rescheduled public hearing on **PETITION 25**, grievance of the Community Action Group to Save CMC Again.
- 10:35 a.m. Rescheduled public hearing on **PETITION 27**, grievance of Monique Prince.
- 10:40 a.m. Rescheduled public hearing on **PETITION 28**, grievance of Ghislain Breton.
- 10:45 a.m. Rescheduled public hearing on **PETITION 30**, grievance of Bethany Capen.
- 10:50 a.m. Rescheduled public hearing on **PETITION 31**, grievance of Wade Henry.
- 10:55 a.m. **PETITION 32**, grievance of Randall Bowen, Shona Bowen, Jerry DeLemus, Robert Gates, Thomas Kaczynski, Jr., and 308 additional petitioners, all of Rochester, New Hampshire.
Work session may follow.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:15 a.m. **SB 324-FN**, relative to the use of funds generated by the Hampton Beach parking facilities.
- 11:15 a.m. Full committee work session on **SB 142-FN**, relative to reorganizing the permitting process within the department of environmental services.
- 1:00 p.m. **SB 330-FN**, requiring an independent financial opinion prior to the leasing of any state park property to a private entity.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Rescheduled public hearing on **HB 1724-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.
- 11:00 a.m. Rescheduled public hearing on **SB 48**, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments.
Executive session may follow.
- 1:00 p.m. Executive session on **HB 1238**, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets, **HB 1390**, relative to the regulation of incumbent local exchange carriers, **HB 1428**, relative to public utilities commission orders concerning renewable portfolio standards, **HB 1490-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions, **HB 1724-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 3:00 p.m. Subcommittee work session on **SB 302**, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Executive session on **HB 1701-FN**, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state, **HB 1607-FN-L**, establishing an education credit against the business profits tax.

WEDNESDAY, MARCH 21

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 12:00 p.m. Or during the lunch break from Session, continued executive session from

March 20, if needed.

THURSDAY, MARCH 22

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Continued executive session from March 20, if needed.

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB

3:00 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:00 a.m. Continued executive session from March 20, if needed.

REDRESS OF GRIEVANCES, Room 303, LOB

10:00 a.m. *PETITION 33*, grievance of Nicholas Haas.

Work session may follow

FRIDAY, MARCH 23

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 305, LOB

9:30 a.m. Regular meeting.

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

11:00 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

MONDAY, MARCH 26

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 308, LOB

9:00 a.m. Regular meeting.

TUESDAY, MARCH 27

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Rescheduled public hearing on *SB 239-FN*, relative to the membership and duties of the installation standards board.

10:45 a.m. *SB 331*, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty.

11:30 a.m. *SB 339*, establishing Loon Appreciation Day.

1:15 p.m. *SB 308*, proclaiming January 24, 2013 as Granny D. Day.

Executive session may follow.

FINANCE, Rooms 210-211, LOB

11:00 a.m. Rescheduled public hearing on *SB 362-FN*, relative to benefits related to service of certain part-time judges of probate retiring because of permanent disability.

1:00 p.m. Rescheduled public hearing on *SB 369-FN-L*, relative to aid to assisted persons.

Executive session may follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. ***SB 83-FN***, enabling municipalities to create other post-employment benefits (OPEB) trusts.
Executive session may follow.

TRANSPORTATION, Room 203, LOB

10:00 a.m. ***SB 313-FN***, relative to state photographic identification indicating veteran's status.

10:30 a.m. ***SB 366-FN***, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.

11:30 a.m. ***SB 296***, relative to including next-of-kin contact information on a driver's license.

1:00 p.m. ***SB 315***, requiring motorists to give wide berth to highway maintenance vehicles.

1:15 p.m. ***SB 285***, authorizing suspension or revocation of a driver's license for serious boating offenses and relative to loss of motorboat privileges for aggravated driving while intoxicated.

2:15 p.m. ***SB 282***, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.
Executive session may follow.

FRIDAY, MARCH 30

ADMINISTRATIVE RULES (RSA 541-A:2), Room 103, State House

9:00 a.m. Regular meeting.

MONDAY, APRIL 2

STATE COMMITTEE ON AGING (RSA161-F:7), Department of Health and Human Services, Brown Building, Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, APRIL 3

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

3:30 p.m. Regular business.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Full committee work session on ***SB 83-FN***, enabling municipalities to create other post-employment benefits (OPEB) trusts.

10:30 a.m. Executive session to follow.

WEDNESDAY, APRIL 4

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

4:30 p.m. Regular meeting.

FRIDAY, APRIL 6

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128),

Employment Security, 32 South Main Street, Concord
9:00 a.m. Regular meeting.

MONDAY, APRIL 9

**COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30),
Room 308, LOB**
10:30 a.m. Regular meeting.

TUESDAY, APRIL 10

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB
10:00 a.m. **SB 255**, relative to liens for land use change tax assessments.
10:45 a.m. **SB 233-L**, relative to special elections of the charter commission.
11:15 a.m. **SB 254**, relative to funding and expenditures from certain municipal special revenue funds.
Executive session may follow.

THURSDAY, APRIL 12

**CHILDREN AND FAMILY LAW JOINT WITH EXECUTIVE DEPARTMENTS AND
ADMINISTRATION, Rooms 306-308, LOB**

10:00 a.m. Performance audit of the GAL Board.

**COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA
359-L:1), Room 303, LOB**

3:00 p.m. Subcommittee meeting.

Room 307, LOB

3:00 p.m. Subcommittee meeting.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION JOINT WITH CHILDREN
AND FAMILY LAW, Rooms 306-308, LOB**

10:00 a.m. Performance audit of the GAL Board.

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

1:00 p.m. Medical sharps subcommittee meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 306**, relative to the commercial and industrial construction property tax exemption.

10:45 a.m. **SB 238**, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.
Executive session may follow.

**NH INNOVATION RESEARCH CENTER OVERSIGHT COMMITTEE (RSA 187-A:32),
UNH Law School. Room 175, The Franklin Center Board Room, Concord**

2:00 p.m. Regular meeting.

FRIDAY, APRIL 13

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

10:00 a.m. Regular business.

MONDAY, APRIL 16

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

1:00 p.m. Regular meeting.

TUESDAY, APRIL 17

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Full committee work session on ***SB 306***, relative to the commercial and industrial construction property tax exemption.

10:10 a.m. Full committee work session on ***SB 238***, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.

10:45 a.m. Executive session to follow.

FRIDAY, APRIL 20

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

MONDAY, APRIL 23

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

9:00 a.m. Regular meeting.

TUESDAY, APRIL 24

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Full committee work session on ***SB 233-L***, relative to special elections of the charter commission.

10:10 a.m. Full committee work session on ***SB 254***, relative to funding and expenditures from certain municipal special revenue funds.

10:20 a.m. Full committee work session on ***SB 255***, relative to liens for land use change tax assessments.

11:00 a.m. Executive session on ***SB 233-L***, relative to special elections of the charter commission, ***SB 254***, relative to funding and expenditures from certain municipal special revenue funds, ***SB 255***, relative to liens for land use change tax assessments.

THURSDAY, APRIL 26

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB

3:00 p.m. Full committee meeting.

