

HOUSE RECORD

Second Year of the 161st General Court Calendar and Journal of the 2010 Session

Vol. 32

Concord, N.H.

Wednesday, January 6, 2010

No. 6

HOUSE JOURNAL No. 1

Wednesday, January 6, 2010

This day, January 6, 2010, the first Wednesday following the first Tuesday in January, being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 161st General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 2010 House of Representatives and called the session to order at 10:00 a.m.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

Welcome back. Gracious God, I noticed the other day that I'm still having a challenging time actually saying the name of the New Year, 2010. It's just not familiar yet. I noticed too, that I'm spending a lot more time behind the wheel now that I find myself the parent of a teenager. I'm noticing a lot of newness in life, some of it welcome, some of it not. Perhaps we all are and maybe newness is just what we need every now and then. Not too much, mind You, but enough to keep us fresh and open minded and off balance enough to see the things that are with new eyes, and the things that might be with increased clarity. So as we begin this new legislative session, O God, grant to us healthy doses of excitement and insight. We pray for Your guidance and Your wisdom. We pray that we might be faithful stewards both of resources but also of the imagination You have imparted to us. May this session be one of bridge building and teamwork. We pray for Representatives who are experiencing their first day on the job here and we pray for Representative George Katsakiores who is in the hospital. Bless any here today who are suffering in any way, and bless those in our circles of friendship and family who are in need of Your care. Bless our leadership on both sides of the aisle, but bless most of all those we are called to serve. In Your Holy name we pray. Amen.

Representative Patrick Garrity, member from Manchester, led the Pledge of Allegiance.

The National Anthem was sung by Jim and Emma Mariany, father and daughter from the Bridge Community Church in Milford.

LEAVES OF ABSENCE

Reps. Carole Brown, Cyr, Gargasz, George Katsakiores, John Kelley, Lewis, Major, Maybeck and Sapareto, the day, illness.

Reps. Borden, DeJoie, Domingo, Farley, Garcia, Hebert, Hutz, Ingersoll, Levasseur, Amy Perkins, Priestley, Deanna Rollo, Joseph Russell and Brien Ward, the day, important business.

Rep. Tucker, the day, illness in the family.

INTRODUCTION OF GUESTS

Lorna Willette, wife of Rep. Willette. Ericka, Joey and Nick Mariany, family of the singers, guests of the House. Leon Wang, guest of Rep. Case. James Morisi McClammer, son of Rep. McClammer. Richard Stanley, guest of Rep. Davis. Frank R. Emiro, Jr. and Kailey Daneault, son and guest of Rep. Emiro. Jeremy LaChance, Jr., Cole Winkleman and Kellie Ryan, guests of Reps. St. Cyr and Bolster. Amy Mullikin, Shannon Grundy, Michelle McGirr, Hon. Eileen Flockhart, former member from Exeter, H. Dee Clanton, Susan Wolf-Downes, Madeline Ruano, Joan Marcoux, Bella Kantsepolsky and Laura Sinclair, guests of the House.

Katelyn Gagnon and Alexander Palermo, students at Franklin High School, Pages for the day.

COMMUNICATION

November 18, 2009

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack County District No. 11, Lynne Ferrari Blankenbeker, r, Concord (26 Mulberry St.) 03301

Sincerely,
William M. Gardner, Secretary of State

COMMUNICATION

December 14, 2009

Madam Speaker,

Due to time constraints with my current employment, and my further pursuit of higher education, it is with a heavy heart that I write to inform you of my resignation as a State Representative from Coos County, district 2, effective December 14, 2009.

Over the last five years, I have had the pleasure to meet incredibly talented and intelligent people who I now call friends, participate in two presidential campaigns, serve in both the minority and majority party, and witness first-hand representative democracy in action.

I have learned more about everyday issues and the political process than I ever thought possible. From hemp and marijuana to special education and the economy, I have seen democrats and republicans come together to pass vital legislation that will positively impact our communities.

This job taught me to never underestimate the ability of politicians to rise to the occasion and be true statesmen, to put aside red or blue preferences, disregard preconceived notions, and look beyond someone's age to solve monumental challenges in the most troubling of times.

It has been an incredible privilege to serve at such a young age and I thank the residents of Coos County for placing their faith and trust in me. I hope that in my time as a State Representative, I have raised the level of political participation in my community, and made this state a better place than it was 5 years ago.

