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New Hampshire

HOUSE RECORD

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Friday, March 22, 2013

No. 25

Contains: Meetings, Notices, List of Retained Bills, Reports and Amendments for March 27.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House Session will be on Wednesday, **March 27th**, at **10:00 a.m.** As the deadline for acting on all non-budget House bills is Thursday, March 28th, please hold this date for a House Session as well.

Additionally, the House will meet on Wednesday, April 3rd, and if necessary, Thursday, April 4th, to meet the deadline for acting on budget bills.

The House Finance Committee will hold a budget briefing on HB 1-A (making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015) and HB 2-FN-A (relative to state fees, funds, revenues, and expenditures) in Representatives Hall on Monday, April 1st.

Finally, I want to thank you for your attendance at recent committee meetings and House sessions, as well as your support in maintaining civility in the House. Your cooperation has made a big difference in the legislative process running more smoothly and efficiently

Terie Norelli, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on Tuesday, **March 26**, at 8:30 a.m. in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 27** at **9:00 a.m.** in Representatives Hall.
Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 27** at **9:00 a.m.** in Rooms 305-307, LOB.
Rep. Gene G. Chandler, Republican Leader

NOTICE

The House Calendar closes at **3:00 p.m. on Wednesdays** for *ALL* 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 28
April 4
April 11

AVAILABLE FRIDAY:

March 29
April 5
April 12

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2013 SESSION

Thursday, March 28, 2013

Last day to report budget bills

Last day to act on all House Bills, except budget bills.

Thursday April 4, 2013

CROSSOVER Last day to act on budget bills

Thursday, May 2, 2013

Last day to report Senate Bills going to a second committee

Thursday, May 9, 2013

Last day to act on Senate Bills going to a second committee

Thursday, May 30, 2013

Last day to report all remaining Senate Bills

Last day to report list of retained Senate Bills

Thursday, June 6, 2013
 Thursday, June 13, 2013
 Thursday, June 20, 2013
 Thursday, June 27, 2013

Last day to act on Senate Bills
 Last day to form Committees of Conference
 Last day to sign Committee of Conference reports (4:00 pm)
 Last day to act on Committee of Conference reports

WEDNESDAY, MARCH 27 CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 246, relative to falsity by employer. **OUGHT TO PASS.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: This bill passed the Labor Committee 19-0 and the House on Consent Calendar. It came to Criminal Justice and Public Safety Committee since a penalty is involved. The committee learned that no change of penalties is involved. A Class A misdemeanor in cases involving less than \$500 by the employer; a Class A felony, if more than \$1,000 is involved, and a Class B felony, if the amount of benefits involved is between \$500 and \$1,000. This is in line with other penalties and the committee has no problems with the bill. **Vote 17-0.**

HB 399-FN, establishing the New Hampshire liberty act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: After passing the House 337-15, this bill came to the committee since a penalty is involved. Considerable comments arose, many of which were beyond the scope of the committee. As a compromise, the committee voted to remove the two lines dealing with the penalty. They merely stated that violators could be prosecuted to the full extent of New Hampshire law which is the case with all laws and need not be specifically stated here. **Vote 11-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M McGuire for Executive Departments and Administration: The policy of authorizing alkaline hydrolysis having been approved by the House, ED&A concentrated on the regulatory aspects. Rulemaking authority is appropriate for this process, and the fees will cover the cost of regulations. The committee amendment specifies technical requirements for the facility, the pressure vessel, and proper discharge of fluid residues, resolving some concerns brought up at the public hearing. **Vote 11-1.**

HB 686, relative to governor and council approval of state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Executive Departments and Administration: The bill as amended will require the liquor commission to get lease and contract agreements for stores and warehouses approved by the attorney general and, in the case of a contract, approval by the governor and council as well as the attorney general, before becoming effective.

The liquor commission will continue to be exempt from going to governor and council for the purchase of supplies, materials, goods, and services for the purpose of day to day operations.

This will allow the liquor commission the flexibility to take advantage of buying opportunities while ensuring that long-term contracts have oversight by the governor and council. **Vote 12-0.**

FINANCE

HB 131-FN-L, relative to payment for medical services for county prisoners. **INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for Finance: The subject matter of this bill is also addressed in HB 432. The committee decided to go forward with HB 432 instead, so HB 131 is not necessary. **Vote 22-0.**

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding. **OUGHT TO PASS.**

Rep. Susan M Ford for Finance: This bill authorizes a city or town to conduct a special meeting necessitated by changes in adequate education funding. There have been times in the past when towns and cities have finalized budgets only to discover that the adequacy grant number has changed. This bill will help the towns and cities. **Vote 22-0.**

HB 344-FN-L, relative to aid to school districts for the cost of special education. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan M Ford for Finance: This bill removes the requirement that catastrophic special education funds to be prorated among the school districts entitled to such aid shall be at least 80 percent of the districts' entitlement for catastrophic aid. The committee believes that catastrophic aid will be addressed within HB 1 and recommends ITL for this stand-alone appropriations bill. **Vote 22-0.**

HB 570-FN, relative to school building aid grant eligibility for the White Mountain Regional school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan M Ford for Finance: This bill would exempt the White Mountains Regional School District from the moratorium on school building aid grants. Since the local bond issue to build a new career and technical education center failed, this bill is no longer necessary. **Vote 23-0.**

PUBLIC WORKS AND HIGHWAYS

HB 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit. **OUGHT TO PASS.**

Rep. Martin L Jack for Public Works and Highways: The Public Works and Highways committee, as the second committee, considered only section 1 of the bill dealing with construction contracts. Often, federal military construction funding is offered to the adjutant general, and if not accepted immediately, will be offered to another state. Under RSA 21-I:80, the bureau of public works and the capital budget oversight committee must be consulted for oversight and approval of large state construction projects, to ensure compliance with all necessary design and bidding standards. This procedure introduces a delay that often causes funding to be lost. The adjutant general and several other agencies possess equivalent in-house design engineering expertise. Therefore, this bill creates an exemption to allow the adjutant general to authorize construction on state military facilities with federal funds. The bill was previously reported Ought to Pass with Amendment from the State-Federal Relations and Veterans Affairs committee on a unanimous vote, and passed the House on the consent calendar. **Vote 20-0.**

WAYS AND MEANS

HB 184-FN, relative to the oil discharge cleanup fund. **OUGHT TO PASS.**

Rep. Richard Ames for Ways and Means: This bill addresses two areas. First, it amends RSA 146-F:2, II to define "motor oil storage facility" to mean a location of storage tanks with a combined capacity not to exceed 45,000 gallons. Testimony before Ways and Means confirmed the Resources, Recreation and Development recommendation on this bill. This legislation is needed to ensure that motor oil discharge cleanup funds will only be used to address releases from the smaller storage facilities and not those facilities with a potential for catastrophic release. A catastrophic release from a facility larger than 45,000 gallons would deplete the cleanup fund. Larger companies normally carry insurance to cover such spills and expressed no opposition to this change in the existing law. **Vote 18-0.**

HB 259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Abrami for Ways and Means: This bill sets the fee for scuba divers, who are residents of NH and take no more than five lobsters per day during the month of September, at \$35. The committee felt that this fee, which is at the same level as a recreational lobster and crab license which limits the number of recreational traps to five, to be reasonable. **Vote 18-0.**

HB 304-FN, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Karrick for Ways and Means: The bill makes technical corrections to existing registration fee structures for OHRV transfer fees, removes the penalty of completion of a training program for certain OHRV and snowmobile violations, and deletes the program issuing vanity plates or decals. The amendment changes the effective date for elimination of vanity plates and decals to July 1, 2013 to correspond with the agency's fiscal year. **Vote 18-0.**

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects. **OUGHT TO PASS.**

Rep. Laurie J Sanborn for Ways and Means: This bill caps the application fee for municipal dredging projects to restore a lake or pond to \$10,000, as it is for similar tidal dredging projects, instead of using a per square foot calculation. The fiscal impact on the state is expected to be negligible. **Vote 16-0.**

HB 652-FN, relative to the judicial branch information technology fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank W Davis for Ways and Means: This bill was requested by the Supreme Court to fund the maintenance costs of the e-court project, bringing the court information technology system into the 21st century. It increased the filing fee to the judicial information technology fund account from 14 percent to 30 percent. The committee amendment reduces the percentage of filing fees from court entry fees being paid into the court facilities escrow account from seven percent to six percent. The court will adjust its fees to be revenue neutral, and the reduction to six percent will make this increase smaller. **Vote 17-1.**

WEDNESDAY, MARCH 27

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SPECIAL ORDER

HB 135, relative to physical force in defense of a person and relative to the definition of non-deadly force. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Steve Vaillancourt for the **Majority** of Criminal Justice and Public Safety: This bill, which has been a focus of much attention and a lengthy hearing in Reps Hall, came to the committee with three sections. The committee, in an attempt to reach compromise which balances rights of freedom with safety interests of society, always a delicate balance, accepted an amendment which eliminates two of the three sections of the bill. All that remains is section one which repeals what is widely referred to as the stand your ground provision which was passed last year. This bill does not prevent anyone from owning or carrying guns. It simply takes us back to the practice that was in effect for more than three decades (and was never challenged in court) which affirms that a person is not justified in using deadly force on another if he or she can retreat from the encounter. Note that nothing about the bill prevents one from using deadly force if retreat is not deemed possible. Also note that the person is not required to retreat if the incident occurs on his or her private property. Thus, the castle doctrine is left intact. The committee believes a legitimate difference can and should be drawn between actions in defense of one's home and actions in common or public areas. The committee amendment removes the controversial section (two), referred to by some as the "brandishing" section in recognition of the Ward Bird case. In other words, what Ward Bird did in the famous case would still be legal because it was in regard to his own property. The committee, in concurrence with the sponsor, also removed section three which would have repealed a statute relative to civil immunity for the use of force. In other words, civil immunity will remain for those using force. Many reasons were stated for retaining section one of the bill, the most salient being that ours would be a safer society if people are not encouraged to use guns on the street as a first resort. Some committee members thought of times when they ran into problems on the street, problems which were resolved but could well have escalated had they or those around them attempted to draw weapons. The majority understands that some will not be happy with passage of even a single section of this bill, but the amendment should be seen as a compromise that most should be able to live with. **Vote 12-6.**

Rep. Kyle J Tasker for the **Minority** of Criminal Justice and Public Safety: The minority feels this bill has no demonstrable merit and it would be foolish to change the law every two years without giving current law a chance to demonstrate results. This body is not so fickle as to remove a right once granted.

SPECIAL ORDER

HB 451-FN, repealing the license requirement for carrying a concealed pistol or revolver. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The majority of the committee believes this bill is unnecessary because current law regarding the issuance of concealed carry permits is sufficient. The present system ensures that local police departments do not issue licenses to persons that should not have them. **Vote 14-4.**

SPECIAL ORDER

HB 619-FN, prohibiting images of a person's residence to be taken from the air. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: Admittedly, New Hampshire may be the first state to pass a bill of this kind, but by a wide margin, the committee believes that we should be proud in going where no state has gone before. In fact, this bill could well become a model for other states when it comes to regulating drones which, more and more as technology advances, could pose a threat to individual privacy. The amendment is carefully crafted and thorough in defining air space, drones, and other items referred to in the body of the bill. The goal is to prevent images of a person's residence to be taken from the air by drones which can be extremely small and are now increasingly available, at a very cheap cost. The committee is alarmed to think that a person could use one of these devices to invade a neighbor's privacy. We delight in being in the forefront of stopping Big Brother from making inroads here. At the same time, wording is careful so as to not ban aerial photos, taken by drones, of properties when no faces are recognizable. While this bill might be difficult to enforce, so too are many other laws we pass, and as publicity spreads on the progress of this bill, the committee expects many positive results, if not in the next month or year, then certainly in the mid and long term. **Vote 16-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 398-FN, relative to leave time for certain state employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J Sullivan for the **Majority** of Executive Departments and Administration: This bill would change the current law that allows health and human services employees who move from a classified position to an unclassified position to retain their accrued annual leave. The majority does not see a need to change the current practice, as it helps in retaining qualified employees by allowing health and human services to promote from within.