FRIDAY, APRIL 27

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on Tuesday, **March 20** at 7:00 p.m. at the Belknap County Complex for a public hearing on the budget and possible vote by the delegation.

Rep. Alida I Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in executive session on **March 19** at 9:00 a.m. The purpose of the meeting is to consider and vote upon Budget appropriations for Carroll County and to consider any other business that may appropriately come before them. The meeting will take place at the County Administration Building Delegation Room, 95 Water Street, Ossipee.

Rep. Karen Umberger, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICE

Grafton County Executive Committee will meet on **March 19** at 9:00 a.m. at the County Administration Building. In addition to regular agenda items, the county commissioners will be presenting a conceptual plan for a biomass-fueled plant to provide heat and domestic hot water to several county buildings.

Rep. Lyle E. Bulis, Chairman
Grafton County Executive Committee

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will be meeting on Friday, **March 23**, 2012 at 9:00 a.m. at the Hillsborough County Complex in Goffstown NH.

Rep. Carl Seidel, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICES

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at 6:00 p.m. on Tuesday, **March 20**, 2012 at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: To consider 2012 Budget Appropriations for Merrimack County and to consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2012 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. David Palfrey, Chairman
Merrimack County Delegation

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on Tuesday, **March 20**, 2012 at 6:00p.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: Approval of the 2012 Merrimack County Proposed Budget and to consider any other business that may appropriately come before them.

Rep. David Palfrey, Chairman
Merrimack County Delegation

REVISED FISCAL NOTES

The following House Bills and Senate bills have a revised fiscal note: HBs 102, 110, 186, 222, 225, 234, 242, 247, 325, 351, 418, 420, 445, 449, 494, 508, 518, 533, 602, 627, 1155, 1274, 1302, 1383, 1473, 1495, 1496, 1505, 1510, 1521, 1529, 1534, 1547, 1552, 1576, 1597, 1607, 1611, 1666, 1673, 1677, 1678, 1679, 1680, 1682, 1685, 1686, 1687, 1688, 1691, 1692, 1695,

1696, 1698, 1713. SBs 48, 83, 153, 239, 247, 258, 285, 313, 321, 330, 338, 358, 350, 366.

Karen O. Wadsworth, Clerk of the House

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested. Rep. Frank G. Case, 44 Beach Head Road, Nottingham, New Hampshire 03290-4921. Rep. Karen K. Hutchinson, 11 Buttrick Road, Londonderry, New Hampshire 03053-3305. Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

The components of the NH Dental Society will be inviting legislators to events in their area in order to share information regarding oral health issues in New Hampshire. Please watch for invitations in the mail.

Reps. D.J. Bettencourt and Terie Norelli

The Sullivan County Republican Committee will meet at 9:00 a.m. on Saturday, **March 17**, at 12 Main Street, Newport. Gubernatorial Candidate Kevin Smith will speak that morning.

Rep. Steven Cunningham

Bobby Stephen's 34th annual St. Patrick's Day Celebration, will be held on **March 17th**, at the Executive Court Banquet Facility, in Manchester Time 5:00 p.m. Dinner and entertainment, donation \$50.00 per person. To benefit NH JAG & financial aid to other NH students.

William L. O'Brien, Speaker

The NH House Business Coalition will meet on Tuesday, **March 20** at 2:00 p.m. in Room 202, LOB. All current pro-business State Representatives are welcome. For more information, please contact Representative Laurie Sanborn at RepSanborn@gmail.com

Rep. Laurie Sanborn

All legislative members and staff are encouraged to participate in the annual American Red Cross State House Complex Blood Drive. The blood drive will take place on Tuesday, **March**

20 from 9:00 a.m. to 3:00 p.m. The American Red Cross state of the art self-contained coach will be parked out in front of the State House for this event. Appointments are strongly encouraged. To schedule an appointment, please call the State House Health Services, Ext. 2757. In the past the Blood Drive has had overwhelming support – please help make this year the best ever.

Rep. Peter L. Silva

Republican legislators are invited to a reception from 3:30 to 5:00 p.m. on **March 20** at the Barley House B Lounge to meet Juliana Bergeron, candidate for NHGOP National Committeewoman. Refreshments and cash bar. RSVP appreciated but not necessary to Meg Stone at mvstone05@gmail.com.

Rep. Jane Johnson

The members of the NH Snowmobile Association cordially invite all House members and staff to a reception in the State House cafeteria on Wednesday, **March 21**, 2012, from 7:30 a.m. - 9:30 a.m. where a breakfast will be served. We look forward to seeing you there.

Reps. D.J. Bettencourt and Terie Norelli

All House members are invited to a briefing on the newly amended version of HB 593 relating to expanded gambling on Wednesday, **March 21**, at noon or when the House breaks for lunch in Rooms 210-211, LOB. A brown bag lunch will be available courtesy of the Cannery Casinos, Rockingham Venture, Inc., Yankee Greyhound Racing Inc., and Greenmeadow Golf Club, Inc. Hosted by Reps. Bettencourt, Stepanek, Weyler, Hamm, Campbell and Bouchard.

Reps. Kenneth L. Weyler and Stephen B. Stepanek

All House members are invited to a free luncheon in Rooms 201-203, LOB when the House breaks for lunch on Wednesday, **March 21** to review the latest rendition of HB 593, which now authorizes four casinos. The luncheon will be hosted by Reps. Jasper, Chandler, Hess, Wallner, Kurk, D. McGuire and Shurtleff, the Coalition Against Expanded Gambling, Cornerstone Action and prominent members of the hospitality industry.

Reps. David W. Hess and Mary Jane Wallner

The Merrimack County Farm Bureau invites the Merrimack County Delegation and the Environment and Agriculture Committee to a luncheon on Wednesday, **March 21** at the Department of Agriculture, Markets and Food conference room, second floor of the State House Annex, at noon or when the House recesses for lunch.

Rep. David J. Palfrey

The New Hampshire Order of Women Legislators (OWLS) will hold a bake sale in the anteroom of Representatives Hall on Wednesday, **March 21**. All proceeds are to benefit MooreMart. Anyone wishing to donate may do so.

Rep. Laura Pantelakos

All members are invited to a Legislator and Citizen Health Reform Education Fair on Wednesday, **March 21** from 9:30 a.m. to 1:30 p.m. in LOB Rooms 305-307. The event, sponsored by NH Citizens Alliance for Action in conjunction with many other health care organizations, will focus on the benefits of federal health care reform.

Rep. Terie Norelli

All are welcome to the Dover Democratic Committee Annual FDR Dinner on Saturday, **March 24** at Niles Community Center Niles Street, Dover. Tickets \$15 at the door or contact Bill Dudley, wdudley235@comcast.net or 749-3899.

Rep. David Watters

The members of the Coalition of Insurance and Financial Producers cordially invite all House members and staff to a reception in the State House cafeteria on Tuesday, **March 27**, 2011 from 7:30 a.m.- 9:30 a.m. where a breakfast will be served. Look forward to seeing you there.