Madam Speaker, I thank you for your even-handed leadership and enthusiastic encouragement to pursue thoughtful and sustainable solutions by forming consensus and reaching across the aisle. Good luck in 2010 and make sure to keep Representative Evalyn Merrick in line.

Sincerely,
Representative Scott Merrick

COMMITTEE ASSIGNMENT

The Speaker made the following committee assignment:

Rep. Blankenbeker on the Committee on Local and Regulated Revenues.

CALL OF THE ROLL

With 355 members having answered the call, the Speaker declared a quorum present.

AMENDMENTS TO HOUSE RULES

Reps. Wallner and Packard moved the adoption of amendments, as proposed by the Rules Committee.

Amend the introductory paragraph to House Rule 30 to read as follows:

(m) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including mileage, elections, the journal, house resolutions and screening; enrolling bills; ***creation of statutory and chapter study committees and like entities which address the legislature and its procedures***; and such other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

Amend House Rule 35 (d) to read as follows:

35 (d) First – year session:

In the first-year session, there shall be no limitation on the subject matter of legislation introduced.

As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate or indefinitely postponed, those bills which created study committees and those bills retained in committee for action **in the second-year session**. The listings shall be in numerical order by bill number/title, and in committee order by bill number/title.

Add the following to House Rule 36:

(g) Any study committee, commission, task force or any other like entity created and/or authorized by chapter law shall file its report and dissolve by

November 1st of the second year session. Only legislators shall be members of any such entity.

Amend House Rule 38 (d) to read as follows:

(d) An LSR may be withdrawn at any time prior to its introduction with the consent of all its sponsors **by filing a written request, signed by the sponsor and all co-sponsors, with the Clerk of the House.** Any sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

Add the following to House Rule 38:

(e) Following its introduction, a House Bill, House Concurrent Resolution, House Joint Resolution, House Resolution or House Constitutional Amendment Concurrent Resolution may be withdrawn only by a vote of the House prior to any public hearing on the measure. A request to withdraw shall be filed in writing with the Clerk of the House and shall be signed by the prime sponsor and all co-sponsors. Such a request must be filed with the Clerk prior to noon of the second legislative day of the session, and shall be taken up by the House prior to or during the early session of the third legislative day.

Amend House Rule 64 adding the following deadlines for legislative action:

Thursday, February 4, 2010	Last day to report House Bills going to a second committee.
Thursday, February 11, 2010	Last day to act on House Bills going to a second committee.
Thursday, February 18, 2010	Last day to report House Bills not in a second committee.
Thursday, March 18, 2010	Last day to report all remaining House Bills.
Thursday, March 25, 2010	Last day to act on House Bills. CROSSOVER
Thursday, April 15, 2010	Last day to report Senate Bills going to a second committee.
Thursday, April 22, 2010	Last day to act on Senate Bills going to a second committee.
Thursday, May 6, 2010	Last day to report all Senate Bills.
Thursday, May 13, 2010	Last day to act on Senate Bills.
Thursday, May 20, 2010	Last day to form Committees of Conference.
Thursday, May 27, 2010	Last day to sign Committees of Conference reports.
Wednesday, June 2, 2010	Last day to act on Committee of Conference reports.

MOTION TO DIVIDE

Rep. Splaine moved that the amendment to House Rule 36 (g) be divided from the remainder of the amendments to House Rules.

On a division vote, 124 members having voted in the affirmative and 210 in the negative, the motion failed.

The question now being adoption of the Amendments to House Rules as proposed by the Rules Committee.

Reps. Jasper and Eaton spoke in favor and yielded to questions.

Rep. Splaine spoke against and yielded to questions.

Rep. Hess spoke in favor.

Rep. W. Douglas Scamman spoke against.

On a division vote, 290 members having voted in the affirmative and 76 in the negative, the motion was adopted by the necessary two-thirds.

RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1126 through 1307, 1309 through 1581, 1583, 1585, 1586 and 1588 through 1688, House Address numbered 1 through 3, House Concurrent

Resolutions numbered 20 through 30, House Joint Resolutions numbered 20 and 21, House Resolutions numbered 20 through 22 and Constitutional Amendment Concurrent Resolutions numbered 20 through 30 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS, HAS, HCRS, HJRS, HRS AND CACRS

First, second reading and referral

HB 1126, relative to the Hooksett police commission. (Boutin, Merr 9; Hess, Merr 9; T. Smith, Merr 9; Kotowski, Merr 9: Municipal and County Government)

HB 1127, relative to service of process on commercial tenants. (Jasper, Hills 27: Judiciary)

HB 1128-FN-L, relative to the distribution of meals and rooms tax revenues to cities and towns. (Chandler, Carr 1; Bettencourt, Rock 4; Seidel, Hills 20; Bradley, Dist 3: Finance)

HB 1129, relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department. (Abbott, Rock 12; L'Heureux, Hills 19; Henson, Rock 13; Gallus, Dist 1; Merrill, Dist 21: Fish and Game and Marine Resources)

HB 1130, relative to statements of consideration in deeds of real property. (Shurtleff, Merr 10: Judiciary)

HB 1131, relative to requirements for firefighter certification. (Shurtleff, Merr 10; Jasper, Hills 27; Pantelakos, Rock 16; Welch, Rock 8; Weare, Rock 14; DeVries, Dist 18; Bragdon, Dist. 11: Criminal Justice and Public Safety)

HB 1132, relative to the creation and severance of joint tenancy in real property. (Shurtleff, Merr 10: Judiciary)

HB 1133, relative to the duration of involuntary emergency admissions. (Shurtleff, Merr 10: Judiciary)

HB 1134, authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1135, requiring the fire standards and training commission to perform self-reviews of its membership. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1136, requiring a report to be sent to the treatment facility on behalf of a person receiving treatment in the state mental health or developmental services system. (Shurtleff, Merr 10: Health, Human Services and Elderly Affairs)

HB 1137, relative to withholding of wages. (Daniels, Hills 6: Labor, Industrial and Rehabilitative Services)

HB 1138, relative to the authority to expend municipal transportation improvement funds. (Schlachman, Rock 13; Schuett, Merr 7; Merrill, Dist 21: Local and Regulated Revenues)

HB 1139, relative to the regulation of podiatrists by the board of podiatry. (DeJoie, Merr 11: Executive Departments and Administration)

HB 1140, relative to multiple birth awareness month. (L. Ober, Hills 27; R. Ober, Hills 27: Health, Human Services and Elderly Affairs)

HB 1141, relative to expiration of drivers' licenses. (L. Ober, Hills 27; M. Smith, Straf 7; Letourneau, Dist 19: Transportation)

HB 1142, relative to signatures required to petition a warrant article. (Chandley, Hills 6; Bergin, Hills 6: Municipal and County Government)

HB 1143, establishing an exemption from driver restrictions on persons 16 to 18 traveling to and from school-sponsored events. (Chandley, Hills 6: Transportation)

HB 1144, relative to the definition of a set line used for taking fish. (Watters, Straf 4; Henson, Rock 13; Rogers, Straf 1; Sanders, Rock 7; Merrill, Dist 21: Fish and Game and Marine Resources)

HB 1145, relative to the practice of dental hygienists. (Reagan, Rock 1: Executive Departments and Administration)

HB 1146, eliminating requirements for additional breath tests for blood alcohol content. (Burridge, Ches 3; Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1147, excluding value attributed to unexercised approvals in determining the market value of land for property tax purposes. (Patten, Carr 4: Local and Regulated Revenues)

HB 1148, establishing the New Hampshire great ponds study commission. (Lindsey, Ches 3: Resources, Recreation and Development)

HB 1149, relative to incorporation by reference in state agency rulemaking. (Patten, Carr 4; Pilotte, Hills 16: Executive Departments and Administration)

HB 1150, removing certain references to nomination for the office of vice-president. (Horrigan, Straf 7: Election Law)

HB 1151-L, relative to the lapse of county appropriations. (Ladd, Graf 5; B. Ward, Graf 1; Gionet, Graf 3; Bulis, Graf 1: Municipal and County Government)

HB 1152, naming a bridge in Wolfeboro in honor of Spc. Matthew J. Stanley. (Knox, Carr 4; Patten, Carr 4; Stevens, Carr 4; Ahlgren, Carr 4; Bradley, Dist 3: Public Works and Highways)

HB 1153, relative to membership of the commission to study water infrastructure sustainability funding. (Umberger, Carr 1; Bucu, Carr 1; Fuller Clark, Dist 24: Resources, Recreation and Development)

HB 1154, relative to the period for which claims may be presented against a trust. (Palfrey, Merr 2; Webb, Merr 2: Judiciary)