Members of the majority recognize that a difference exists between the treatment of health and human services employees and employees of other departments. There was discussion of extending the current practice at health and human services to other departments, but the majority believed that, given current fiscal reality, now was not the time to extend the practice to other departments. **Vote 11-9.**

Rep. Carol M McGuire for the **Minority** of Executive Departments and Administration: This bill, as amended, simply seeks to fix a disparity of benefits between some HHS employees and other state employees. An artifact of the 1995 reorganization of HHS, when many positions were involuntarily converted from classified (union eligible positions) to unclassified (appointed, not covered by normal personnel rules, usually but not always a management position), the law remains that an HHS classified employee taking an unclassified position in HHS can “bank” accumulated leave. State employees in other departments - or HHS employees taking an unclassified position in a different department - lose accumulated leave when they take an unclassified position. The minority believes this differential treatment is unfair, and this section of law should have sunset in 1996. The amendment, unanimously approved by the committee, ensures that employees who transitioned to unclassified positions in the past are not affected by this change.

It remains true that classified and unclassified positions have different advantages and disadvantages, and every employee considering making this transition needs to balance the advantages and disadvantages in their particular case.

HB 420, establishing orange, red, and yellow as the state colors. **OUGHT TO PASS.**

Rep. Romeo Danais for Executive Departments and Administration: This bill brings colors officially to New Hampshire. The children of 4th grade class, Freedom Elementary School, presented a very colorful display of why yellow, orange and red – the colors of our magnificent fall foliage – should be our New Hampshire official colors. The discussion centered around how colorful New Hampshire is for tourists; the rich red colors of our native lobsters, the brilliant range of pumpkins and how important pumpkins are to our fall celebrations, the colors red, yellow and orange play so well in the centerpieces of our fall harvest tables. Indeed, New Hampshire celebrates these colors for all to enjoy, not only natives of New Hampshire but all the far away tourists who come to celebrate all that is New Hampshire in the fall. **Vote 12-6.**

HB 455, establishing a committee to study the use of a cash balance retirement plan for new state employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey P Goley for the **Majority** of Executive Departments and Administration: There was a study done last session on defined contribution plans. During that study some information was also collected on cash balance plans. There was enough information collected and available on the subject that the sponsor was able to put detailed language in this study bill setting out the specifics of the cash balance plan to be studied. The majority of the committee believes there is already enough information available on the subject and a study committee is not needed at this time. Moreover, a subcommittee of interested committee members could study this and other retirement alternatives at any time without the need to create another study committee by statute. **Vote 10-8.**

Rep. Shawn P Sweeney for the **Minority** of Executive Departments and Administration: This bill establishes a committee to study a potentially viable alternative to the current defined benefit pension system for new employees. The cash balance plan has been identified among potential solutions to the growing concerns over new members being added to the current pension system, with its billion dollar unfunded liability that requires increasing contribution rates, now and into the future. The degrading financial viability of this expanding system requires our response. There are reasonable arguments to be made for or against one plan or another, but no reasonable argument against researching alternatives.

HB 683-FN, relative to the retirement system status of the director and assistant director of the division of homeland security and emergency management. **OUGHT TO PASS.**

Rep. Lucy M Weber for Executive Departments and Administration: This bill pertains only to the director and assistant director of Homeland Security and Emergency Management. It allows either to elect not to become a member of the retirement system, or to be eligible to continue group II status if he or she was a group II member or retiree prior to appointment. The majority was aware of concern about treating these two positions differently from other non-classified positions, but was persuaded of the compelling reasons for the departure. The current and past holders of these positions have come from the larger of our New Hampshire

policy or fire departments, bringing with them a wealth of knowledge and experience in handling emergency situations in New Hampshire. To require such a qualified candidate to forfeit group II benefits would make it less likely that future appointees will be from New Hampshire, as appointees vested in the retirement systems of other states can serve with no loss of benefits. The majority thought it is in the best interests of all of our citizens to ensure that persons holding these positions most critical to our safety be those with the most available knowledge and experience of the workings of New Hampshire's emergency system. We believe an emergency is no place for on-the-job training. **Vote 13-5.**

FINANCE

HB 260-FN, relative to voluntary services provided to children in need under RSA 169-D. OUGHT TO PASS WITH AMENDMENT.

Rep. Katherine D Rogers for Finance: Legislators heard from their communities about the “downshifting” of costs when services for children in need of services (CHINS) was nearly eliminated in the current budget.

This bill as amended expands the definition of a child in need of services under RSA 169-D which was severely restricted in the current biennium. It creates a voluntary CHINS program and requires that the appropriate voluntary services have been attempted and proven unsuccessful prior to a petition being filed with the court. This bill gives people who would otherwise go to court to access services under the voluntary option and may result in lower cost services for three reasons in addition to savings in court, prosecution and defense costs.

1. Voluntary services are limited in their scope - no access is given to residential services, which are only available through the court system. 2. Voluntary services are also limited in length, while court-ordered services have no such limitation. 3. Service plans developed under the voluntary services procedures will include the department in the planning process, so its resources are much less likely to be at the mercy of a judge ordering something that the department doesn't consider necessary. Additionally this bill invokes a “circuit breaker” that allows the department to suspend voluntary services and just provide services under the court process for the remainder of the biennium should costs be more substantial than expected.

The bill also directs the department to collect data regarding the CHINS program and provides for the suspension of voluntary services if appropriated funds will be insufficient to support services for the remainder of the biennium.

The bill additionally requires school board truancy policies to include certain information relative to student attendance. **Vote 16-7.**

HB 432-FN, relative to health care costs for county and state inmates. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Stephen P Spratt for the **Majority** of Finance: This bill revises health care reimbursement rates for inpatient, outpatient and emergency room care for county and state prisoners, further defines health care facilities and independent provider rates and limits rates for prisoners who are eligible for Medicaid to current Medicaid rates. This bill helps contain taxpayer costs for inmate medical care. **Vote 20-3.**

Rep. Dan McGuire for the **Minority** of Finance: This bill requires hospitals and other health care providers to serve county prisoners for a price specified in the bill. While this kind of thing is rampant throughout our health financing laws, forcing someone to work, particularly for a non-negotiated rate of pay, is involuntary servitude, i.e. slavery. Laws like this drive providers out of business, decreasing the availability of health care, increasing wait times and costs. Since the law doesn't do anything positive to create savings, such as cutting red tape, all it does is inefficiently shift costs from counties onto health care providers and customers. The cost of jails ought to be borne by the general taxpayer, not disguised as rising health insurance costs.

HB 615-FN-A, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefor. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Katherine D Rogers for the **Majority** of Finance: The bill makes an appropriation of \$25,000 to the New Hampshire national guard recruitment and retention scholarship fund for the fiscal year ending June 30, 2014. The committee wholeheartedly supports the policy of this bill and, in following past practices of not passing “legislative specials,” has inserted into HB 1 (the budget bill) a new line item for this appropriation. HB 1's new line item within the adjutant general's department for \$25,000 in fiscal year 2014 as well as FY 2015 doubles the amount HB 615 requested, and by so doing the committee has memorialized this program as a permanent fixture thereby assuring the continuation of this program. The program had previously depended on a revenue stream from the rental of national guard property that no longer exists. The committee intends to “enshrine” this program into House fiscal policy and work to reward those who serve us in the New Hampshire national guard. **Vote 15-8.**

Rep. Karen C Umberger for the **Minority** of Finance: The minority of the committee believes that HB 615 should have been amended to include the New Hampshire national guard recruitment and retention scholarship fund of \$25,000 in both FY 14 and FY 15 to match the funding that is proposed in HB 1. This action would have formally established the House position of funding the scholarships for both FY 14 and FY 15 rather than the possibility that, because of the majority's position of ITL, the funding could be eliminated.

WAYS AND MEANS

HB 185-FN, relative to the fuel oil discharge cleanup fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the **Majority** of Ways and Means: This bill adds one-quarter of a penny to the current one penny per gallon fuel oil importation fee, restoring the fee to the 1.25 cent level that it was at as of the end of Fiscal Year 2010. All income generated by this fee is deposited into the fuel oil discharge cleanup fund, a discharge prevention and contamination cleanup program established by the legislature in 1993 under RSA 146-E. The program is administered by the oil fund disbursement board with assistance from the department of environmental services (DES); the restoration of the fee to 1.25 cents per gallon is recommended by the board and by DES. The program offers significant public health and environmental protection benefits to NH homeowners, businesses, schools and local governments, paying fuel oil contamination costs not covered by insurance. The program also funds the state's SAFETANK program, helping qualified low income families to replace or bring into compliance residential fuel oil tanks in danger of release. SAFETANK prevention funding is designed to avoid costly cleanups (e.g., \$1,500 invested in prevention can save \$17,500 in average cleanup costs). DES estimates that the balance in the fuel oil discharge cleanup fund will fall to \$220,000 by June 30, 2013, too low to meet the fund's program responsibilities. The NH business and industry association (BIA) testified at the Ways and Means hearing in support of the quarter of a penny fee adjustment called for by this bill, citing the fund's cost effectiveness and contribution to economic development. The majority of the committee agrees that this fee restoration is needed to enable continuation of this cost effective program. **Vote 11-7.**

Rep. Russell T Ober for the **Minority** of Ways and Means: The purpose of this bill is to increase the cost of the fuel oil importation fee by 0.25 cents per gallon. This fee provides money for the fuel oil discharge cleanup fund known as the FOD fund. The total income for this fund for the last nine years has averaged \$3M per year, and the total expenses for the fund for the same period of time have averaged \$2.9M. Since the current fee is covering expenses, the minority believes that no change should be made. The SAFETANK program, which is discretionary spending, can be adjusted according to the budget for FOD. Work can be continued on the cleanup program without this increase. The cost to the user of fuel oil should not be increased at this time. Therefore, the minority believes this bill should be ITL.

HB 295, requiring criminal background checks for volunteers and employees at youth skill camps. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas C Schamberg for the **Majority** of Ways and Means: A legislative committee from last summer recommended operators of youth skill camps, except for municipally operated camps, perform background checks on all employees and volunteers. Long and short term camps have to certify to the department of environmental services (DES) that no employee has a violent or abusive criminal record. The bill creates a dedicated fund to support implementation of both long and short term youth camp regulations.

The regulatory assessment of long term camps is underfunded, and dollars are being diverted from other parts of the agency to cover costs. The board of directors of the NH camp directors association endorsed the DES request for a recreation (long-term) camp license fee of \$200, which they realize will fully pay for their costs. Together with the youth skill (short-term) camp fee of \$25, this will meet the annual expenses of \$36,500 expended by DES. These camps feel they need to be regulated to reassure parents that their children are being safeguarded. **Vote 11-7.**

Rep. Laurie J Sanborn for the **Minority** of Ways and Means: The minority wholeheartedly supports the policy of requiring criminal background checks for volunteers and employees at youth skill camps, as we currently do for recreation camps. However, we cannot support the fee increase, which changes from \$50 to \$200 for each recreation camp and \$0 to \$25 for skill camps. We are also not comfortable with creating an additional dedicated fund.

HB 411-FN-A, repealing a future reduction in vessel registration fees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary R Cooney for the **Majority** of Ways and Means: This bill repeals a reduction in vessel registration fees scheduled to take effect on July 1, 2015. This would mean cutting the fees back to 1992 levels, one-half of their present levels. When these fees were raised in 2008, the intent was to build up a fund to be used to offset the cost of a new marine patrol headquarters and boathouse. The reason for the sunset was to allow the committee to reassess the size of the increase once this cost was known, not to end it. The current combination headquarters-boathouse is in serious disrepair. It has been settling into the ground for two decades and is unstable. The roof does not meet snow load requirements, the electrical and mechanical systems are archaic, and the building is not ADA compliant. This revenue stream is necessary to make the expected bond payments for the new headquarters as well as to pay for needed upgrades to equipment and to restore many of the summer boating officers who had been cut from 50 or 60 down to 30 officers last summer due to lack of funding. Tourism is one of our biggest industries. This bill supports tourism by promoting safe boating, monitoring invasive aquatic weeds, and providing protection to all using the lakes and shorelines. **Vote 11-7.**

Rep. Jordan G Ulery for the **Minority** of Ways and Means: The general court raised fees four years ago. This bill reneges on the promise of reducing fees. The marine patrol needs a new building, and the agency funding was lapsed last term, which meant the planning was stopped. The agency needs to justify its needs within the scope of the general fund and the general court needs to honor its word to the people. We need to keep the trust of the people.