Reps. D.J. Bettencourt and Terie Norelli

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on Wednesday, **March 28** from 7:30 a.m. to 9:00 a.m. at the State House Cafeteria. Please join Breathe New Hampshire staff, board members and volunteers for breakfast, conversation and door prizes. Please RSVP by March 16 at info@breathenh.org or by calling 669-2411.

Rep. Moe Villeneuve

The New Hampshire Order of Women Legislators (OWLS) will meet during the lunch break from session in the third floor conference room at the State House on Wednesday, **March 28**. Please bring your lunch.

Rep. Laura Pantelakos

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Crossover Reception on Wednesday, **March 28** at 3:00 p.m. or following the House session, whichever is later, at the Concord Holiday Inn, 172 North Main Street. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering. This year in particular we want to recognize all of you for your support of New Hampshire automotive members and their 14,000 employees.

Reps. DJ Bettencourt and Terie Norelli

The Greater Manchester Federated Republican Women are hosting a meeting at the Brady

Sullivan Building, 1000 Elm Street, Manchester from 6:30 to 9:00 p.m. on Wednesday, **March 28**. Guest speaker is Rep. Pam Tucker, Deputy Speaker. All Republicans are welcome.

Rep. J. Gail Barry

All members of the House are invited to the fourth annual Local Energy Solutions Conference set for Saturday, **March 31**, 2012, from 8:30 a.m. to 4:15 p.m., at the Merrimack Valley High School in Penacook. Registration is free to members of the NH General Court. Keynote speaker is Mike Breen, vice president with The Truman National Security Project. Originally from New Hampshire, Mr. Breen is an expert voice on America's security challenges and has appeared in numerous national and regional media outlets on a wide range of issues, particularly energy security, counterinsurgency and counterterrorism. Mr. Breen will speak about energy use in the United States and at a local level and how that has direct and serious impact on the national security challenges we face abroad. In addition, more than 250 attendees, instructional workshops on energy solutions for local governments, and peer-to-peer networking make this conference a "don't miss" event. For a complete listing of workshop sessions and speakers, go to www.cleanair-coolplanet.org/les2012. An RSVP would be appreciated.

Rep. James M. Garrity

The City and Town Clerks Association would like to invite all representatives to breakfast on Thursday, **April 12** from 8:00 to 9:30 a.m. in the State House Cafeteria. Come and meet your clerk.

Rep. James E. Coffey

The Water Quality and Standards Advisory Committee will meet on **April 12** at 1:30 p.m. at the Department of Environmental Services, 29 Hazen Drive, Concord. At this meeting there will be a continued discussion of Class A criteria with presentations/updates on wetland water quality standards and water temperature in NH rivers and streams.

Rep. Andrew Renzullo

Discover WILD New Hampshire Day is set for Saturday, **April 21**. This family friendly event takes place from 10:00 a.m. to 3:00 p.m. on the grounds of the NH Fish and Game Department at 11 Hazen Drive in Concord. Admission is free. Come enjoy dozens of exhibits presented by New Hampshire environmental, conservation and outdoor organizations. See live animals, big fish and trained falcons. The kids can try archery, casting and making arts and crafts. Explore new trends in recycling, environmental protection and energy-efficient hybrid vehicles. This is a great place to discover how you can connect with life outdoors. Co-sponsored by the New Hampshire Fish and Game Department and the New Hampshire Department of Environmental Services - now celebrating its 25th anniversary - with support from the Wildlife Heritage Foundation of New Hampshire. Visit <http://www.wildnh.com>.

Rep. Dennis Reed

"Banding Together for Oral Health," all Representatives and their staff are invited to join the

NH Oral Health Coalition for breakfast and displays in the State House Cafeteria on Wednesday, **April 25** from 7:30 a.m. to 9:00 a.m. Breakfast will be served starting at 7:30 a.m. and will be provided by Elizabeth's at the State House.

Reps. John Cebrowski and Rich DiPentima

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet Tuesdays at 8:30 a.m. in Room 308 LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

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

Reps. Kevin Avard and John Burt

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **2012**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
March 16	1:00	Hipke Home School – Brentwood	14+
March 19	10:45/12:15 SH/HM	Appleton Elementary School – New Ipswich	100/4
March 19	1:30	World Affairs Council – Republic of Georgia	
March 20	9:30	Greenland Central School	44/4
March 20	10:00/11:30 SH/Manse	Dondero School – Portsmouth	60/4
March 21	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4
March 22	9:30/11:00 SH/HM	Jaffrey Grade School	69/4
March 22	11:00	Wells Memorial School Harrisville	7/4&5
March 22	12:00	Bible Baptist Christian Soldiers- Nashua	13
March 23	9:30/11:00 SH/HM	Henry Wilson School – Farmington	120/4
March 23	12:00	Presentation of Mary School – Hudson	42/4
March 26	10:30/12:00 SH/HM	Milford Elementary School @Heron Pond	100/4
March 26	1:00	Gilford Parks & Recreation	
March 27	10:00	Maplewood School – Somersworth	48/4
March 27	11:00/12:30	Beaver Meadow School – Concord	74/4
March 28	9:00/10:30 SH/HM	Barnstead Elementary School	63/4
March 28	9:15	Breathe NH student group	

March 28	10:15	Pollard School – Plaistow	40/4
March 29	9:30/11:00 SH/HM	Lincoln St. School – Exeter	88/4
March 29	10:30	Pollard School – Plaistow	40/4
March 30	9:30	Trinity Christian School – Keene	10/4
March 30	9:30/11:00 SH/F&G	Symonds School – Keene	60/4
April 2	9:30	Maple Ave. School – Goffstown	50/4
April 2	11:00	Paul School – Sanbornville/Wakefield	45/4
April 2	1:00	Brain Injury Assoc. of NH	25
April 3	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	75/4
April 4	10:00/11:30	Newmarket Elementary School	80/4
April 4	1:30	Active Outdoor Adults – Wolfeboro	30/Srs
April 5	9:00	Stevens High School German Exchange students - Claremont	25/HS
April 5	10:00	East Kingston Elementary School	40/4

WEDNESDAY, MARCH 21

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 437-FN (2011-2779h)

Proposed by the Committee on Judiciary - R

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

AN ACT relative to civil unions and the definition of marriage.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457-A the following new chapter:

CHAPTER 457-B CIVIL UNIONS

457-B:1 Purpose. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which a civil union is established, and to provide a process for the dissolution of a civil union. The legislature finds and declares that:

I. Many adults are parties to various kinds of domestic relationships other than marriage. Some of these relationships are intended to provide mutual support and responsibilities. Those involved in such caretaking partnerships may desire recognition of their status by the state to gain access to benefits typically reserved for husbands and wives.

II. Inclusive civil unions are intended to address the needs of these adults for practical benefits in matters such as hospital visitation, property, and support obligations. Inclusive civil union agreements provide the benefits, rights, and responsibilities that most clearly address needs concerning adult caretaking and affection.

III. We recognize that the default contract appropriate for these nonstandard relationships may be different from that which has arisen to address the unique realities of opposite sex unions in marriage; by creating a distinct and separate status, parties to civil unions can more easily petition the legislature to address their specific needs as they arise.