HB 1155, relative to water district contracts. (Bickford, Straf 3; C. Christensen, Hills 19; Bolster, Belk 5: Municipal and County Government)

HB 1156, relative to the determination of parental rights and responsibilities. (Spaulding, Hills 18; J. Johnson, Ches 6; Roberge, Dist 9: Children and Family Law)

HB 1157, relative to appointment of a deputy treasurer in a school district. (Boehm, Hills 27: Education)

HB 1158, changing the name of the institutional review board to the vital records privacy board for health-related research. (Pilotte, Hills 16; Schulze, Hills 26; Flurey, Hills 16: Health, Human Services and Elderly Affairs)

HB 1159, relative to the classification of snowmobile trails maintenance vehicles. (D. Reed, Merr 2; Palfrey, Merr 2: Resources, Recreation and Development)

HB 1160, relative to the tanning of minors. (Pilliod, Belk 5; Schulze, Hills 26; French, Merr 5: Health, Human Services and Elderly Affairs)

HB 1161, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail. (Eaton, Ches 2; Welch, Rock 8: Criminal Justice and Public Safety)

HB 1162, relative to the wearing of motorcycle protective headgear. (J. Day, Rock 13: Transportation)

HB 1163, relative to the definition of employee with respect to private employment under the workers' compensation law. (Rice, Merr 12: Labor, Industrial and Rehabilitative Services)

HB 1164, relative to newborn screening tests. (Millham, Belk 5: Health, Human Services and Elderly Affairs)

HB 1165, relative to access to records for child support enforcement. (Moran, Hills 18: Children and Family Law)

HB 1166, relative to procurement procedures of the director of plant and property management, and relative to approval of design build projects. (Pilotte, Hills 16; L. Ober, Hills 27: Public Works and Highways)

HB 1167, establishing a committee to study parole boards and parole board procedures. (Pantelakos, Rock 16; Shurtleff, Merr 10; Welch, Rock 8; Weare, Rock 14: Criminal Justice and Public Safety)

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation. (Donovan, Sull 4: Labor, Industrial and Rehabilitative Services)

HB 1169, deleting the repeal of the New Hampshire health care quality assurance commission. (Craig, Hills 9: Health, Human Services and Elderly Affairs)

HB 1170, relative to licensure of home health care providers. (Millham, Belk 5; Harding, Graf 11: Health, Human Services and Elderly Affairs)

HB 1171, repealing the prohibitions on Sunday business activities. (McGuire, Merr 8; Horrigan, Straf 7: Commerce and Consumer Affairs)

HB 1172, relative to the labeling of genetically modified seeds. (Wiley, Carr 3; Townsend, Graf 10: Environment and Agriculture)

HB 1173, relative to the requirement for certification as a habitual offender. (Keans, Straf 1: Criminal Justice and Public Safety)

HB 1174, relative to terms for appointed town officials. (Osborne, Merr 12; Cooney, Graf 7; Hamm, Merr 4: Municipal and County Government)

HB 1175-FN, relative to duplicate registrations for snowmobiles. (Reed, Merr 2; Palfrey, Merr 2: Fish and Game and Marine Resources)

HB 1176-L, relative to town auditors. (Nevins, Rock 15; Kotowski, Merr 9: Municipal and County Government)

HB 1177, establishing a committee to study education and career development programs for youths and young adults in the juvenile and adult criminal justice systems. (Gile, Merr 10; Welch, Rock 8; Shurtleff, Merr 10; Jennifer Brown, Straf 5; Pantelakos, Rock 16: Children and Family Law)

HB 1178, establishing a commission to study issues related to children and families. (McGuire, Merr 8: Children and Family Law)

HB 1179, relative to municipal access to the enhanced 911 data base. (Kidder, Merr 1: Judiciary)

HB 1180, relative to the use of clotheslines. (Lindsey, Ches 3: Science, Technology and Energy)

HB 1181, naming a portion of route 43 after the Honorable Robert A. Johnson. (Mann, Rock 1; Nord, Rock 1; Case, Rock 1; Reagan, Rock 1; J. Sullivan, Rock 1; Barnes, Jr., Dist 17: Public Works and Highways)

HB 1182, relative to return to state employment of recently deployed military personnel. (Kappler, Rock 2; Baldasaro, Rock 3; Boutin, Merr 9; Kotowski, Merr 9; Carson, Dist 14: Executive Departments and Administration)