HB 617-FN-A-L, increasing the rate of the road toll and establishing the New Hampshire state and municipal road and bridge account. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for the **Majority** of Ways and Means: HB 617 was sent to Ways & Means as a second committee. After a four and half hour public hearing and extensive deliberations the committee recommends an amendment to the bill which accomplishes three things: First, it reduces the proposed increase in the road toll for gasoline and diesel fuel from 15 cents to 12 cents, spreading the gas increase 4 cents per year over 3 years; for diesel the 12 cent increase will be spread out over 6 years -- 2 cents per year. At peak, it will raise \$92 million a year. Second, at the request of the Public Works & Highways Committee, all unrefunded road toll generated from the increased revenue will be deposited into the existing highway and bridge betterment account. This insures that in addition to the constitutional provision safeguarding road toll revenue for "highway purposes" and the NH state and municipal road and bridge account set up in the original HB 617, that ALL money generated from the increased road toll will be spent on state and local roads and bridges. Third, it reinstates the commission to study revenue alternatives to the road toll that was inadvertently terminated by prior legislation. New Hampshire's highway system is its economic lifeblood; supporting commerce, tourism and our everyday lives. A good infrastructure is imperative for NH to compete with other states for new business and new jobs. New Hampshire has an infrastructure crisis. The problem is getting worse and more expensive each year. The last time the gas tax was raised was 1991. During that time period the cost to pave one mile of highway has increased from \$18,000 to \$51,000. NH has the lowest gas tax in the northeast and the second lowest across the nation's "Frostbelt". As a point of information the state that had the lowest gas tax in the Frostbelt was Wyoming; on 2/15/13 Wyoming's Republican Governor signed into law a one-year increase from 14 cents to 24 cents per gallon tax.

Today, by not properly investing in our roads and bridges, we face an infrastructure crisis, that is on its way to becoming a catastrophe. There are four major issues: First, the Interstate widening is \$250 million underfunded. Without new revenues that project will not be completed. Second, over 1/3 of our state roads are rated in poor condition (meaning major work is required). This number has almost tripled in just 12 years. NH has the 9th worst rural roads in the nation. Without new revenue the miles of state roads in poor condition will continue to grow, as will the cost to fix the problem. Third, is the condition of our bridges. NH has the 11th worst bridges in the country. There are currently 140 red listed bridges, (a red list bridge is a bridge with at least one structural defect). Without investing in bridges there will be over 200 on the red list by the year 2020. The state's number one red list bridge, is the Sarah Long bridge, connecting Portsmouth to Kittery, which will cost \$85 million to rebuild. Fourth, our municipalities are struggling with the same problems; roads in poor condition and 353 red listed bridges with 10-12 bridges being closed each year. With dwindling state aid, towns must rely on property taxes to fix problems that are simply too big for local taxpayers to bear.

Once the increase is fully phased-in and, if every penny were to pass through to the consumer (which testimony indicates it will not), a NH motorist who drives 12,000 miles/yr. at 22 MPG would pay about \$65 more per year. Those who drive less, pay less and those who use the roads more, pay more. That is the definition of a true user fee. Out-of-state drivers will contribute by purchasing millions of gallons of gas. Compare this \$65 cost to that in the recent study indicating that the average NH driver now pays \$323 a year in extra auto repairs due to bad roads. This bill saves the ordinary citizen money. It will have a direct positive impact by creating over 800 new jobs, and have an economic ripple effect as hundreds of millions of construction dollars are expended within NH's borders. **Vote 11-7.**

Rep. Laurie J Sanborn for the **Minority** of Ways and Means: Raising the gas tax disproportionately hurts the hard working and lower income families in our state who are already struggling to make ends meet. It also harms small businesses, which must try to absorb these additional costs or pass them on to the consumer. Higher taxes discourage economic growth, not encourage it. While safe roads and bridges are important to the people of NH, we need to do a better job managing the money we already receive. This bill unfairly places the entire burden on our already overburdened taxpayers, at a time when the economy is still fragile and over 40,000 people are still looking for work.

BILLS REMOVED FROM CONSENT CALENDAR – MARCH 13

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 389, relative to discovery in misdemeanor and violation cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E Ginsburg for Criminal Justice and Public Safety: The bill would provide that a person issued a summons for a misdemeanor or violation could obtain at no cost a copy of the police report and other discoverable information in the case. The committee heard that court rules and professional ethics require that

this information be provided to the person by law enforcement and the court, and that remedies for failure to provide it are available in the trial process. The committee heard no evidence that this change in the law was necessary. **Vote 20-0.**

EDUCATION

HB 679, relative to renovations to the vocational technical center at Alvirne high school. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education: This bill requires the department of education to include Alvirne high school technical center in the department's list of capital improvement projects. This bill is not necessary because all technical centers are automatically on the list. Alvirne high school is on the list for 2020-21. **Vote 20-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 189, repealing the commission to study water infrastructure sustainability funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: The committee unanimously supported the bill as amended to extend the water infrastructure sustainability commission to November 1, 2013 in order to issue its final report. The commission conducted several years of research and issued an interim report. The bill, as amended, allows the work of the commission to be completed. **Vote 19-0.**

HB 527, repealing the exotic aquatic weeds and species committee. **INEXPEDIENT TO LEGISLATE.**

Rep. James D Aguiar for Resources, Recreation and Development: This bill would have repealed RSA 487:30 which created the exotic aquatic weeds and species committee. Said committee was empowered to: (a) Study the spread of exotic aquatic weeds and exotic aquatic species in the waters of New Hampshire including education, management, and potential means to eliminate the spread of these weeds and species; (b) aid the in the control and eradication of milfoil; and (c) solicit, hold, and expend gifts, grants, and donations from any source to carry out the purposes of the committee. The committee heard testimony supporting the continuation of this body. Clean, healthy waterways are critical to the economy of New Hampshire and the exotic aquatic weeds and species committee has played a positive role in protecting this vital natural resource. **Vote 19-0.**

WAYS AND MEANS

HB 549, establishing a committee to study a constitutional amendment to prevent dedicated funding for a specific purpose from being diverted from that purpose. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell T Ober for Ways and Means: There have been several instances where dedicated funds lost their money to the general fund, usually when money in the budget was inadequate. The total banning of the practice would also have major side effects. Further, a committee to study wording for a constitutional amendment seems unnecessarily complex. **Vote 17-1.**

LAIID ON TABLE

HB 116, relative to the powers of an executor or administrator to take control of a decedent's social networking websites. (Pending question: adoption of the Majority committee report of Inexpedient to Legislate.)

HB 576, establishing Franklin Pierce Day. (Pending question: adoption of the committee report of Inexpedient to Legislate.)

HB 638, recognizing the original Thirteenth Amendment to the United States Constitution. (Pending question: adoption of the majority committee report of Inexpedient to Legislate.)

HB 678-FN-A-L, relative to games of chance and establishing a gaming oversight authority and video lottery gaming. (Pending question: adoption of the committee report of Inexpedient to Legislate.)

HCR 3, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HR 6, commemorating the 40th anniversary of the *Roe v Wade* Supreme Court decision and affirming support for its holding and principles.

HR 7, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by entities created by law. (Pending question: adoption of the Majority committee report of Inexpedient to Legislate.)

HR 8, affirming revenue estimates for fiscal years 2013, 2014, and 2015. (Pending question: adoption of Ought to Pass.)

2013 RETAINED BILLS

CHILDREN AND FAMILY LAW

HB 525-FN, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.

HB 572, establishing a commission to study public-private partnerships for the treatment of abused and neglected children.

COMMERCE AND CONSUMER AFFAIRS

HB 120, relative to hours of sales by off-premises liquor licensees.

HB 149, relative to the information on fuel invoices.

HB 175, relative to New Hampshire domestic liquor and wines.

HB 222, relative to business names registered with the secretary of state.

HB 226, establishing a committee to study the promotion of New Hampshire wines.

HB 227, relative to property and casualty insurance.

HB 331-FN, relative to wine manufacturers.

HB 343-FN, relative to laws regarding pawnbrokers.

HB 430, requiring insurance companies sending out solicitations for marketing purposes to include their insurance license number on such solicitations.

HB 456-FN, relative to liquor manufacturers.

HB 529, relative to the regulation of health clubs.

HB 544, repealing the prohibition on a state-based health exchange.

HB 562, relative to the interest rate on title loans.

HB 565, relative to actions under the consumer protection law.

HB 566, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas.

HB 585, relative to insurance parity for optometrists.

HB 592-FN, regulating the use of electronic tracking devices.

HB 682-FN, relative to credit card fees.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 125, requiring the reporting of certain felony offenses by postsecondary educational institutions.

HB 217, imposing an extended term of imprisonment for assault against a health care provider.

HB 336-FN, prohibiting the retail sale of certain fireworks devices.

HB 404-FN, relative to earned time credits for inmates participating in rehabilitative programming.

HB 480-FN, relative to solitary confinement.

HB 492-FN-LOCAL, relative to the legalization and regulation of marijuana.

HB 496-FN, relative to driving privileges for certain first-time DWI offenders.

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays.

HB 618, relative to disclosure of annulled criminal records.

HB 645-FN, relative to an extended term of imprisonment for persons with 2 prior convictions.

HB 649-FN, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming.

HB 653-FN-A, relative to funding law enforcement prosecution of Internet crimes against children.

HB 666-FN, relative to penalties for speeding offenses.

HB 675-FN, authorizing and regulating the use of license plate scanning devices.

EDUCATION

HB 243, relative to the board of trustees of a chartered public school.

HB 424-FN, relative to review of chartered public school applications by the state board of education.

HB 435-FN, relative to funding for chartered public school pupils.

HB 474, relative to eligibility for in-state tuition rates at the university system of New Hampshire.

HB 533, relative to the mathematics requirement for high school graduation.

ELECTION LAW

CACR 5, relating to bribery and corruption. Providing that no person incarcerated for a crime, under a conditional release from incarceration, completing an order of restitution for a crime, nor any person who has been convicted of intentional murder shall hold any office of trust in the New Hampshire government.

HB 150, relative to inspectors of election at town and school district meetings.

HB 151, relative to duties of inspectors of election.

HB 250-FN-A, relative to campaign contributions and expenditures.

HB 294, relative to voter database information provided for preparation of jury lists.

HB 351, relative to appointment of inspectors of election.

HB 366, relative to showing a ballot.

HB 392-FN, relative to political contributions and expenditures and relative to reporting by political committees.

HB 466-FN, relative to determining qualifications of voters.

HB 600-FN, relative to voter registration.

ENVIRONMENT AND AGRICULTURE

HB 110, requiring persons who record cruelty to livestock to report such cruelty and submit such recordings to a law enforcement agency.

HB 491-FN, relative to New Hampshire farm wineries.

HB 608, relative to the slaughter of poultry and rabbits.

HB 660-FN, requiring the labeling of genetically engineered foods and agricultural commodities.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 173, repealing the authority for supplemental allowances under the judicial retirement plan.

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions.

HB 326-FN, relative to licensure of polysomnographers by the board of respiratory care practitioners.

HB 419-FN, establishing a deferred retirement option in the judicial retirement plan.

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission.

HB 469, relative to time limits for regulatory boards and commissions to hold disciplinary proceedings.

HB 473-FN, relative to retirement system status for members of the university system police force.

HB 627-FN, requiring unused vacation and sick leave to be converted to service time for purposes of calculating retirement system benefits.

HB 646-FN, relative to New Hampshire correctional industries.

HB 658-FN, relative to registration for medical technicians.

FINANCE

HB 299-FN, relative to tuition payments for chartered public school pupils.

HB 319-FN, relative to benefits for state employees serving in the armed forces.