IV. By creating civil unions, the legislature is expressly extending rights and benefits to unmarried adults while reserving marriage to opposite sex couples. No court or administrative body shall construe or consider this legislative action as evidence of a public policy which would recognize any same-sex relationship as a marriage or would otherwise entitle same-sex couples to that status.

457-B:2 Definitions. As used in this act, unless the context otherwise requires, “civil union” means a contractual agreement that provides reciprocal benefits and obligations to the parties to the agreement.

457-B:3 Validity. A civil union agreement shall be legally recognized if the parties to the agreement:

- I. Are unmarried, or if either party is married, is legally separated;
- II. Are at least 18 years of age;
- III. Are competent to enter a contract; and
- IV. Enter into the agreement without force, fraud, or duress.

457-B:4 Rights, Obligations, and Responsibilities. The parties who enter into a civil union agreement pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined pursuant to RSA 457, except as specifically waived by the parties to the agreement or as specifically excluded by the legislature.

457-B:5 Forms, Documents, and Applications; How Performed. The secretary of state shall develop forms, documents, and applications for registering a civil union, which shall conform to this chapter. Civil unions shall be entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require anyone, including a justice of the peace, a minister, or a clergyman or clergywoman to solemnize a civil union.

457-B:6 Religious Liberty. No individual, corporation, entity, association, educational institution, or society shall be penalized or denied benefits under the laws of this state or any subdivision of this state, in connection with, but not limited to, the application of laws addressing discrimination in employment, housing, or public accommodations, laws pertaining to licensing, government grants, contracts, or tax-exempt status, or for otherwise refusing to provide services, employment, accommodations, advantages, facilities, goods, or privileges related to the solemnization of any civil union, for refusing to solemnize any civil union, or for refusing to treat as valid any civil union, where the application of such laws or refusal conflicts with and/or would cause that individual, corporation, entity, association, educational institution, or society to violate their sincerely held religious or moral beliefs.

457-B:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-B:8 Other Jurisdictions. A civil union, domestic partnership, or a marriage among persons of the same sex legally contracted outside of New Hampshire shall be recognized as a civil union agreement in this state, provided that the relationship does not violate the prohibitions of this chapter.

2 Marriage; Marriages Prohibited; Recognition of Out-of-State Marriages. RSA 457:1 through RSA 457:3 are repealed and reenacted to read as follows:

457:1 Purpose. The legislature finds and declares that:

I. Marriage is not a creature of statute but rather a social institution which predates organized government. As the United States Supreme Court has noted, marriage has roots that are “older than the Bill of Rights – older than our political parties, older than our school system.” *Griswold v. Connecticut*, 381 U.S. 479, 486 (1965).

II. As many scholars and experts have noted, marriage, understood as the legal union of a man and a woman, serves and supports important social goods in which the government of New Hampshire has a compelling interest.

III. Children can only be conceived naturally through copulation by heterosexual couples. Because of this biological reality, New Hampshire has a unique, distinct, and compelling interest in promoting stable and committed marital unions between opposite-sex couples so as to increase the likelihood that children will be born to and raised by both of their natural parents. No other domestic relationship presents the same level of state interest.

IV. A child has a natural human right to the love, care, and support of his or her own mother and father, whenever possible. Marriage is the primary social institution that promotes that ideal and encourages its achievement.

457:2 Marriages Prohibited; Men; Women.

I. No man shall marry his mother, father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter, father's brother's daughter, mother's brother's daughter, father's sister's daughter, mother's sister's daughter, or any other man.

II. No woman shall marry her father, father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.

III. Marriage in New Hampshire is the legally recognized union of one man and one woman. No person shall be allowed to be married to more than one person at any given time.

457:3 Recognition of Out-of-State Marriages. Every marriage legally contracted outside the state of New Hampshire, which would not be prohibited under RSA 457:2 if contracted in New Hampshire, shall be recognized as valid in this state for all purposes if or once the contracting parties are or become permanent residents of this state subsequent to such marriage, and the issue of any such marriage shall be legitimate. Marriages legally contracted outside the state of New Hampshire which would be prohibited under RSA 457:2 if contracted in New Hampshire shall not be legally recognized in this state. Any marriage of New Hampshire residents recognized as valid in the state prior to the effective date of this section shall continue to be recognized as valid on or after the effective date of this section.

3 Marriageable. Amend RSA 457:4 to read as follows:

457:4 Marriageable. No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting a valid marriage ~~[that is entered into by one male and one female]~~, and all marriages contracted by such persons shall be null and void. ~~[No male below the age of 18 and no female below the age of 18 shall be capable of contracting a valid marriage between persons of the same gender, and all marriages contracted by such persons shall be null and void.]~~

4 Marriage; Solemnization of Marriage. RSA 457:31 is repealed and reenacted to read as follows:

457:31 Who May Solemnize. Marriage may be solemnized by a justice of the peace as commissioned in the state; by any minister of the gospel in the state who has been ordained according to the usage of his or her denomination, resides in the state, and is in regular standing with the denomination; by any member of the clergy who is not ordained but is engaged in the service of the religious body to which he or she belongs, resides in the state, after being licensed therefor by the secretary of state; within his or her parish, by any minister residing out of the state, but having a pastoral charge wholly or partly in this state; by judges of the United States appointed pursuant to Article III of the United States Constitution; by bankruptcy judges appointed pursuant to Article I of the United States Constitution; or by United States magistrate judges appointed pursuant to federal law.

5 Severability. The provisions of this act are severable. If any provision of this act is invalid, or if any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

6 Repeal. The following are repealed:

I. RSA 457:31-b, relative to solemnization of marriage; applicability.

II. RSA 457:45, relative to civil union recognition.

III. RSA 457:46, relative to obtaining legal status of marriage.

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

AMENDED ANALYSIS

This bill establishes civil unions and defines marriage as the union of one man and one woman.

**Floor Amendment to HB 437-FN
(2012-1205h)**

Proposed by Rep. Bates

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

AN ACT relative to civil unions and the definition of marriage.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457-A the following new chapter:

**CHAPTER 457-B
CIVIL UNIONS**

457-B:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-B:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one unmarried man and another unmarried man both of whom are at least 18 years of age or one unmarried woman and another unmarried woman both of whom are at least 18 years of age, subject to the prohibitions in RSA 457-B:3 and RSA 457-B:4 and provided that they are not in another civil union.

457-B:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his grandfather, his father's brother, his mother's brother, his son, his brother, his son's son, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-B:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her grandmother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-B:5 Forms, Documents, and Applications; How Performed. The secretary of state shall develop forms, documents, and applications for entering into a civil union, which shall conform to this chapter. Civil unions shall be performed pursuant to the provisions of RSA 457:31 and entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require a minister or clergyman or clergywoman to solemnize or perform a civil union.

457-B:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-B:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-B:8 Other Jurisdictions. A civil union or a marriage between a man and another man or a woman and another woman legally contracted outside of New Hampshire shall be recognized as a civil union in this state, provided that the relationship does not violate the prohibitions of this chapter.

2 Marriage; Purpose and Intent. RSA 457:1 is repealed and reenacted to read as follows:

457:1 Purpose and Intent. The legislature finds and declares that:

I. The state has a compelling interest in recognizing and maintaining the distinctiveness of a marital union between opposite-sex couples due to its unique procreative potential.