HB 1183, relative to the effective date of certain provisions of the involuntary commitment of sexually violent predators statute. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1184, relative to the administration of the unused prescription drug program. (J. Day, Rock 13; Schlachman, Rock 13: Health, Human Services and Elderly Affairs)

HB 1185, relative to retired judges over 70 years of age. (Rowe, Hills 6; Gorman, Hills 23; W. O'Brien, Hills 4; Nixon, Hills 17; Emiro, Rock 3; Bragdon, Dist 11; Letourneau, Dist 19: Judiciary)

HB 1186, prohibiting smoking within certain areas of New Hampshire state parks and historic sites. (Kepner, Rock 15; J. Day, Rock 13; Bettencourt, Rock 4: Resources, Recreation and Development)

HB 1187, relative to residential elevators and accessibility lifts. (N. Elliott, Hills 19; McGuire, Merr 8; Groen, Straf 1; Boyce, Belk 5; Hogan, Hills 25: Labor, Industrial and Rehabilitative Services)

HB 1188, relative to nominating a political organization by nomination papers. (Jasper, Hills 27: Election Law)

HB 1189, relative to the affidavit of qualifications for candidates. (Hikel, Hills 7; Splaine, Rock 16; W. O'Brien, Hills 4: Election Law)

HB 1190, authorizing transfer on death of motor vehicles. (Hinkle, Hills 19: Transportation)

HB 1191, relative to fire sprinkler systems. (McGuire, Merr 8; Groen, Straf 1; Nord, Rock 1; Hikel, Hills 7; Hogan, Hills 25: Commerce and Consumer Affairs)

HB 1192, relative to obstructions on motor vehicle windows. (Burridge, Ches 3: Transportation)

HB 1193, relative to the definition of allowable child care expenses for purposes of determining child support and establishing a legislative oversight committee relative to implementation of the 2009 New Hampshire Support Guidelines Review and Recommendations. (Gile, Merr 10: Children and Family Law)

HB 1194, prohibiting smoking on beaches at state parks. (J. Day, Rock 13: Resources, Recreation and Development)

HB 1195, relative to height, length, width, and weight limits for trucks. (Quandt, Rock 13; Bettencourt, Rock 4: Transportation)

HB 1196, relative to the time period interest is charged on judgments. (Nixon, Hills 17; Craig, Hills 9; McEachern, Rock 16; T. Russell, Rock 13; DiFruscia, Rock 4: Judiciary)

HB 1197, relative to child support in cases of shared parenting. (Bickford, Straf 3: Children and Family Law)

HB 1198-L, relative to public hearings on municipal budget preparation. (Butterworth, Ches 4; Patten, Carr 4: Municipal and County Government)

HB 1199, relative to the boundaries of the North Conway water district. (Umberger, Carr 1; Bucu, Carr 1; Chandler, Carr 1; Bradley, Dist 3: Municipal and County Government)

HB 1200, relative to the definition of “abutment” for notice of land use board hearings. (McEachern, Rock 16: Municipal and County Government)

HB 1201, including loaded muzzle-loading firearms in the prohibition of hunting from a vehicle. (Bulis, Graf 1; L’Heureux, Hills 19; McKinney, Rock 3; Rogers, Straf 1; Porter, Merr 8: Fish and Game and Marine Resources)

HB 1202, relative to renewable energy credits. (S. Harvey, Hills 21: Science, Technology and Energy)

HB 1203, relative to nonresident registration of motor vehicles. (Major, Rock 8: Transportation)

HB 1204, relative to equipment and inspection exemptions for older vehicles. (Major, Rock 8: Transportation)

HB 1205, relative to the membership of the ballot law commission. (Weed, Ches 3: Election Law)

HB 1206, adopting apple cider as the New Hampshire state beverage. (Mitchell, Ches 7: Environment and Agriculture)

HB 1207, relative to Delta Dental data submission. (DeStefano, Merr 13: Commerce and Consumer Affairs)

HB 1208, relative to rebate exemptions. (Headd, Rock 3: Commerce and Consumer Affairs)

HB 1209, relative to service contracts. (McEachern, Rock 16: Commerce and Consumer Affairs)

HB 1210, relative to the availability of proposed amendments to bills and resolutions. (Winters, Hills 17; Nord, Rock 1: Legislative Administration)