HB 341-FN, relative to the cost of fiscal analysis of legislation relating to the retirement system.

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process.

HB 671-FN, restoring state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent.

FISH AND GAME AND MARINE RESOURCES

HB 256-FN, relative to funding for the fish and game search and rescue fund.

HB 258-FN, prohibiting the taking of deer from baited areas.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 329-FN, requiring purchasers of medical equipment to be notified of the actual cost of such equipment at time of sale.

HB 461-FN, relative to long-term care services.

HB 462-FN, relative to an independent review process under the medical assistance program.

HB 476, relative to medical care price disclosure and transparency.

HB 494, relative to the administration of glucagon injections for pupils.

HB 584, relative to covered prescription drugs.

HB 597-FN, relative to mandatory drug testing for certain health care workers.

HB 677-FN, relative to the certificate of need board.

JUDICIARY

HB 582, repealing early offers for medical injury claims.

HB 590, relative to the unauthorized practice of law.

HB 685, relative to state agency communications under the right-to-know law.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 169, establishing an employers' private right of action to enforce the payment of workers' compensation coverage.

HB 203, relative to workers' compensation coverage for contractors on state projects.

HB 249-FN, requiring employers to verify an employee's eligibility to work in the United States.

HB 255-FN, relative to the workers' compensation law.

HB 350, prohibiting discrimination against the unemployed.

HB 439-FN, relative to weekly workers' compensation payments.

LEGISLATIVE ADMINISTRATION

HB 170, relative to the definition of a gift to an elected official, public official, public employee, constitutional official, or legislative employee.

HB 415, relative to ethics requirements for members of the general court.

HB 548, relative to ethics requirements and procedures for legislators and legislative employees.

MUNICIPAL AND COUNTY GOVERNMENT

HB 114, relative to abutter access over subdivided land.

HB 297, relative to the management of trust funds and capital reserve funds.

HB 422, relative to the adoption, revision, and amendment of municipal charters.

HB 532, relative to energy efficiency and clean energy districts.

HB 672-FN, relative to the property tax exemption for water and air pollution control facilities.

PUBLIC WORKS AND HIGHWAYS

HB 437-FN-A, relative to the road toll.

HB 534, establishing a commission to study the sale of naming rights for certain structures.

HB 674-FN-LOCAL, relative to state highway aid.

HB 684, relative to bridge replacement and bridge aid funds.

RESOURCES, RECREATION AND DEVELOPMENT

HB 158, relative to the issuance of waivers for lot loading or setback distances in condominium conversion.

HB 292-FN-A, requiring milfoil decals on private vessels registered in other states or countries and operating on the inland waters of New Hampshire.

HB 338-FN-LOCAL, relative to the state contribution for water pollution control.

HB 397, relative to state aid for wastewater and public water supply projects.

HB 523-FN, relative to voluntary certification for road salt applicators.

HB 545, relative to rafting of boats.

HB 663-FN, relative to appeals within the department of environmental services.

SCIENCE, TECHNOLOGY AND ENERGY

HB 166, requiring the public utilities commission to make specific findings as to the public need for proposed transmission lines.

HB 284-FN, providing for collection of the E-911 surcharge from certain prepaid cellular telephones.

HB 286, relative to broadband infrastructure.

HB 449, relative to the application process for a certificate for an energy facility.

HB 465, repealing New Hampshire's atomic energy policy.

HB 484-FN-LOCAL, requiring public approval prior to issuance of certain site evaluation certificates.

HB 568, requiring new elective transmission lines in New Hampshire to be buried.

HB 569, relative to the placement of all new electric transmission lines in New Hampshire.

HB 580, establishing moratoriums on wind turbine plants and electric transmission line projects.

HB 586, establishing a one-year moratorium on applications for certificates for electric transmission facilities.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 493-FN, relative to emergency compacts.

TRANSPORTATION

HB 263, establishing a committee to study examination of elderly drivers.

HB 495-FN, relative to titles for motor vehicles.

HB 587, relative to medical examination requirements for commercial drivers' licenses.

HB 650-FN-A, making an appropriation to start a bus service between Claremont and Lebanon.

WAYS AND MEANS

HB 427, relative to tobacco tax laws.

HB 459, relative to poker games and charitable gaming.

HB 485-FN-A, establishing keno.

HB 490-FN-A, relative to the tax on tobacco products other than cigarettes and establishing a tobacco use prevention and cessation program fund.

HB 540-FN-A, establishing a credit against business profits taxes for motion picture production expenditures in New Hampshire.

HB 654-FN, relative to licensure and renewal fees.

COMMITTEE MEETINGS

FRIDAY, MARCH 22

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB

9:30 a.m. Regular meeting.

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

9:00 a.m. Executive session.

10:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Capital budget presentations on the Governor's Capital Budget:

10:00 a.m. Continued public hearing on **HB 25-FN-A**, making appropriations for capital improvements.

10:15 a.m. Department of Safety.

1:00 p.m. Department of Transportation.

2:00 p.m. Rescheduled full committee work session on **HB 25-FN-A**, making appropriations for capital improvements.

MONDAY, MARCH 25

FINANCE, Rooms 210-211, LOB

Division Budget Presentations to Full Committee:

10:00 a.m. Division I.

Division II.

1:00 p.m. Division III.

FINANCE – (DIVISION I), Room 212, LOB

9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION II), Room 209, LOB

9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION III), Rooms 210-211, LOB

9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

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

9:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Full committee work session on **HB 25-FN-A**, making appropriations for capital improvements.

TUESDAY, MARCH 26

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Full committee work meeting with Judge Kelly of the Family Court Division.

1:00 p.m. Full committee presentation on child impact seminars.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Meet in the LOB Lobby

9:30 a.m. Tour of the NH State Prison for Men and the NH State Prison for Women. Transportation will be provided.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Continued public hearing on **HB 25-FN-A**, making appropriations for capital improvements.
- 10:15 a.m. Full committee work session on **HB 25-FN-A**, making appropriations for capital improvements.
- 1:00 p.m. Executive session on **HB 25-FN-A**, making appropriations for capital improvements.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Continued public hearing on **SB 74**, relative to an exemption for entities that furnish hot water through a district energy system.
- 11:00 a.m. Energy investment briefing.
- 1:00 p.m. Full committee work session on the site evaluation process.

THURSDAY, MARCH 28**COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), NH Medical Society, 7 North State Street, Concord**

- 2:00 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Continued executive session on **HB 25-FN-A**, making appropriations for capital improvements.

FRIDAY, MARCH 29**WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB**

- 10:00 a.m. Regular meeting.

MONDAY, APRIL 1**TASK FORCE ON WORK AND FAMILY (RSA 276-B:1), Room 207, LOB**

- 1:15 p.m. Organizational meeting.

TUESDAY, APRIL 2**EDUCATION, Room 207, LOB**

- 10:00 a.m. Department of Education – Presentation Common Core.
- 11:00 a.m. Department of Education – Smarter Balance Assessment.
- 1:15 p.m. NH school safety and security.

STATE VETERANS' ADVISORY COMMITTEE (RSA 115-A:2), National Guard Aviation Facility, Regional Drive, Concord

- 5:00 p.m. Regular meeting.

THURSDAY, APRIL 4**CRIMINAL JUSTICE AND PUBLIC SAFETY, Meet in the LOB Lobby**

- 9:30 a.m. Tour of the Fire Academy. Transportation will be provided.

THURSDAY, APRIL 11**CHILDREN AND FAMILY LAW**

- 10:00 a.m. Members of the committee wishing to tour the Women's Prison meet at 317 Mast Road, Goffstown.
- 2:00 p.m. Members of the committee wishing to tour the Sununu Youth Services Center meet at 1056 River Road, Nashua.

CRIMINAL JUSTICE AND PUBLIC SAFETY

- 10:00 a.m. Tour of the Police Academy in Concord. Meet at the Police Academy located on the campus of the New Hampshire Technical Institute (NHTI). The Academy is across from NHTI at 17 Institute Drive.

FRIDAY, APRIL 12**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB**

- 9:30 a.m. Regular meeting.

MONDAY, APRIL 15**GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB**

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

FRIDAY, APRIL 19**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. regular meeting.

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

10:00 a.m. Regular business.

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

1:00 p.m. Regular meeting.

FRIDAY, APRIL 26**WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB**

9:00 a.m. Regular meeting.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

Hillsborough County Executive Committee will meet on **Friday March 22**, at 9:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown, NH,

Rep. Mariellen MacKay, Clerk
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County Long-Term Care Subcommittee will meet on Friday, **March 22**, 2013 at 3:30 p.m. in the Commissioner's Conference Room at the Rockingham County Nursing Home in Brentwood. The purpose of the meeting is to discuss the Adult Medical Day Care Program.

Rep. Debra L. DeSimone, Chairman
Rockingham County Long-Term Care Subcommittee

REVISED FISCAL NOTES

The following House Bills have a revised fiscal note: HBs 112, 142, 147, 178, 184, 204, 233, 250, 252, 253, 259, 260, 261, 316, 317, 319, 320, 321, 322, 324, 325, 326, 327, 328, 330, 333, 334, 335, 336, 338, 340, 341, 342, 343, 344, 370, 376, 380, 382, 391, 394, 399, 431, 432, 434, 435, 437, 445, 456, 461, 462, 466, 473, 477, 478, 479, 481, 482, 484, 485, 486, 487, 488, 489, 490, 491, 493, 501, 507, 511, 526, 540, 563, 564, 570, 581, 594, 595, 596, 597, 599, 600, 617, 628, 629, 630, 641, 642, 643, 646, 648, 650, 651, 652, 654, 655, 656, 657, 658, 660, 661, 663, 664, 665, 667, 668, 669, 670, 671, 673, 676, 677, 678, 683. SBs 39, 117, 124, 153, 189.

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. Amy S. Perkins, 49 Washington Street, Seabrook, New Hampshire 03874-4640.

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 House Republican Office will have "Office Hours" at the Legislative Office Building on Tuesdays and Thursdays through the legislative session. Republican Office staff will be available to members from 9:30 a.m.-11:30 a.m. in room 300A. Feel free to stop by if you have questions, requests or suggestions.

Rep. Gene G. Chandler

The ServiceLink Resource Centers Network and AARP New Hampshire cordially invite the House Finance Committee, House Health, Human Services and Elderly Affairs Committee and House Commerce and Consumer Affairs Committee to a luncheon on Tuesday, **March 26** from noon to 1:00 p.m. at the Barley House, Main Street, Concord. Sandwiches, hot and cold drinks will be provided.

Reps. Neal Kurk, Edward Butler and James MacKay

The Legislative Caucus for Young Children (LCYC), will meet to reorganize on Tuesday, **March 26**, 2013 at 1:15 p.m. in Room 207, LOB. The LCYC which began in 1997, is a nonpartisan organization of NH legislators committed to legislative initiatives primarily affecting children from birth through age 8, including family and prenatal issues. Goals include: 1) To support policies and programs which maximize the developmental potential of children and prevent future social, health and educational problems; 2) To monitor and propose legislation in the realms of health, prenatal and early care, family support and education; and 3) To serve as a vehicle for information sharing and continuing education on these and related issues. All legislators are welcome.

Rep. Mary Stuart Gile

All pro-business members of the House are invited to attend the NH House Business Caucus meeting on Tuesday, **March 26**, from 4:00 – 5:00 p.m. in Room 203, LOB.

Reps. Laurie Sanborn, Adam Schroadter and
Patrick Abrami

The members of the National Association of Insurance and Financial Advisors and the Coalition of Insurance and Financial Producers cordially invite all Representatives and staff to a reception in the State House cafeteria on Wednesday, **March 27**, 2013 from 7:30 a.m. - 9:30 a.m. where a breakfast will be served. Members of both organizations live throughout New Hampshire - they are your local insurance and financial advisors who assist our citizens with life, health, disability, and long-term care insurance as well as investment products. Look forward to seeing you there.

Reps. Stephen J. Shurtleff and Gene G. Chandler

All legislators are cordially invited to join the New Hampshire State Alliance of YMCAs in the State House cafeteria on Wednesday, **March 27** during the lunch break for an informal luncheon reception. Sandwiches, hot and cold drinks and dessert will be provided.