II. Every child has a natural human right to love, support, and nurturing by his or her natural mother and father, whenever possible. Marriage is the primary social institution that promotes this ideal and encourages its achievement.

III. Only the union of one man and one woman shall be recognized as marriage in New Hampshire; except however, any marriage recognized as valid in the state prior to the effective date of this section shall continue to be recognized as valid on or after the effective date of this section.

3 Marriageable. Amend RSA 457:4 to read as follows:

457:4 Marriageable. No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting a valid marriage ~~[that is entered into by one male and one female]~~, and all marriages contracted by such persons shall be null and void. ~~[No male below the age of 18 and no female below the age of 18 shall be capable of contracting a valid marriage between persons of the same gender, and all marriages contracted by such persons shall be null and void.]~~

4 Repeal. The following are repealed:

I. RSA 457:31-b, relative to solemnization of marriage; applicability.

II. RSA 457:45, relative to civil union recognition.

III. RSA 457:46, relative to obtaining legal status of marriage.

5 Severability. The provisions of this act are severable. If any provision of this act is invalid, or if any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

6 Ballot Question. There shall be placed on the ballot at the next statewide election a question to determine voter support for civil unions and defining marriage as the union of one man and one woman. The question on the ballot shall be: "Shall New Hampshire law allow civil unions for same-sex couples and define marriage as the union of one man and one woman?" The question shall be followed by 2 squares, one with the word "yes" beside it and another with the word "no" beside it. If no cross or mark is made in either of the squares, or if a mark is made in both of the squares, then the ballot shall not be counted on the question. The secretary of state shall certify the results to the legislature, and the results shall not be binding.

7 Effective Date.

I. Sections 1-4 of this act shall take effect March 31, 2013.

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

AMENDED ANALYSIS

This bill establishes civil unions, defines marriage as the union of one man and one woman, and submits a question about the legislation to the voters at the next general election.

Floor Amendment to HB 437-FN (2012-0478h)

Proposed by Rep. Cohn

Amend RSA 457:2 as inserted by section 1 of the bill by replacing it with the following:

457:2 Marriages Prohibited; Men; Women; Left-Handed People.

I. No man shall marry his mother, father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter, father's brother's daughter, mother's brother's daughter, father's sister's daughter, mother's sister's daughter, or any other man.

II. No woman shall marry her father, father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.

III. No left-handed person shall marry another left-handed person.

AMENDED ANALYSIS

This bill prohibits same sex marriages and marriages between left-handed people.

**Floor Amendment to HB 437-FN
(2012-1097h)**

**Proposed by Reps. Cohn, Jennifer Coffey, Lambert, Comerford, Leonard, LeBrun,
C. Christiansen, Schlachman, F. Rice and Keane**

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

AN ACT establishing domestic union as a valid contract and extending certain rights to parties to a domestic union.

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

1 Purpose. The purpose of this act is to:

I. Provide order in the community and protection of rights to persons entering into a contract of domestic union.

II. Provide eligible individuals the opportunity to obtain certain specified benefits, protections, and responsibilities.

III. Provide any 2 people, without consideration of their gender, the privilege to enter into a legally binding contract that commits the parties to mutual responsibilities and obligations.

IV. Reserve and establish marriage as a supremely cultural and individual right apart from government definition, while providing state recognition and regulation of domestic unions for the purpose of providing legal order in society and protection for couples and families under the law.

2 New Chapter; Contract of Domestic Union. Amend RSA by inserting after chapter 457-A the following new chapter:

**CHAPTER 457-B
CONTRACT OF DOMESTIC UNION**

457-B:1 Definitions. In this chapter:

I. "Domestic union" means that 2 eligible persons have established a legally recognized relationship in conformance with this chapter, have registered a record of the agreement to enter into that relationship, and shall receive the benefits and protections, and agree to be subject to the responsibilities and obligations, set forth in this chapter.

II. "Domestic union application" means a form to be completed in accordance with this chapter and submitted to a town or city clerk or the state registrar in order to register a contractual cohabitation.

III. "Domestic union certificate" means a document that certifies that the 2 persons named on the certificate have established and registered a contract to cohabit in this state in compliance with this chapter.

IV. "Party to a domestic union" means a person who has established and registered a domestic union pursuant to this chapter.

457-B:2 Requisites for a Valid Domestic Union.

I. For a domestic union to be established in New Hampshire, neither party shall be a party to another domestic union or a marriage.

II. No person shall enter into a domestic union with his or her father, mother, father's brother, father's sister, mother's brother, mother's sister, son, daughter, brother, sister, son's son, son's daughter, daughter's son, daughter's daughter, brother's son, brother's daughter, sister's son, sister's daughter, father's brother's son, father's brother's daughter, mother's brother's son, mother's brother's daughter, father's sister's son, father's sister's daughter, mother's sister's son, or mother's sister's daughter. No person shall be allowed to be in a domestic union with more than one person at any given time. A domestic union between persons prohibited from entering a domestic union as provided in this section is void.

III. No person shall enter into a domestic union who is under 18 years of age, unless such person is 14 years of age or older if male and 13 years or older if female and has the consent of his or her parent or guardian.

IV. No person shall enter into a domestic union who is under guardianship.

457-B:3 Benefits, Protections, and Responsibilities and Obligations of Parties to a Domestic Union.

I. A domestic union contracted under this chapter shall be the legal equivalent to marriage and civil unions under federal law and the laws of the states; provided that the domestic union meets the criteria for marriage or civil union in such other jurisdiction. A civil union or marriage recognized in another state shall be recognized as a domestic union in this state. Parties to a domestic union shall have all the benefits, protections, obligations, and responsibilities under law as specified in this chapter. Parties to a domestic union shall be responsible for the support of one another to the same degree and in the same manner as prescribed under this chapter.

II. The following is an exclusive list of legal benefits, protections, obligations, and responsibilities which shall apply to parties to a domestic union:

(a) The rights and responsibilities of parties to a domestic union, with respect to a child of whom either becomes the biological or adoptive parent during the term of the domestic union, shall be as prescribed under this chapter, with respect to a child of whom either party becomes the biological or adoptive parent during the contract.

(b) A party to a domestic union, relative to the other party to the domestic union, shall have the same rights granted and is subject to the same limitations or restrictions imposed and established by:

(1) RSA 78-B:2, XIII, relative to an exemption from property transfer taxes.

(2) RSA 88-A:5, V, relative to taxation in the same manner provided for a survivor.

(3) RSA 126-A:36 and RSA 126-A:37, relative to the state recovering expenses incurred in providing services.

(4) RSA 137-J, relative to written directives for medical decisions.

(5) RSA 151:21 through RSA 151:31, relative to the patients' bill of rights.

(6) RSA 151:2, II(b), relative to exemption from licensure requirements for facilities maintained or operated for the sole benefit of persons related to the owner or manager by marriage.

(7) RSA 161-B:2, II, relative to exclusion from the definition of child for the purposes of support of dependent children.

(8) RSA 161-C:2, II, relative to exclusion from the definition of dependent child.

(9) RSA 161-H:1, I relative to exclusion from the definition of dependent child for purposes of the medical child support statute.