HB 1211, relative to special meetings in towns with official ballot town meetings. (Osborne, Merr 12; Cooney, Graf 7: Municipal and County Government)

HB 1212, relative to municipal charter statutes. (Splaine, Rock 16: Municipal and County Government)

HB 1213, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. (Wall, Straf 7: Judiciary)

HB 1214, relative to the grounds for suspending or revoking a foster home license. (Gile, Merr 10; Gargas, Hills 5; Ford, Graf 3; Arseneault, Belk 4; F. Gould, Graf 11: Children and Family Law)

HB 1215, relative to gender neutral references in certain public assistance statutes. (Bickford, Straf 3: Children and Family Law)

HB 1216, relative to the amount of the self-support reserve in child support cases. (Bickford, Straf 3: Children and Family Law)

HB 1217, relative to liability issues associated with the juvenile diversion program. (Arsenault, Belk 4: Labor, Industrial and Rehabilitative Services)

HB 1218, requiring a report of payments to (ACORN) the Association of Community Organizations for Reform Now. (Ulery, Hills 27; Haefner, Hills 27; Renzullo, Hills 27; Hogan, Hills 25; Villeneuve, Hills 18: State-Federal Relations and Veterans Affairs)

HB 1219, repealing the wartime registration of aliens laws. (McGuire, Merr 8; Bettencourt, Rock 4: Judiciary)

HB 1220, relative to meals and rentals licenses. (Major, Rock 8; Almy, Graf 11: Executive Departments and Administration)

HB 1221, relative to excavating and dredging permits. (J. Day, Rock 13; Kepner, Rock 15: Resources, Recreation and Development)

HB 1222, relative to the authority of the commissioner of the department of environmental services to grant permits under the comprehensive shoreland protection act. (J. Day, Rock 13; Kepner, Rock 15: Resources, Recreation and Development)

HB 1223, relative to notice in class action cases under the consumer protection act. (G. Richardson, Merr 4; Nixon, Hills 17; Rowe, Hills 6; W. O'Brien, Hills 4; Wall, Straf 7: Judiciary)

HB 1224, relative to school employee and volunteer background investigations and relative to applicants for driver education certificates and school licenses. (Patten, Carr 4; Pilotte, Hills 16; Millham, Belk 5; Taylor, Graf 2: Education)

HB 1225-FN-L, requiring a security escort for the delivery of ballots to the clerk. (Pilotte, Hills 16; Perry, Straf 3; Winters, Hills 17; DeVries, Dist 18: Election Law)

HB 1226, relative to caregiver support services for the elderly. (Millham, Belk 5: Health, Human Services and Elderly Affairs)

HB 1227-L, relative to laying pipes for pressurized hot water transmission and distribution. (Rappaport, Coos 1: Science, Technology and Energy)

HB 1228-FN, relative to criminal record checks by health facilities. (Millham, Belk 5: Health, Human Services and Elderly Affairs)

HB 1229-FN, relative to state licensure of hawkers and peddlers. (Arsenault, Belk 4: Executive Departments and Administration)

HB 1230, relative to commercial motor vehicles and heating oil deliveries. (Stuart, Belk 4; R. Williams, Merr 11: Transportation)

HB 1231, establishing a commission to study methods of replacing the Old Man of the Mountain as part of the overall state tourism plan. (Gidge, Hills 24: Resources, Recreation and Development)

HB 1232, establishing a committee to study elder abuse statewide. (Gidge, Hills 24: Health, Human Services and Elderly Affairs)

HB 1233, relative to the amount of medical payments coverage under motor vehicle liability policies. (Nixon, Hills 17; Craig, Hills 9; McEachern, Rock 16; T. Russell, Rock 13; DiFruscia, Rock 4: Commerce and Consumer Affairs)

HB 1234, relative to disclosure of property rights and responsibilities in the sale of shorefront property. (Webb, Merr 2; Palfrey, Merr 2: Commerce and Consumer Affairs)

HB 1235, relative to regulation of dentistry by the board of dental examiners. (Borden, Rock 18: Executive Departments and Administration)

HB 1236, relative to underwriting on the basis of credit information. (D. Flanders, Belk 4: Commerce and Consumer Affairs)

HB 1237, relative to a certain insurance rulemaking exemption. (Patten, Carr 4; Taylor, Graf 2: Executive Departments and Administration)