Rep. Laurie Harding

Members of the NH Legislative Sportsmen's Caucus are invited to lunch on **March 27** at noon at the Upham Walker House. Brent Miller, the northeastern states manager for the Congressional Sportsmen's Foundation, will be here to speak to the caucus about his position and responsibilities in the northeast.

Reps. Jeff Goley and Gene Chandler

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Reception on Wednesday, **March 27** at 3:00 p.m. (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. 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 the NHADA wants to recognize all of you for your support of New Hampshire automotive members and their 14,400 employees.

Reps. Stephen J. Shurtleff and Gene G. Chandler

The New Hampshire Coalition Against Domestic and Sexual Violence invites all legislators to celebrate its 35th Anniversary on **April 4th** from 5:00 to 8:00 p.m. at the Bedford Village Inn. For event tickets please go to **www.nheadsv.org** or call 603-224-8893.

Rep. Robert R. Cushing

Vesta Roy Express: There will be a one day workshop to strengthen communication and presentation skills for Republican women who are thinking of running for state or local office and those currently in office who are seeking to polish their skills on Saturday, **April 6**, 2013 from 8:30 a.m. - 4:30 p.m. at NH Institute of Politics at Saint Anselms College. The cost is \$100/person. There are scholarships available. Space is limited. For more information and to sign up contact: Kate Pyle, 603.833.1442 or via email at **katy@pyleiton.net**

Rep. Regina M. Birdsell

All members are cordially invited to a breakfast at 8:00 a.m. on **April 9** sponsored by the New Hampshire Association of Regional Planning Commissions and the New Hampshire Planners Association. Please come join us for breakfast in the State House cafeteria.

Rep. James E. Coffey

On **April 16**, all House members are invited to meet volunteers and staff from throughout the state at a reception to highlight the important role that the American Red Cross plays in NH and your community. Heavy appetizers and beverages will be available from 4:00 p.m. to 6:00 p.m. at the Red Cross Headquarters located at 2 Maitland Avenue in Concord. Hope to see you there.

Reps. Stephen J. Shurtleff and Gene G. Chandler

All legislators and staff are invited to attend "Banding Together for New Hampshire's Oral Health," Annual Legislative Breakfast provided by the New Hampshire Oral Health Coalition. A hot breakfast will be served buffet-style **April 17** from 7:30 to 9:00 a.m. in the State House Cafeteria with food prepared by Elizabeth's Kitchen at the State House. Member displays will update you on the latest in oral health. You can view and learn about the Dental Simulator from the Dental School at the University of New England – staff from the No. Country Health Consortium will be on-site to show you how the simulator works.

Rep. Tom Buco

The New Hampshire Coalition Against Domestic and Sexual Violence's AmeriCorps Victim Assistance Program invites all legislators to view the New Hampshire Clothesline Project on **April 23** from 11:00 a.m. to 2:00 p.m. on the State House lawn. The Clothesline Project is a visual display that uses t-shirts to bear witness to domestic and sexual violence, child abuse and stalking. Each shirt is designed to represent a particular person's experience and is made by a survivor or someone who cares about them.

Rep. Robert R. Cushing

All members of the Republican caucus are invited to the House Republican Alliance's weekly meetings to be held Tuesdays from 8:30 -10:00 a.m. at the Upham Walker House.

Reps. Alfred Baldasaro, Carol McGuire and
Pamela Tucker

All are invited to attend the continuation of the weekly prayer group meeting on session days at 8:00 a.m. at the Upham Walker House, 18 Park Street, Concord.

Reps. Stephen Palmer, Warren Groen and
Stella Tremblay

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 **2013**. 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

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>Group#/Grade</i>
March 22	9:00	St. Benedict Academy – Manchester	12/4
March 22	9:00	Victory Baptist School – Londonderry	4/4
March 22	10:15/11:30 SH/HM	Charlotte Ave. Elementary School – Nashua	85/4
March 25	9:30	Hanover St. School – Lebanon	55/4
March 25	12:45	Sant Bani School – Tilton	17/4
March 25	3:30	Crochet Mountain Rehab Center	8/adults
March 26	9:30	Greenland Central School	45/4
March 26	11:30	Newfields Elementary School	33/4
March 27	9:00	Barnstead Elementary School	40/4
March 27	10:00	Trinity Christian School – Keene	11/4
March 27	10:00	Goshen-Lempster Cooperative School	22/4
March 28	9:15	Plymouth Elementary School	56/4
March 28	10:00/11:30 SH/SC	Sandown Central School	70/4
March 28	2:00	Seacoast Brownie Troop – Hampton	15
March 29	9:30	Smyth Road School – Manchester	55/4
March 29	10:15	East Kingston Elementary School	33/4
March 29	11:15	Pierce School at Bennington	15/4
April 1	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	75/4
April 2	9:00	Hanover High School German Club	20/HS
April 2	9:30	Maple Ave. School – Goffstown	50/4
April 2	11:00	Little Harbor School – Portsmouth	54/4
April 3	9:45	Maple Wood School – Somersworth	50/4
April 3	11:30	North Hampton School	56/4
April 4	9:30	Groveton High School/ Life Skills	10/HS
April 4	10:00	Mont Vernon Village School	36/4
April 4	11:00	Little Harbor School – Portsmouth	26/4
April 5	9:30/11:00 SH/HM	Jaffrey Grade School	64/4
April 8	9:45	Thornton Ferry School – Merrimack	50/4
April 8	11:00	Campton Elementary School	44/4
April 9	9:30	Greenfield Elementary School	13/4
April 9	9:30	Hancock Elementary School	19/4
April 9	11:00	Lancaster Elementary School	40/4
April 10	10:00/11:30 SH/HM	Crescent Lake School – Wolfeboro	80/4
April 10	1:00	Weare Home Schoolers	25
April 11	9:30/11:00	Northwest Elementary School	90/4
April 11	2:00	Lycee Lumiere – Lexeuil Les Bains	33/HS
April 12	9:00	Sunapee Middle School	13/8
April 12	9:45/11:00 SH/SC	Thornton Ferry School – Merrimack	80/4
April 15	9:15	Sunapee Middle High School	14/8
April 15	9:15/10:30 SH/SC	Epsom Central School	60/4
April 15	3:00	Teen Pact	26
April 16	9:30/11:00 SH/HM	Hillsboro – Deering Elementary School	112/4
April 16	1:00	Holderness Central School	26/4
April 17	10:00/11:30	Wm. Barron School – Salem	66/4
April 17	11:00	Unity Elementary School	39/4
April 18	10:00/11:30 SH/HM	Garrison School – Dover	100/4
April 19	9:30/11:00 SH/F&G	Symonds School – Keene	64/4
April 19	9:45/10:45 SH/HM	DAR Good Citizens	90/4

DATE	TIME	GROUP	Group#/Grade
April 19	12:00	South Merrimack Christian Academy	18/7
April 19	1:00	Teen Pact Families	34
April 25	10:00	Enfield Village School	54/4
April 25	11:30	Harvest Hills Community – Lebanon	SRS
April 25	1:30	The Huntington @ Nashua Retirement Community	15/SRS
April 29	10:00/11:30 SH/HM	Nottingham West Elementary School – Hudson	120/4
April 30	9:30/11:00 SH/HM	Henry Wilson School – Farmington	86/4
April 30	1:00	Voyagers Home School – Ossipee area	20

WEDNESDAY, MARCH 27

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 135

(2013-0341h)

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

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

AMENDED ANALYSIS

This bill eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be.

Floor Amendment to HB 135

(2013-1031h)

Proposed by Rep. Itse

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

AN ACT relative to physical force in defense of a person and relative to the state's liability for lost income of any person who is physically injured or killed as a result of retreating or attempting to retreat.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 New Paragraph; Physical Force in Defense of a Person; State Liability for Lost Income. Amend RSA 627:4 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any law to the contrary, the state shall be liable for all lost income of any person who is physically injured or killed as a result of retreating or attempting to retreat pursuant to paragraph III. The person who is physically injured or such person's legal representative, or the executor or administrator of the decedent's estate, or a family member of the decedent, may bring a civil action against the state in any superior court in the state to recover lost income.

AMENDED ANALYSIS

This bill:

I. Eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be.

II. Permits civil suits against the state to recover lost income by any person physically injured or killed as a result of retreating or attempting to retreat.

Floor Amendment to HB 135

(2013-1032h)

Proposed by Rep. Itse

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

AN ACT relative to physical force in defense of a person, relative to the state's liability for lost income of any person who is physically injured or killed as a result of retreating or attempting to retreat, and relative to the state's liability for attorney's fees and court costs of any person against whom legal action is brought for failing to retreat.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 New Paragraph; Physical Force in Defense of a Person; State Liability for Lost Income, Attorney's Fees, and Court Costs. Amend RSA 627:4 by inserting after paragraph III the following new paragraph:

IV.(a) Notwithstanding any law to the contrary, the state shall be liable for all lost income of any person who is physically injured or killed as a result of retreating or attempting to retreat pursuant to paragraph III. The person who is physically injured or such person's legal representative, or the executor or administrator of the decedent's estate, or a family member of the decedent, may bring a civil action against the state in any superior court in the state to recover lost income.

(b) Notwithstanding any law to the contrary, the state shall be liable for all attorney's fees and court costs of any person against whom a civil or criminal action is brought for failing to retreat pursuant to paragraph III and such person is acquitted or found not liable.

AMENDED ANALYSIS

This bill:

- I. Eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be.
- II. Permits civil suits against the state to recover lost income by any person physically injured or killed as a result of retreating or attempting to retreat.
- III. Provides that the state shall be liable for all attorney's fees and court costs for any person against whom a civil or criminal action is brought and who is acquitted of, or found not liable for, failing to retreat as required under law.

Floor Amendment to HB 135

(2013-1033h)

Proposed by Rep. Itse

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

AN ACT relative to physical force in defense of a person, and relative to the state's liability for attorney's fees and court costs of any person against whom legal action is brought for failing to retreat.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3: 2 New Paragraph; Physical Force in Defense of a Person; State Liability for Attorney's Fees and Court Costs. Amend RSA 627:4 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any law to the contrary, the state shall be liable for all attorney's fees and court costs of any person against whom a civil or criminal action is brought for failing to retreat pursuant to paragraph III and such person is acquitted or found not liable.

AMENDED ANALYSIS

This bill:

- I. Eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be.
- II. Provides that the state shall be liable for all attorney's fees and court costs for any person against whom a civil or criminal action is brought and who is acquitted of, or found not liable for, failing to retreat as required under law.

Amendment to HB 189

(2013-0511h)

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

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

AN ACT extending the commission to study water infrastructure sustainability funding.

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

1 Commission to Study Water Infrastructure Sustainability Funding. Amend 2009, 245:5, as amended by 2010, 21:1; 2011, 144:1; and 2012, 148:2 to read as follows:

245:5 Report. The commission shall make an interim report on or before November 1, 2009, and another on November 1, 2010, with a final report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, **2013**.

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

AMENDED ANALYSIS

This bill extends the commission to study water infrastructure sustainability funding for one year.

Amendment to HB 259-FN

(2013-0973h)

Proposed by the Committee on Ways and Means - C

Amend RSA 211:18, III-c (a) as inserted by section 2 of the bill by replacing it with the following:

III-c.(a) For a \$35 fee, a resident who wishes to engage in scuba diving as a recreational activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba diver lobster license issued by the executive director. The executive director shall make available a number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and crab licenses available each calendar year under subparagraph III(a).

**Amendment to HB 260-FN
(2013-0968h)**

Proposed by the Committee on Finance - R

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

AN ACT relative to the children in need of services (CHINS) program.

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

1 Children in Need of Services; Applicability of Chapter. RSA 169-D:1, IV and V are repealed and reenacted to read as follows:

IV. To protect the integrity of the family by authorizing adjudication and the imposition of dispositional judgment requiring participation in a plan of services only after appropriate voluntary alternatives have been unsuccessful; and

V. When appropriate voluntary service options have been unsuccessful, to provide effective judicial procedures through which family service plans are executed and enforced, and which assure the parties fair hearings at which their constitutional and other rights as citizens are recognized and protected.