(10) RSA 161-I:2, VIII, relative to including spouse in the definition of a legally responsible person.

(11) RSA 162-A:4, II prohibiting the director of the business finance authority from participating in any matter in which his or her spouse has a financial interest.

(12) RSA 165:19, relative to a duty to support.

(13) RSA 167, relative to public assistance to blind, aged, or disabled persons, and to dependent children.

(14) RSA 168-A, relative to the uniform act on paternity.

(15) RSA 168-B, relative to surrogacy.

(16) RSA 170-B, relative to adoption.

(17) RSA 170-E:2, XIII and RSA 170-E:25, XIV, relative to being recognized as being related to a child in statutes addressing day care, residential care, child placing agencies, and residential care and child-placing agencies.

- (18) RSA 205-A:1, VI, relative to including spouse in the definition of a family member for purposes of regulating manufactured housing parks.
- (19) RSA 259:66-a, relative to including spouse in the definition of next of kin for motor vehicle law purposes.
- (20) RSA 261:17 and RSA 261:45-a, establishing that a vehicle is presumed to be jointly held with right of survivorship.
- (21) RSA 261:95, relative to allowing for the return of vehicle registration plates and obtaining a proportional refund.
- (22) RSA 263:56 and RSA 264:26, relative to the investigation of and license revocation hearings related to fatal motor vehicle accidents and the status of next of kin.
- (23) RSA 287-F:8, relative to preventing the cohabiting party of a lotto member officer from buying tickets or receiving a lotto payout.
- (24) RSA 290, relative to burials and disinterments.
- (25) RSA 291-A, relative to the uniform anatomical gift act.
- (26) RSA 292:6-a, relative to requiring the board of directors of a charitable nonprofit corporation to have at least 5 voting members who are not related by blood or marriage.
- (27) RSA 382-A:9-102(a)(62), relative to including a spouse in the definition of a “person related to” for the purposes of article 9 of the Uniform Commercial Code.
- (28) RSA 458-A, RSA 458-B, RSA 458-C, and RSA 458-D, relative to the uniform child custody jurisdiction and enforcement act, income assignment, child support guidelines, and parental rights and responsibilities and child support impact seminars.
- (29) RSA 460:2-a, relative to antenuptial agreements.
- (30) RSA 464-A, relative to guardians and conservators.
- (31) RSA 477, relative to conveyances of realty and interest therein.
- (32) RSA 480, relative to the homestead right.
- (33) RSA 491:7 and RSA 491:14, relative to the jurisdiction and equity procedure of the superior court.
- (34) RSA 506:2, applying the statute of frauds to agreements.
- (35) RSA 529:20-a, relative to notice of homestead exemption in the levy of executions on real estate.
- (36) RSA 546-A, relative to uniform civil liability for support.
- (37) RSA 546-B, relative to the uniform interstate family support act.
- (38) RSA 551 through RSA 554, relative to wills, probate of wills, administrators and their appointment, and inventory, accounts, and dealing with assets.
- (39) RSA 560, relative to the rights of a surviving spouse.
- (40) RSA 611-B, relative to the office of the medical examiner.
- (41) RSA 639:4, relative to criminal penalties for non-support.
- (42) RSA 651:4-a, relative to the rights of the next of kin of the victim of a crime.
- (43) RSA 651:62, III, relative to the definition of economic loss.
- (44) RSA 651-A:11 and RSA 651-A:11-a, relative to a right of the next of kin to notice of a parole hearing and to appear and express his or her view when the victim of the crime has died.

457-B:4 Domestic Union Applications and Certificates; Filing.

- I. The secretary of state shall provide domestic union license application and certificate forms to all town and city clerks. The secretary of state shall keep a record of all registered domestic unions.
- II. There shall be a domestic union application which shall be the form that is used to record that the domestic union contract has been entered into and to record who witnessed the execution of the domestic union. The application shall be completed by the parties. The application shall be submitted to the clerk of the town or city where the contract is entered into in accordance with the provisions of this chapter or to the state registrar. The domestic

union certificate shall be the official copy of the domestic union certificate and it shall be issued when the domestic union is registered with the department of state, division of vital records.

III. The domestic union application shall include the following information and shall be in the form specified by the secretary of state. Blank domestic union applications shall be available from the secretary of state, the state registrar, and from town and city clerks. The domestic union application shall be completed by the parties to the agreement. The information supplied by each party shall include his or her full name; his or her usual residence by street and number, city, town or location, county, and state; his or her birthplace; his or her date of birth; his or her social security number; the date and the city or town where the domestic union is entered into; the name of the town or city clerk or state registrar who takes the oath of the parties entering into the agreement; signature and the date signed, and certification that the information provided is correct to the best of his or her knowledge and belief and that he or she is free to enter into a domestic union under the laws of New Hampshire.

IV. The clerk of the town or city or the state registrar shall complete the following statistical and legal information on the domestic union application or in the electronic record of that application for each party with the information supplied by the party if previously married or previously a party to a domestic union.

V. Once all of the information on the domestic union application has been obtained, the clerk of the town or city or the state registrar shall transfer the information from the domestic union application, the date that the domestic union certificate is issued, the name of the clerk or the state registrar, and the name of the city or town of issuance into the state's vital records system. The clerk shall then issue a domestic union certificate bearing this information in the form established by the secretary of state. The domestic union shall be effective on the date the domestic union certificate is issued.

VI. Upon request of either party, the name of a legal guardian shall be substituted on the domestic union certificate for a natural parent's name.

VII. A domestic union may be solemnized in the faith and manner selected by the parties. Information regarding any solemnization may be included by the parties on the domestic union certificate, but is not required and does not affect its validity.

VIII. When listing the birthplace on the domestic union application, if the person is known to have been born in the United States, but the state is unknown then "U.S. - Unknown" shall be entered, and, if the person is known to have been born in a foreign country, but the country is unknown, "Foreign Unknown" shall be entered. If no information is available regarding place of birth, "Unknown" shall be entered.

IX. The town or city clerk or state registrar shall record the following on the domestic union application after the domestic union agreement has been entered into: the date the parties entered into the domestic union agreement; the city, town, or location and county where the agreement was entered into; certification that each party made the required oath or affirmation; that the information entered by the clerk or state registrar is correct to the best of his or her knowledge; the signature of the clerk or state registrar; and the typed, stamped, or printed name of the clerk or state registrar.

457-B:5 Fee. The fee for registering a domestic union and receiving a domestic union certificate shall be \$45 to be paid by the parties entering into the agreement. The clerk or the state registrar shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate, and forwarding the \$38 portion of the fee.

457-B:6 Record of Domestic Union Application; Penalty for Material Misrepresentation.

I. The clerk or the state registrar shall retain the completed domestic union application in his or her office. If the application is registered directly with the state registrar, the state registrar's office shall provide the clerk of the town or city where the

agreement was entered into with a paper or electronic record of the domestic union certificate.

II. A person submitting a domestic union application to a clerk or the state registrar to register a domestic union and obtain a domestic union certificate who makes a material misrepresentation shall be guilty of perjury.