HB 1238, relative to student membership on the university system of New Hampshire board of trustees. (St. Cyr, Belk 5; McEachern, Rock 16; Splaine, Rock 16; Pantelakos, Rock 16: Education)

HB 1239, relative to department of environmental services field citations and cease and desist orders. (Gottling, Sull 3; Sad, Ches 2: Resources, Recreation and Development)

HB 1240-FN, relative to the use of state-owned vehicles. (McGuire, Merr 8; K. Gould, Rock 5; Irwin, Hills 3: Executive Departments and Administration)

HB 1241, relative to visual examinations for the issuance of drivers' licenses. (Shurtleff, Merr 10; Lasky, Dist 13: Transportation)

HB 1242, relative to broadband infrastructure. (Foosse, Merr 1; Pierce, Graf 9: Municipal and County Government)

HB 1243, relative to automatic teller machine card overdraft fees. (Butler, Carr 1: Commerce and Consumer Affairs)

HB 1244, relative to insurance fraud. (Nixon, Hills 17; Leishman, Hills 3; Craig, Hills 9; E. Merrick, Coos 2; McEachern, Rock 16: Commerce and Consumer Affairs)

HB 1245, requiring certified copies of birth certificates for nominees for president and vice-president. (L. Christiansen, Hills 27: Election Law)

HB 1246, allowing the towns of Salem and Windham to adopt a certain property tax exemption. (R. Elliott, Rock 4: Local and Regulated Revenues)

HB 1247, establishing a speed limit for vehicles traveling through a toll booth or gate. (J. Flanders, Rock 8: Transportation)

HB 1248, prohibiting the state from doing business with any banking institution that requires fingerprints or bodily fluids from any person in order to complete a banking transaction. (Gidge, Hills 24; Winters, Hills 17; R. Holden, Hills 7: Commerce and Consumer Affairs)

HB 1249, relative to seasonal highway limits for certain vehicles. (Ingersoll, Coos 4; Theberge, Coos 4; Thomas, Coos 4; Hatch, Coos 3; Gallus, Dist 1: Transportation)

HB 1250, clarifying that a quorum of the current use board is not required to hold public forums. (Patten, Carr 4; Pilotte, Hills 16; Schmidt, Straf 4; Cilley, Dist 6: Environment and Agriculture)

HB 1251, relative to the sale and transfer procedures for shutdown emissions credits. (Kaen, Straf 7; Townsend, Graf 10; Merrill, Dist 21; Bradley, Dist 3: Science, Technology and Energy)

HB 1252, relative to the duration of medical payments coverage under motor vehicle liability policies. (Nixon, Hills 17; Craig, Hills 9; McEachern, Rock 16: Commerce and Consumer Affairs)

HB 1253, removing the exemption to the consumer protection act for insurance trade and commerce. (Nixon, Hills 17; Craig, Hills 9; Rowe, Hills 6; DiFruscia, Rock 4: Commerce and Consumer Affairs)

HB 1254, relative to insurance coverage in tort cases. (Nixon, Hills 17; McEachern, Rock 16; Rowe, Hills 6; Craig, Hills 9: Judiciary)

HB 1255, relative to requirements for apportionment of damages. (Nixon, Hills 17; Rowe, Hills 6; Craig, Hills 9; DiFruscia, Rock 4: Judiciary)

HB 1256, restricting medical injury claims subject to pretrial screening panel review to claims exceeding \$250,000. (Nixon, Hills 17; Rowe, Hills 6; DiFruscia, Rock 4; Craig, Hills 9: Judiciary)

HB 1257, changing requirements for extensions of time for hearings by pretrial screening panels for medical injury claims. (Nixon, Hills 17; Rowe, Hills 6; DiFruscia, Rock 4; Craig, Hills 9: Judiciary)

HB 1258, relative to the award of costs and attorneys' fees incurred in the medical injury screening panel process. (Nixon, Hills 17; Rowe, Hills 6; Craig, Hills 9; E. Merrick, Coos 2: Judiciary)

HB 1259, relative to subrogation claims and liens in civil actions. (Nixon, Hills 17; Rowe, Hills 6; Craig, Hills 9; McEachern, Rock 16: Judiciary)

HB 1260, authorizing enhanced compensatory damages for injury or death caused by operation of a motor vehicle after consumption of alcohol or a controlled drug. (Nixon, Hills 17; McEachern, Rock 16; Leishman, Hills 3: Judiciary)