2 Definition of Child in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as follows:

II. "Child in need of services" means a child under the age of 18:

(a) Who is subject to compulsory school attendance, and who is habitually, willfully, and without good and sufficient cause truant from school;

(b) Who habitually runs away from home, or who repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian and places himself or herself or others in unsafe circumstances;

(c) Who has exhibited willful repeated or habitual conduct constituting offenses which would be violations under the criminal code of this state if committed by an adult or, if committed by a person 16 years of age or older, would be violations under the motor vehicle code of this state; or

(d) With a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C; and

(e) Is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

3 New Paragraph; Children in Need of Services; Definition of Truant Added. Amend RSA 169 D:2 by inserting after paragraph XIII the following new paragraph:

XIV. "Truant" means a child between the ages of 6 and 18 years who is either not attending school as required by law or who is not participating in an alternative learning plan under RSA 193:1. "Truancy" shall have the same meaning as in RSA 189:35-a.

4 Children in Need of Services; Petition. Amend RSA 169-D:5, I to read as follows:

I. (a) A petition alleging that a child is in need of services under RSA 169-D:2, II(a) may be filed by a truant officer or school official from the school district where the child is attending school with a judge or clerk of the court in the judicial district where the child is found or resides. In accordance with RSA 189:36, II, a truant officer or school official shall not file a petition alleging that a child is in need of services under RSA 169-D:2, II(a) until all steps in the school district's intervention process under RSA 189:34, II have been followed.

(b) A petition alleging that a child is in need of services under RSA 169-D:2, II(b) or RSA 169-D:2, II(c) may be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides.

(c) A petition alleging that a child is in need of services under RSA 169-D:2, II(d) may, with the consent of the department, be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides.

I-a. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

5 New Paragraph; Petition. Amend RSA 169-D:5 by inserting after paragraph II the following new paragraph:

II-a. Any petition filed shall include language demonstrating that appropriate voluntary services have been attempted, the nature of voluntary services attempted, and the reason court compulsion is necessary. If, upon review of the petition, the court is not satisfied that the petition includes sufficient information to find that appropriate voluntary services were attempted and unsuccessful, the court shall, prior to scheduling the child's initial appearance, refer the petition to the department, which shall proceed pursuant to RSA 169-D:9.

6 New Section; Voluntary Services. Amend RSA 169-D by inserting after section 5-b the following new section:

169-D:5-c Voluntary Services. The department may offer the child and family, on a voluntary basis, any services permitted under RSA 169-D:17. The department may decline to offer services to a child or family if it concludes that the child does not meet the definition of child in need of services in RSA 169-D:2, II. Notwithstanding RSA 541-A, denials of voluntary services shall not be subject to appeal, however the department's decision to decline services shall not preclude any person from bringing a petition pursuant to RSA 169-D:5, I. If the department declines services in a case referred to it by the court, the department shall notify the court that it has declined voluntary services and the bases therefor. Voluntary services shall not include the out-of-home placement of the child. Voluntary services provided pursuant to this section shall be time limited, not to exceed 9 months.

7 Issuance of Summons and Notice. RSA 169-D:6, I is repealed and reenacted to read as follows:

I.(a) After a legally sufficient petition has been filed, unless the case is referred to the department pursuant to RSA 169-D:5 or a consent order is entered and approved, the court shall schedule an initial appearance and issue a summons, including a copy of the petition, to be served personally upon the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child on the specified date and time. Refusal of the child to participate in the development of a voluntary service plan may constitute sufficient information that voluntary service and support options have been unsuccessful.

(b) If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child at a specified place and time which time shall not be less than 24 hours after service. If the person so notified is not the parent or guardian of the child, then a parent or guardian shall be notified, provided they and their residence are known.

8 Diversion and Pre-adjudicatory Procedure. RSA 169-D:9 is repealed and reenacted to read as follows:

169-D:9 Pre-adjudicatory Procedure.

I. Except in emergencies, the department, its agent, or any person or agency it designates shall determine what voluntary service options are available to the child and family. A referral for this determination may be made by any person permitted to bring a petition under RSA 169-D:5, I. To achieve this purpose, the department may designate a multi-disciplinary team to consider the facts and circumstances of the case, the needs of the child and family, and available diversion programs, services, and resources. This conference shall be attended by the child, if appropriate, his or her parents, legal guardians or custodians, and representatives of any public institution or agency having legal responsibility over the child, and may be attended by parties invited by the family and representatives of any public or private institutions or agencies having discretionary ability to coordinate and/or supply services to the child or family. If the child does not attend a multi-disciplinary conference, an appropriate individual shall be designated to solicit the child's input and help the child understand available service options and supports.

II. If available, a multi-disciplinary conference may be held at any time before or after a petition is filed but shall be held before the child's initial appearance pursuant to RSA 169-D:11.

III. At any time before or after a petition is filed, the child, his or her caretakers, and the department may effect an individualized voluntary family services plan, which shall include:

(a) Identification of the circumstances which contributed to the need for services.

(b) A description of the services that are needed for the child, the child's caretakers, or other family members, the availability of such services within the community, and a plan for ensuring that any such services that are available will be secured and provided.

(c) The name of the person within the each affected public service agency who is directly responsible for assuring that specific services identified in the plan are provided.

(d) An estimate of the time anticipated to be necessary to accomplish the goals set out in the plan.

(e) Any other provisions deemed appropriate by the parties.

(f) Designation of a responsible person or agency for oversight of the plan.

IV. A voluntary family services plan shall set forth in writing the terms and conditions agreed to by the child, the child's caretaker, and all parties responsible for implementation of the voluntary services plan. A written copy of the plan shall be submitted to each party or person responsible for implementation of the plan.

V. A voluntary services plan may be amended by agreement of the parties at any time. If a petition has been filed, the amended plan shall be submitted to the court.

VI. If a petition has been filed, the voluntary family services plan shall be submitted to the court. A voluntary services plan shall stay the proceedings for a period not to exceed 90 days from the date of implementation, unless the parties agree, in writing, to an extension for additional periods not to exceed 90 days. If the parties determine services are necessary for longer than 180 days, the department shall submit a report to the court which outlines the progress that has been achieved during the duration of services and explains why continued services are necessary. Such reports shall be filed every 180 days until voluntary services

are discontinued. If, upon reviewing the report, the court questions the need for continued services, it shall schedule a show cause hearing, at which the child, if appropriate, the child's parent or caretaker, and the department shall appear.

VII. When the petitioning person or agency, the court, the department, or a member of the multi-disciplinary team suspects that a child has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the child for evaluation to determine if the child is in need of special education and related services.

VIII. A voluntary family services plan shall not be considered in an adjudicatory hearing pursuant to RSA 169-B or 169-D, or a criminal trial. Evidence of the existence of such agreement shall not be used against the child over objection in any juvenile adjudicatory hearing or criminal trial.

IX. Any incriminating statement made by the child during discussions or conferences incident to the voluntary family services plan shall not be used against the child, over objection, in adjudicatory hearing pursuant to RSA 169-B or 169-D, or a criminal trial. Any such statement may be reported as the basis for a referral to the department pursuant to RSA 169-C, if there is reasonable basis to believe that a child's physical or mental health or welfare is endangered by abuse or neglect.

X. A voluntary family services plan suspends the proceedings on the petition. If the child satisfies the terms of the voluntary family services plan, he or she shall be discharged from further services or supervision, and the pending complaint or petition shall be dismissed with prejudice.

9 Children in Need of Services; Release Prior to Initial Appearance. Amend RSA 169-D:10, II and III to read as follows:

II. Pending the initial appearance, the court shall release the child to one of the following, which in the court's opinion is the least restrictive and most appropriate:

(a) A parent or guardian;

(b) A relative or suitable adult;

(c) ***Where there are reasonable grounds to believe that the child is a runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d),*** the custody of department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29; or

(d) [Repealed.]

(e) An alcohol crisis center certified to accept juveniles.

III. ***Where there are reasonable grounds to believe that the child is a runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d) and*** [Should] there [be] ***is*** no shelter care/detention bed available, nor an appropriate parent, guardian, or custodian as defined in paragraph II of this section available, the court or the officer taking the child into temporary custody shall notify the department. If the child cannot be referred to an alternative to secure detention, the court shall make an order authorizing the department to place the child. The department shall then promptly arrange for placement of the child.

10 Initial Appearance. Amend RSA 169-D:11, II(c) and (d) to read as follows:

(c) Establish any conditions for release; [and]

(d) Set a hearing date[-]; ***and***

(e) ***Inquire of the child and a parent or guardian of the child if the child has been:***

(1) ***Determined to have an intellectual disability; or***

(2) ***Determined to have a mental illness, emotional or behavioral disorder, or another disorder that may impede the child's decision-making abilities; or***

11 Children in Need of Services; Release Pending Adjudicatory Hearing. Amend RSA 169-D:13, I to read as follows:

I. Following the initial appearance, a child alleged to be in need of services may be ordered by the court subject to such conditions as the court may order, to be:

(a) Retained in the custody of a parent, guardian, or custodian; or

(b) Released in the supervision and care of a relative; or

(c) ***Where the petition alleges that the child is a habitual runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d),*** released to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29.

(d) [Repealed.]

I-a. Where the petition alleges that the child is a habitual truant under RSA 169-D:2, II(a), that the child repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian under RSA 169-D:2, II(b), or that the child repeatedly or habitually engages in conduct that constitutes violation level offenses under RSA 169-D:2, II(c), the court shall not order the out-of-home placement of the child.

12 Children in Need of Services; Dispositional Hearing. Amend RSA 169-D:17, I to read as follows:

I. If the court finds the child is in need of services, it shall order the least restrictive and most appropriate disposition considering the facts in the case, the investigation report, and the dispositional recommendations of the parties and counsel. The dispositional recommendation of the department of health and human services shall include the costs of the recommended services, placements, and programs. Such disposition may include:

(a) Permitting the child to remain with a parent, guardian, relative, or custodian, subject to such limitations and conditions as the court may prescribe, including:

(1) Ordering the child or parent, guardian, relative, or custodian, or both, to accept individual or family counseling;

(2) Placing the child on conditional release for a term of 2 years or less.

(b)(1) Releasing the child in the supervision and care of a relative or suitable adult; or

(2)(A) ***Where the petition alleges that the child is a habitual runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d), releasing the child to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses charged in accordance with RSA 169-D:29.***

(B) ***Notwithstanding subparagraph (A), where the petition alleges that the child is a habitual truant under RSA 169-D:2, II(a), that the child repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian under RSA 169-D:2, II(b), or that the child repeatedly or habitually engages in conduct that constitutes violation level offenses under RSA 169-D:2, II(c), the court shall not order the out-of-home placement of the child.***

(c) Imposing a fine or restitution, or both, on a child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; or has violated an ordinance or bylaw of a city or town. Such fine shall not exceed the fine which may be imposed against an adult for the same offense.

(d) Ordering the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service under this subparagraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of gross negligence.

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian, or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding. Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

13 New Section; Data Collection. Amend RSA 169-D by inserting after section 30 the following new section: 169-D:31 Data Collection.

I. The department shall establish a system to collect data related to:

(a) The person or entity who referred the child for services and/or filed the petition.

(b) The racial and ethnic identity of the child.

(c) The insurance status and coverage of child served.

(d) The length of time a child receives services under this chapter, including the time prior and subsequent to the filing of a petition.

(e) The identity of any public or private organization to whom the department has referred a child or family.

(f) Any other information, including outcome data, that may assist the department and the court in evaluating the availability and effectiveness of services for children who receive assistance under this chapter.

(g) The number of cases in which the department received a referral of a child for services but declined to provide services pursuant to RSA 169-D:5-c, along with the basis for those decisions.

II. The department shall, upon request, make available to members of the public, compilations of the data which do not contain identifying information.