457-B:7 Evidence of Domestic Union. The original or a certified copy of the domestic union certificate issued by a clerk or the state registrar shall be presumptive evidence of the domestic union in all courts.

457-B:8 Modification of Domestic Union Terms. Parties to a domestic union may modify the terms, conditions, or effects of their domestic union in the same manner as an antenuptial agreement or other agreement recognized and enforceable under the law.

457-B:9 Dissolution of Domestic Unions. The superior court shall have jurisdiction over all proceedings relating to the dissolution of domestic unions.

457-B:10 Construction. This chapter shall be construed narrowly in order to secure to eligible persons the option of the legal status of domestic union with only enumerated benefits, protections, obligations, and responsibilities established by this chapter.

457-B:11 Severability. The provisions of this chapter are severable. If any provision of this chapter is invalid, or if any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

3 Chapter Heading. Amend the chapter heading of RSA 457 to read as follows:

CHAPTER 457

~~[MARRIAGES]~~ **DOMESTIC UNIONS**

4 Minimum Age for Domestic Union. Amend RSA 457:4 to read as follows:

457:4 ~~[Marriageable]~~ **Minimum Age.** No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting a valid ~~[marriage that is entered into by one male and one female]~~ **domestic union**, and all ~~[marriages]~~ **domestic unions** contracted by such persons shall be null and void. No male below the age of 18 and no female below the age of 18 shall be capable of contracting a valid ~~[marriage]~~ **domestic union** between persons of the same gender, and all ~~[marriages]~~ **domestic unions** contracted by such persons shall be null and void.

5 Age of Consent. Amend RSA 457:5 to read as follows:

457:5 Of Consent. The age of consent shall be in the male and in the female, 18 years. Any ~~[marriage]~~ **domestic union** contracted by a person below the age of consent, except as hereinafter provided, may in the discretion of the superior court be annulled at the suit of the party who at the time of contracting such ~~[marriage]~~ **domestic union** was below the age of consent, or at the suit of his or her parent or guardian, unless such party after arriving at such age shall have confirmed the ~~[marriage]~~ **domestic union**.

6 Petition by Party Under Age. Amend RSA 457:6 to read as follows:

457:6 Petition by Party Under Age. If special cause exists rendering desirable the ~~[marriage]~~ **domestic union** of a person resident in this state, or the ~~[marriage]~~ **domestic union** of a person who is a nonresident in this state who applies for permission to ~~[marry]~~ **enter a domestic union with** a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, the parties desiring to contract such ~~[marriage]~~ **domestic union**, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to a justice of the superior court, or to the judge of probate of the county in which one of them resides, for permission to contract such ~~[marriage]~~ **domestic union**. No waiver shall be granted to persons below the age of consent if both parties are nonresidents.

7 Granting of Permission. Amend RSA 457:7 to read as follows:

457:7 Granting of Permission. Such justice or judge shall at once hear the parties, and, if satisfied that special cause exists making such ~~[marriage]~~ **domestic union** desirable, shall grant permission therefor, which shall be filed with the court and shall be reported to the

division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

8 Prohibitions. Amend RSA 457:8 to read as follows:

457:8 Prohibitions. No town **or city** clerk shall issue any certificate for the ~~[marriage]~~ **domestic union** of any person below the age of consent, ~~[and no magistrate or minister of religion shall solemnize the marriage of any such person,]~~ if such clerk ~~[magistrate or minister]~~ knows or has reasonable cause to believe that such person is below such age, unless permission for such ~~[marriage]~~ **domestic union** has been given under this subdivision. ~~[No magistrate or minister of religion shall solemnize any marriage by proxy.]~~

9 Certified Copy of Record. Amend RSA 457:38 to read as follows:

457:38 Certified Copy of Record. A copy of the record of a ~~[marriage]~~ **domestic union**, certified by a city or town clerk or by the registrar of vital records, shall be received in all courts and places as evidence of the fact of the ~~[marriage]~~ **domestic union**.

10 Cohabitation. Amend RSA 457:39 to read as follows:

457:39 Cohabitation, etc. Persons cohabiting and acknowledging each other as ~~[husband and wife]~~ **parties to a domestic union**, and generally reputed to be such, for the period of 3 years, and until the decease of one of them, shall thereafter be deemed to have been ~~[legally married]~~ **parties to a legal domestic union**.

11 Civil Actions. Amend RSA 457:40 to read as follows:

457:40 In Civil Actions. In all civil actions, except actions for criminal conversation, evidence of acknowledgment, cohabitation, and reputation is competent proof of ~~[marriage]~~ **domestic union**.

12 Criminal Cases. Amend RSA 457:41 to read as follows:

457:41 In Criminal Cases. In actions for criminal conversation, and in indictments for adultery, bigamy, and the like, there must be proof of a ~~[marriage]~~ **domestic union** in fact.

13 Parents. Amend RSA 457:42 to read as follows:

457:42 ~~[Marriage]~~ **Domestic Union** of Parents. Where the parents of children born before ~~[marriage]~~ **domestic union** afterwards ~~[intermarry]~~ **enter a domestic union**, and recognize such children as their own, such children shall be legitimate and shall inherit equally with their other children under the statute of distribution.

14 Subdivision Heading. The subdivision heading preceding RSA 457:43 is repealed and reenacted to read as follows:

Recognition of Domestic Unions

15 Recognition of Domestic Unions; Residents. Amend RSA 457:43 to read as follows:

457:43 Residents. If any person residing and intending to continue to reside in this state is prohibited from contracting ~~[marriage]~~ **a domestic union** under the laws of this state and goes into another jurisdiction and there contracts a ~~[marriage]~~ **domestic union** prohibited and declared void by the laws of this state, such ~~[marriage]~~ **domestic union** shall be null and void for all purposes in this state, with the same effect as though such prohibited ~~[marriage]~~ **domestic union** had been entered into in this state.

16 Recognition of Domestic Unions; Nonresidents. Amend RSA 457:44 to read as follows:

457:44 Nonresidents. No ~~[marriage]~~ **domestic union** shall be contracted in this state by a party residing and intending to continue to reside in another jurisdiction if such ~~[marriage]~~ **domestic union** would not be ~~[void if]~~ **the legal equivalent of a marriage, civil union, or domestic union if** contracted in such other jurisdiction, and every ~~[marriage]~~ **domestic union** contracted in this state in violation hereof shall be null and void.

17 Subdivision Heading. Amend the subdivision heading preceding RSA 457:45 to read as follows:

Civil Union Recognition; Obtaining Legal Status
of ~~[Marriage]~~ **Domestic Union**

18 Civil Union Recognition. Amend RSA 457:45 to read as follows:

457:45 Civil Union Recognition. A civil union legally contracted outside of New Hampshire shall be recognized as a ~~[marriage]~~ **domestic union** in this state, provided that the relationship does not violate the prohibitions of this chapter **and RSA 457-B.**

19 New Section; Legal Status of Marriages. Amend RSA 457 by inserting after section 46 the following new section:

457:47 Legal Status of Marriages. No new marriages shall be established on or after January 1, 2013. Valid marriages entered into prior to January 1, 2013 pursuant to this chapter shall be recognized as having the same legal status as domestic unions under RSA 457-B.

20 Repeal. The following are repealed:

I. RSA 457:1 through 457:3, relative to marriage, relationship.

II. RSA 457:22-29, relative to documentation of marriages.

III. RSA 457:31-37, relative to solemnization of marriages.

IV. RSA 457:46, relative to obtaining legal status of marriage.

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

AMENDED ANALYSIS

This bill establishes domestic union as a valid contract and extends certain rights to parties to a domestic union.

Amendment to HB 1225

(2012-1105h)

Proposed by the Special Committee on Education Funding - C

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools; Duties and Authority of Board of Trustees. Amend RSA 194-B:5, III(h) to read as follows:

(h) *For chartered public schools that have been in operation for 5 or more years, to incur long-term debt for the purpose of purchasing buildings or land, or for new construction or renovations to existing buildings. The state shall not be liable for any debt or other financial obligation incurred under this subparagraph.*

(i) To have such other powers that are available to a business corporation formed under RSA 293-A and that are not inconsistent with this chapter.

Floor Amendment to HB 1389

(2012-1251h)

Proposed by Reps. Bettencourt and Major

Amend the bill by replacing section 2 with the following:

2 Pre-Engineering Technology Curriculum. Amend RSA 188-E:14, I to read as follows:

I. The department of education shall facilitate the development and implementation of a pre-engineering technology curriculum in the public schools for students in grades 6 through 12 who are interested in careers in engineering[?] or allied engineering fields, **and shall encourage school districts to implement age-appropriate instruction and projects involving science, technology, engineering, and mathematics for students in kindergarten through grade 5.**

Amendment to HB 1642-FN

(2012-1017h)

Proposed by the Majority of 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 destination specialty hospitals.

Amend RSA 151-C:2, XV-b as inserted by section 2 of the bill by replacing it with the following:

XV-b. "Destination specialty hospital" means an institution with a licensed bed capacity of 50 or fewer which provides diagnostic, therapeutic, treatment, and rehabilitative care services to inpatients and outpatients by or under the supervision of physicians. Amend RSA 151-C:13, I(j) as inserted by section 3 of the bill by replacing it with the following:

(j) Destination specialty hospitals as defined in RSA 151-C:2, XV-b.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill exempts destination specialty hospitals from the certificate of need process.

**Floor Amendment to HB 1642-FN
(2012-1261h)**

Proposed by Reps. O'Brien, Bettencourt, Garcia, Keane and Stepanek

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

AN ACT relative to destination specialty hospitals.

Amend RSA 151-C:2, XV-b as inserted by section 2 of the bill by replacing it with the following:

XV-b. "Destination specialty hospital" means a for-profit institution with a licensed bed capacity of 50 or fewer which provides diagnostic, therapeutic, treatment, and rehabilitative care services to inpatients and outpatients by or under the supervision of physicians, and whose proposed annual patient base is composed of a minimum of 65 percent of patients who reside outside of the state of New Hampshire.

Amend RSA 151-C:13, I(j) as inserted by section 3 of the bill by replacing it with the following:

(j) Destination specialty hospitals as defined in RSA 151-C:2, XV-b.

Amend RSA 167:65, II-a as inserted by section 4 of the bill by replacing it with the following:

II-a. Submit a waiver pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of waiving RSA 84-A, Medicaid enhancement tax liability for destination specialty hospitals as defined in RSA 151-C:2, XV-b.

AMENDED ANALYSIS

This bill exempts destination specialty hospitals from the certificate of need process. This bill also requires the commissioner of the department of health and human services to submit a waiver pursuant to 42 C.F.R. section 433.68 for the purpose of waiving the Medicaid enhancement tax for such hospitals.

**Amendment to HB 1671
(2012-1192h)**

Proposed by the Special Committee on Redistricting - C

Amend RSA 662:1, I as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraphs and renumbering the original subparagraphs (c)-(e) to read as (e)-(g), respectively:

- (c) In the county of Coos, the unincorporated place of
 - (1) Sargent's Purchase; and
- (d) In the county of Grafton, the town of
 - (1) Waterville Valley; and

Amend RSA 662:1, II(a) as inserted by section 1 of the bill by replacing it with the following:

- (a) The counties of
 - (1) Cheshire, and
 - (2) Sullivan; and

Amend RSA 662:1, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraphs and renumbering the original subparagraphs (c)-(e) to read as (e)-(g), respectively:

- (c) In the county of Coos, the towns, city, and unincorporated places of

- (1) Atkinson & Gilmanton Academy Grant,
 - (2) Bean's Grant,
 - (3) Bean's Purchase,
 - (4) Berlin,
 - (5) Cambridge,
 - (6) Carroll,
 - (7) Chandler's Purchase,
 - (8) Clarksville,
 - (9) Colebrook,
 - (10) Columbia,
 - (11) Crawford's Purchase,
 - (12) Cutt's Grant,
 - (13) Dalton,
 - (14) Dix's Grant,
 - (15) Dixville,
 - (16) Dummer,
 - (17) Errol,
 - (18) Erving's Location,
 - (19) Gorham,
 - (20) Green's Grant,
 - (21) Hadley's Purchase,
 - (22) Jefferson,
 - (23) Kilkenny,
 - (24) Lancaster,
 - (25) Low & Burbank's Grant,
 - (26) Martin's Location,
 - (27) Milan,
 - (28) Millsfield,
 - (29) Northumberland,
 - (30) Odell,
 - (31) Pinkham's Grant,
 - (32) Pittsburg,
 - (33) Randolph,
 - (34) Second College Grant,
 - (35) Shelburne,
 - (36) Stark,
 - (37) Stewartstown,
 - (38) Stratford,
 - (39) Success,
 - (40) Thompson & Meserve's Purchase,
 - (41) Wentworth's Location, and
 - (42) Whitefield; and
- (d) In the county of Grafton, the towns, city, and unincorporated place of
- (1) Alexandria,
 - (2) Ashland,
 - (3) Bath,
 - (4) Benton,
 - (5) Bethlehem,
 - (6) Bridgewater,
 - (7) Bristol,
 - (8) Campton,
 - (9) Canaan,
 - (10) Dorchester,

- (11) Easton,
- (12) Ellsworth,
- (13) Enfield,
- (14) Franconia,
- (15) Grafton,
- (16) Groton,
- (17) Hanover,
- (18) Haverhill,
- (19) Hebron,
- (20) Holderness,
- (21) Landaff,
- (22) Lebanon,
- (23) Lincoln,
- (24) Lisbon,
- (25) Littleton,
- (26) Livermore,
- (27) Lyman,
- (28) Lyme,
- (29) Monroe,
- (30) Orange,
- (31) Orford,
- (32) Piermont,
- (33) Plymouth,
- (34) Rumney,
- (35) Sugar Hill,
- (36) Thornton,
- (37) Warren,
- (38) Wentworth, and
- (39) Woodstock; and

**Amendment to HCR 39
(2012-0681h)**

**Proposed by the Majority of the Committee on State-Federal Relations and
Veterans Affairs - R**

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

Whereas, New Hampshire wants to ensure that its current residents who are on social security, or soon to be, are protected and will continue to receive their benefits as promised; and