14 School Board Truancy Policy. Amend RSA 189:34, II(b) to read as follows:

(b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. ***The process shall consider and document***

the effect, if any, on the child's attendance of the following: inconsistent and ineffective school attendance policies; poor record keeping; notification provided to parents or guardians of the child's absences; unsafe school environment; poor school climate; poor relations with teachers; and the adequacy of the identification of the child's special education needs. The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

15 Children in Need of Services; Suspension of Voluntary Services. The fiscal committee of the general court may authorize the suspension of voluntary services under RSA 169-D upon certification by the commissioner of the department of health and human services that appropriated funds will be insufficient to support voluntary services for the remainder of the biennium ending June 30, 2015.

16 Effective Date. This act shall take effect September 1, 2013.

AMENDED ANALYSIS

This bill:

I. Expands the definition of a child in need of services under RSA 169-D and revises the circumstances under which the court may order various services or placements. The bill also directs the department of health and human services to collect certain data regarding the CHINS program and provides for the suspension of voluntary services if appropriated funds will be insufficient to support voluntary services for the remainder of the biennium.

II. Requires school board truancy policies to include certain information relative to student attendance.

Amendment to HB 295

(2013-1021h)

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

Amend RSA 485-A:24, I as inserted by section 3 of the bill by replacing it with the following:

I. No person shall for profit or for charitable purposes operate any *recreation camp, as defined in RSA 485-A:23, I*, designed or intended as a vacation or recreation resort, without a license issued by the department. Said license is to be conditioned upon the maintenance of clean, healthful sanitary conditions and methods, as determined and approved by said department, good only for the calendar year in which it is issued and subject to suspension or revocation at any time for cause. The fee for such license shall be [~~\$50 to~~] **\$200 which shall** be paid into the [~~state treasury~~] **recreation camp and youth skill camp fund established in RSA 485-A:24-a.**

AMENDED ANALYSIS

This bill requires youth skill camp operators to certify to the department of environmental services that their employees and volunteers have undergone a criminal background check. The bill also establishes a recreation camp and youth skill camp fund and increases the license fee for recreation camps.

Amendment to HB 304-FN

(2013-0955h)

Proposed by the Committee on Ways and Means - C

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2013.

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

Amendment to HB 316-FN

(2013-0993h)

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 325-B:3 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Alkaline hydrolysis for dissolution of human remains shall comply with the following requirements:

(a) The alkaline hydrolysis facility shall only utilize a commercially available, purpose-built system.

(b) Dissolution systems which operate above atmospheric pressure shall only employ an American Society of Mechanical Engineers' (ASME) certified pressure vessel as a dissolution chamber.

(c) The dissolution system shall use parameters of heat, time, and solution circulation sufficient to achieve complete dissolution of all tissue remains.

(d) The alkaline dissolution process shall ensure that the discharge liquid that is a byproduct of the dissolution process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature, biological oxygen demand/chemical oxygen demand (BOD/COD), and pH level and shall comply with Environmental Protection Agency regulations in 40 CFR Part 403.5.

(e) Equipment used for alkaline hydrolysis of human remains may not be used for the disposal of animals or other biological materials.

(f) No facility using the alkaline hydrolysis process may discharge liquid as a byproduct of the process into a septic system. This prohibition does not prevent the facility from discharging into a holding tank that is periodically pumped and transported to a suitable disposal facility. Facilities who choose to discharge into a holding tank which is transferred to a sewage treatment facility are not exempt from the effluent requirements for BOD/COD and pH levels specified by that facility or compliance with Environmental Protection Agency regulations in 40 CFR Part 403.5.

Amendment to HB 398-FN

(2013-0530h)

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

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

2 Applicability. Section 1 of this act shall not affect leave balances retained by health and human services state employees who were appointed to unclassified positions from classified positions prior to the effective date of this act.

Amendment to HB 399-FN

(2013-1030h)

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

Amend RSA 646-B:1 as inserted by section 2 of the bill by replacing it with the following:

646-B:1 Support of National Defense Authorization Act Prohibited. The state of New Hampshire shall not provide material support or participate in any way with the implementation of Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 within the boundaries of this state. The department of safety is hereby directed to report to the governor and the legislature any attempt by agencies or agents of the United States government to secure the implementation of Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 through the operations of that or any other state department.

Amendment to HB 432-FN

(2013-0907h)

Proposed by the Majority of the Committee on Finance - R

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

1 Medical Services for County Prisoners. Amend RSA 623-C:1, I to read as follows:

I.(a) Except as provided in subparagraphs (b) through ~~[(f), no hospital or emergency room shall charge a county or its agent]~~ **(g) the county department of corrections or its agent shall pay health care facilities licensed pursuant to RSA 151 no more than 110 percent of the Medicare allowable rate for inpatient, outpatient, or emergency room care provided for prisoners in county correctional facilities.**

(b) Except as provided in subparagraphs (c) through (e), and subparagraph (i), the county department of corrections or its agent shall pay independent health care providers licensed in this state no more than 125 percent of the Medicare allowable rate for care provided for prisoners in county correctional facilities.

(c) Allowances provided by hospitals shall qualify as community benefits under RSA 7:32-d, III(b).

~~[(c)]~~ **(d) [Hospitals] The county department of corrections shall pay health care facilities licensed pursuant to RSA 151 and reported by the department of health and human services as having a negative operating margin in the most recent year for which [hospital-audited] audited financial data is available [shall charge] no more than 125 percent of the Medicare rate.**

~~[(d)]~~ **(e) Nothing in this section shall preclude the superintendent of a county correctional facility from negotiating and executing medical service rate agreements with health care facilities licensed pursuant to RSA 151, or other licensed medical providers, for the provision of medical or dental services to county prisoners at the lowest rate possible, or utilizing rates in existing agreements.**

(f) The superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action is necessary to ensure prisoner access to medically necessary care.

~~[(e)]~~ **(e)** The superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action to be necessary for the efficient operations of the county correctional facility.

~~[(f)]~~ **(f)** Nothing in this paragraph shall require a hospital to admit any person.

(g) The superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action to be necessary for the efficient operations of the county correctional facility.

(h) The superintendent of a county correctional facility may at any time audit any claim or seek clarification on any payment made pursuant to this section, or both. Upon request by the superintendent, the provider shall furnish information on pricing methodology and shall detail any internal process controls for ensuring accurate pricing of claims processed under this section. Claim information shall be provided in the industry standard format, including but not limited to the application of global surgery provisions, billing for surgical assistants, and bundling.

(i) If a county prisoner's medical care is covered by Medicaid, the health care facility licensed pursuant to RSA 151, or the licensed health care provider, or both, shall be paid at the Medicaid rate for services provided.

2 Medical Services for State Prisoners. Amend RSA 623-C:2, I and II to read as follows:

I.(a) Except as provided in subparagraphs (b) through ~~[(d)]~~ ***(f)***, the ***state*** department of corrections or its agent shall pay health care facilities ~~[and hospitals]~~ ***licensed pursuant to RSA 151 no more than*** 110 percent of the Medicare allowable rate for inpatient, outpatient, or emergency room care provided for prisoners in state correctional facilities. ~~[In this chapter, "health care facilities" mean ambulatory and specialty medical services centers licensed under RSA 151, and shall include but not be limited to surgical, rehabilitation, long term, oncology, and dialysis centers, but shall not include physician practices and community health care clinics]~~

(b) Except as provided in subparagraphs (c) through (e), and subparagraph (h), the state department of corrections or its agent shall pay independent health care providers licensed in this state no more than 125 percent of the Medicare allowable rate for care provided for prisoners in state correctional facilities.

(c) Allowances provided by hospitals shall qualify as community benefits under RSA 7:32-d, III(b).

(d) The state department of corrections shall pay health care facilities licensed pursuant to RSA 151 and reported by the department of health and human services as having a negative operating margin in the most recent year for which audited financial data is available no more than 125 percent of the Medicare rate.

~~[(e)]~~ ***(e)*** The commissioner of the ***state*** department of corrections may waive the application of subparagraph (a) if the commissioner determines such action is necessary to ensure prisoner access to medically necessary care.

~~[(d)]~~ ***(f)*** The commissioner of the ***state*** department of corrections may waive the application of subparagraph (a) if the commissioner determines such action to be necessary for the efficient operations of the state correctional facility.

(g) The commissioner of the state department of corrections may at any time audit any claim or seek clarification on any payment made pursuant to this section, or both. Upon request by the commissioner, the provider shall furnish information on pricing methodology and shall detail any internal process controls for ensuring accurate pricing of claims processed under this section. Claim information shall be provided in the industry standard format, including but not limited to the application of global surgery provisions, billing for surgical assistants, and bundling.

(h) If a state prisoner's medical care is covered by Medicaid, the facility or the licensed health care provider, or both, shall be paid at the Medicaid rate for services provided.

II. Nothing in this section shall preclude the commissioner of the ***state*** department of corrections from ~~[having the discretion to negotiate and execute]~~ ***negotiating and executing*** medical service rate agreements with ~~[hospitals or]~~ health care facilities ***licensed pursuant to RSA 151, or other licensed medical providers***, for the provision of medical ***or dental*** services to state prisoners at the lowest rate possible, or utilizing rates in existing agreements.

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

Amendment to HB 615-FN-A

(2013-0969h)

Proposed by the Minority of the Committee on Finance - R

Amend the bill by replacing section 1 with the following:

1 Appropriation; New Hampshire National Guard Recruitment and Retention Scholarship Fund. There is hereby appropriated the sum of \$25,000 for the fiscal year ending June 30, 2014 and the sum of \$25,000 for the fiscal year ending June 30, 2015 to the New Hampshire national guard recruitment and retention scholarship fund, for the purpose of awarding scholarships. These appropriations shall be funded through the 2014-2015 operating budget.

AMENDED ANALYSIS

This bill makes appropriations to the New Hampshire national guard recruitment and retention scholarship fund for the purpose of awarding scholarships.

Amendment to HB 617-FN-A-LOCAL

(2013-1035h)

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

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

AN ACT increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, and establishing the commission to study revenue alternatives to the road toll.

Amend the bill by replacing section 2 with the following:

2 Levy of Tolls and Exemptions. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. ***The road toll on gasoline shall increase to \$.22 per gallon beginning July 1, 2013; to \$.26 per gallon beginning July 1, 2014; and to \$.30 per gallon beginning July 1, 2015. The road toll on special fuel (diesel) shall increase to \$.20 per gallon on July 1, 2013; to \$.22 per gallon on July 1, 2014; to \$.24 per gallon on July 1, 2015; to \$.26 per gallon on July 1, 2016; to \$.28 per gallon on July 1, 2017; and to \$.30 per gallon on July 1, 2018.*** The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All amounts collected in excess of \$.18 per gallon shall be deposited on a monthly basis into the New Hampshire state and municipal road and bridge account established in RSA 260:32-a.*** Provided, that the road toll shall not apply to:

Amend the bill by replacing all after section 6 with the following:

7 Road Toll; Exception. Amend RSA 260:60 to read as follows:

260:60 Exception.

I. Notwithstanding all other laws and rules to the contrary, annually, on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, based on the number of boats registered in the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected, the administrator shall report the same to the comptroller who shall, on July 1, next following, ***except as provided in paragraph II,*** credit 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game department. The funds credited to the fish and game department shall be used by said department to carry out its program and be accounted for as the fish and game fund is accounted for. Any funds credited to the fish and game department as above provided shall not lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

II. Unrefunded tolls under paragraph I that resulted from any increase in the road toll over \$.18 per gallon shall be credited to the highway and bridge betterment account established in RSA 235:23-a.

8 Road Tolls; Credit Provided; Liability Insurance. Amend RSA 260:61, I to read as follows:

I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the average number of gallons consumed per year per OHRV and snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the previous year, to the fish and game department and the bureau of trails as follows. The road toll administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected. The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and game department, ***except that unrefunded tolls that resulted from any increase in the road toll over \$.18 per gallon shall be credited to the highway and bridge betterment account established in RSA 235:23-a.*** For the purposes of this section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

9 New Subdivision; Commission to Study Revenue Alternatives to the Road Toll. Amend RSA 21-J by inserting after section 47 the following new subdivision:

Commission to Study Revenue Alternatives to the Road Toll

21-J:48 Commission to Study Revenue Alternatives to the Road Toll.

I. There is established a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges.

II.(a) The members of the commission shall be as follows:

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

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

(3) The commissioner of the department of revenue administration, or designee.

(4) The commissioner of the department of safety, or designee.

(5) The commissioner of the department of environmental services, or designee.

(6) The commissioner of the department of transportation, or designee.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall study alternatives to the gas tax, through user taxes or fees, for funding improvements to the state's highways and bridges, ensuring that all motor vehicles contribute their fair share. The committee shall consider the interim report of the commission on the taxation of alternative fuel and electric-powered motor vehicles of November 1, 2012, track the programs developed in other states, and recommend legislation when an appropriate alternative is defined.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

V. The commission shall submit annual reports of its findings and any proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year.

10 Effective Date.

I. Sections 1-8 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire state and municipal road and bridge account.

II. Increases the road toll for gasoline and diesel fuel.

III. Provides for adjustment in payments by the department of transportation to municipalities for highway construction and reconstruction aid when such payments are based on estimated revenue.

IV. Credits the revenue from certain unrefunded tolls resulting from the increase in the road toll to the highway and bridge betterment account.

V. Establishes a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges.

Amendment to HB 619-FN

(2013-0448h)

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

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

AN ACT regulating the use of drones.

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

1 New Chapter; Drones. Amend RSA by inserting after chapter 644 the following new chapter:

CHAPTER 644-A

DRONES

644-A:1 Definitions. In this chapter:

I. "Airspace" means the space above the ground in New Hampshire that is not part of airspace governed by federal law.

II. "Drone" means an unmanned flying machine that is capable of:

(a) Capturing images or sounds of objects or people on the ground, in or about buildings or structures, or in the air;

(b) Intercepting communications on the ground, in or about buildings and structures, or in the air; or

(c) Firing a bullet, LASER-type ray, other projectile or any kind of lethal or non-lethal weapon.

III. "Government" means federal, state and local agencies and departments and any political subdivisions thereof, including employees, agents and contractors.

IV. "Individual" means a living human being.

V. "Information" means any evidence, images, sounds, or data gathered by a drone.

VI. "Person" means individuals, corporations, organizations, for-profit and not-for-profit entities, excluding the government.

VII. "Surveillance" means the act of monitoring, observing, photographing, taking images of, listening to, or making a recording of:

(a) A recognizable individual or a group of individuals or their movements, activities, and communications; or

(b) The interior of a building or structure.

644-A:2 Use of Drones Prohibited; Exceptions.

I.(a) No government shall use a drone in this state; provided, however, that such prohibition shall not apply:

(1) To counter a high risk of a terrorist attack by a specific person if the United States Secretary of Homeland Security determines that credible intelligence indicates there is that risk.

(2) If a government first obtains a search warrant based on probable cause signed by a judge authorizing the use of a drone. The warrant shall be limited to a particular person or location and limited to a particular investigation. The warrant shall be limited to a period of 45 days. Within 10 days after the warrant expires, the law enforcement agency shall serve a copy of the warrant on the person subject to drone surveillance, except that a judge may delay notice upon a showing of reason to believe that the notice would jeopardize an ongoing investigation.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence. The use of a drone under subparagraph (c) shall be limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this subparagraph (c), the government shall report in writing the use of a drone to the attorney general.

(4) If a government obtains the prior, written consent of the person who is the subject of the surveillance and the owner or lessee of the property which is the subject of the surveillance.

(b) If a government uses a drone under this paragraph, it shall within 24 hours permanently destroy all information gathered by the drone other than that relating directly to the purpose for which the warrant was obtained.

(c) Evidence obtained by a government through the use of a drone in violation of this paragraph shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

II. No person shall use a drone to conduct surveillance without the prior, written consent of each affected individual or other person and each owner or possessor of affected buildings or structures. It shall not be a defense to a charge of violating this chapter that the property, including buildings, structures or land, below the airspace was not marked with a no-trespassing sign or similar notice.

III. No government or person shall own or use a drone that is equipped with a bullet, LASER-ray, other projectile or any kind of lethal or non-lethal weapon.

IV. No person shall use a drone for the purpose of hunting or stalking game.

V. Any government or person that owns, uses, or exercises control over a drone in this state that causes injury to a person or property shall be strictly liable for the injury.

644-A:3 Reporting Requirement. A government that owns or operates one or more drones shall on each July 1st report in writing to the attorney general the number of drones it owns, leases, and uses and the number of times each was used during the prior year.

644-A:4 Penalties.

I. Each individual, including a government employee, agent, and contractor, who violates RSA 644-A:2, I shall be guilty of a class B felony.

II. Each person, including a government employee, agent, and contractor, who violates RSA 644-A:2, III shall be guilty of a class A felony.

III. A government that violates RSA 644-A:2, I or III shall be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

IV. Each person who violates RSA 644-A:2, II shall be guilty of a class A misdemeanor.

V. Each person who violates RSA 644-A:2, IV shall be guilty of a class B misdemeanor.

VI. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person or government that committed the violation of not less than \$5,000 and an award of reasonable attorney fees.

VII. In addition to any other remedies allowed by law, a person who gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$5,000 and an award of reasonable attorney fees.

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

AMENDED ANALYSIS

This bill prohibits, with limited exceptions, the use of drones by state agencies and individuals. It establishes criminal penalties and civil remedies for violations of the law.

Floor Amendment to HB 619-FN

(2013-0986h)

Proposed by Rep. Kurk

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

AN ACT regulating the use of drones.

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

1 New Chapter; Drones. Amend RSA by inserting after chapter 644 the following new chapter:

CHAPTER 644-A

DRONES

644-A:1 Definitions. In this chapter:

I. "Airspace" means the space above the ground in New Hampshire.

II. "Drone" means an unmanned flying machine that is capable of:

(a) Capturing images or sounds of objects or people on the ground, in or about buildings or structures, or in the air;

(b) Intercepting communications on the ground, in or about buildings and structures, or in the air; or

(c) Firing any kind of lethal or non-lethal weapon.

III. "Government" means state and local agencies and departments and any political subdivisions thereof, including employees, agents, and contractors.

IV. "Individual" means a living human being.

V. "Information" means any evidence, images, sounds, or data gathered by a drone.

VI. "Persons" means individuals, corporations, organizations, and for-profit and not-for-profit entities, excluding the government.

VII.(a) "Surveillance" means the act of monitoring, observing, photographing, taking images of, listening to, or making a recording of:

(1) A recognizable individual or a group of individuals or their movements, activities, and communications; or

(2) The interior of a building or structure.

(b) Surveillance shall not include the inadvertent capture of such data if it is not retained or transmitted.

644-A:2 Use of Drones Prohibited; Exceptions.

I.(a) No government shall use a drone in this state or in the airspace above it; provided, however, that such prohibition shall not apply:

(1) To counter a high risk of a terrorist attack by a specific person if the United States Secretary of Homeland Security determines that credible intelligence indicates there is that risk.

(2) If a government first obtains a search warrant based on probable cause signed by a judge authorizing the use of a drone. The warrant shall be limited to a particular person or location and limited to a particular investigation. The warrant shall be limited to a period of 45 days. Within 10 days after the warrant expires, the law enforcement agency shall serve a copy of the warrant on the person subject to drone surveillance, except that a judge may delay notice upon a showing of reason to believe that the notice would jeopardize an ongoing investigation.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence. The use of a drone under this subparagraph shall be limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this subparagraph, the government shall report in writing the use of a drone to the attorney general.

(4) If a government obtains the prior, written consent of the person who is the subject of the surveillance and the owner or lessee of the property which is the subject of the surveillance.

(b) If a government uses a drone under this paragraph, it shall within 24 hours permanently destroy all information gathered by the drone other than that relating directly to the purpose for which the warrant was obtained.

(c) Evidence obtained by a government through the use of a drone in violation of this paragraph shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

II.(a) No person shall use a drone to conduct surveillance without:

(1) The consent of the person who is the subject of surveillance; and

(2) If the interior of buildings or structures is the subject of surveillance, the consent of each owner or possessor of the affected buildings or structures.

(b) It shall not be a defense to a charge of violating this chapter that the property, including buildings, structures, or land, below the airspace was not marked with a no-trespassing sign or similar notice.

III. No government or person shall use a drone that is equipped with any kind of lethal or non-lethal weapon.

IV. No person shall use a drone for the purpose of hunting or stalking game.

V. Any government or person that owns, uses, or exercises control over a drone in this state that causes injury to a person or property shall be strictly liable for the injury.

644-A:3 Reporting Requirement. A government that owns or operates one or more drones shall on each July 1 report in writing to the attorney general the number of drones it owns, leases, and uses and the number of times each was used during the prior year. No later than September 1 of the same year, the attorney general shall make such information available to the public on the department of justice website.

644-A:4 Penalties.

I. A government employee, agent, or contractor who violates RSA 644-A:2, I shall be guilty of a class B felony.

II. Each person, including a government employee, agent, and contractor, who violates RSA 644-A:2, III shall be guilty of a class A felony.

III. A government that violates RSA 644-A:2, I or III shall be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

IV. Each person who violates RSA 644-A:2, II shall be guilty of a class A misdemeanor.

V. Each person who violates RSA 644-A:2, IV shall be guilty of a class B misdemeanor.

VI. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person or government that committed the violation of not less than \$5,000 and an award of reasonable attorney fees.

VII. In addition to any other remedies allowed by law, a person who gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$5,000 and an award of reasonable attorney fees.

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

AMENDED ANALYSIS

This bill prohibits, with limited exceptions, the use of drones by government agencies and individuals. It establishes criminal penalties and civil remedies for violations of the law.

Amendment to HB 652-FN

(2013-1024h)

Proposed by the Committee on Ways and Means - C

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

2 Supreme Court; Entry Fees. Amend RSA 490:24, I to read as follows:

I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

3 Judicial Branch Family Division; Entry Fees. Amend RSA 490-D:12, II to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

4 Superior Court; Entry Fees. Amend RSA 499:18, II to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

5 District Court; Entry Fees. Amend RSA 502-A:28, II to read as follows:

II. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

6 Probate Court, Entry Fees. Amend RSA 547:27-c, II to read as follows:

II. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

7 Escrow Fund for Court Facility Improvements; Entry Fees. Amend RSA 490:26-c, I to read as follows:

I. [Seven] **Six** percent of each entry fee collected in the judicial branch family division and in the supreme, district, superior, and probate courts shall be deposited in escrow for court facility improvements. Moneys in the escrow fund shall be used for improvements to existing facilities by the department of administrative services as recommended and approved by the supreme court.

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

AMENDED ANALYSIS

This bill increases the percentage of court filing fees to be deposited in the judicial branch information technology fund and decreases the percentage of such fees to be deposited in the escrow fund for court facility improvements.

**Amendment to HB 686
(2013-1029h)**

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to approval of liquor commission contracts.

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

1 Purchase of Supplies; Liquor Commission. Amend RSA 21-I:18, I(b) to read as follows:

(b) The liquor commission is ~~completely~~ exempted from the provisions of this chapter, provided that the liquor commission uses competitive bidding when acquiring consumable supplies, materials, goods, and services that are necessary for, incidental to, or related to the operation of the liquor commission.

2 Liquor Commission; State Stores. Amend RSA 177:1 to read as follows:

177:1 State Stores. The commission may lease, purchase, and equip, in the name of the state, such stores, warehouses, supplies, materials, equipment, products, and other marketing and merchandising requirements for the sale or promotion of liquor and related products as are necessary to carry out the provisions of this chapter. The commission may lease, in the name of the state, space in state stores for the purpose of installing automated teller machines. ***Any lease or contract made pursuant to this section shall be approved by the attorney general and, in the case of a contract, by the governor and council as well as the attorney general, before becoming effective.*** No newly established state store shall be operated within 200 feet of any public or private school, church, chapel, or parish house.

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

AMENDED ANALYSIS

This bill requires any lease or contract made by the liquor commission to be approved by the attorney general, and contracts made by the liquor commission to be approved by the governor and council and the attorney general.