HB 1261, relative to motorcycle noise emission controls. (J. Day, Rock 13; Kepner, Rock 15; Henson, Rock 13; Borden, Rock 18: Transportation)

HB 1262, relative to disabled parking signs. (C. Williams, Hills 14; L'Heureux, Hills 19: Transportation)

HB 1263, relative to eyewitness identification procedures for photo lineups. (Robertson, Ches 3: Criminal Justice and Public Safety)

HB 1264, relative to the definition of “party” for election purposes. (Winters, Hills 17: Election Law)

HB 1265, requiring school boards to develop a policy to address air quality issues in schools. (J. Day, Rock 13; Beck, Hills 2; Stiles, Rock 15; Hassan, Dist 23; Kelly, Dist 10: Education)

HB 1266, relative to notification requirements for lowering the water level of a lake or pond. (Kappler, Rock 2; Mack, Hills 1; Hatch, Coos 3: Resources, Recreation and Development)

HB 1267-L, relative to applications for hawkers and peddlers licenses. (Gandia, Hills 27: Municipal and County Government)

HB 1268-FN, prohibiting the use of a person’s occupation when obtaining insurance coverage. (Hatch, Coos 3: Commerce and Consumer Affairs)

HB 1269, relative to the operation of OHRVs and snowmobiles adjacent to public highways. (Packard, Rock 3; Ingersoll, Coos 4; Stohl, Coos 1; Gallus, Dist 1; Letourneau, Dist 19: Transportation)

HB 1270, relative to permitting existing hydroelectric plants to receive grants from the renewable energy fund for installing upgrades. (S. Harvey, Hills 21; Hinkle, Hills 19: Science, Technology and Energy)

HB 1271, extending the task force on work and family and amending its membership and duties. (Gile, Merr 10; R. Holden, Hills 7; Roberge, Dist 9; Fuller Clark, Dist 24: Labor, Industrial and Rehabilitative Services)

HB 1272, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures. (Watters, Straf 4; S. Price, Straf 3; Keans, Straf 1; Borden, Rock 18; Odell, Dist 8: Local and Regulated Revenues)

HB 1273, establishing a New Hampshire aero-space commission. (Lindsey, Ches 3: Executive Departments and Administration)

HB 1274-FN-A-L, restoring moneys for revenue sharing to cities and towns. (Jasper, Hills 27; Chandler, Carr 1; Hess, Merr 9: Finance)

HB 1275-FN, requiring state employees to participate in a government-run health insurance option as enacted by Congress. (Baldasaro, Rock 3; Bailey, Rock 3; Tucker, Rock 17: Executive Departments and Administration)

HB 1276-FN-L, relative to investment of capital reserve funds. (C. Christensen, Hills 19: Local and Regulated Revenues)

HB 1277-FN, relative to eligibility for medical benefits payment by the retirement system for certain vested deferred group I members. (Nixon, Hills 17; Walsh, Hills 11; Craig, Hills 9; McEachern, Rock 16; DeVries, Dist 18: Executive Departments and Administration)

HB 1278-FN, relative to milk producer-distributors. (Groen, Straf 1; Palmer, Hills 6; Tucker, Rock 17; S. Smith, Graf 7; Haefner, Hills 27; Gallus, Dist 1; Carson, Dist 14: Environment and Agriculture)

HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers. (Butler, Carr 1: Commerce and Consumer Affairs)

HB 1280-FN, relative to life and health guaranty limits. (D. Flanders, Belk 4: Commerce and Consumer Affairs)

HB 1281-FN, relative to certain securities laws. (DeStefano, Merr 13: Commerce and Consumer Affairs)

HB 1282-FN, requiring insurance companies to send a copy of any claim which is denied to the insured and to the provider. (F. Holden, Hills 4; Mead, Hills 4: Commerce and Consumer Affairs)

HB 1283-FN, relative to participation in the state children's health insurance program. (Renzullo, Hills 27; W. O'Brien, Hills 4; Garcia, Rock 4; Hogan, Hills 25; Carson, Dist 14: Commerce and Consumer Affairs)

HB 1284, relative to posting of minutes under the right-to-know law. (Merry, Belk 2; Tupper, Merr 6: Judiciary)

HB 1285, relative to the exemption of certain firearms, firearms accessories, and ammunition made in New Hampshire from federal law and regulation. (Itse, Rock 9; Vita, Straf 3; Swinford, Belk 5; Boyce, Belk 5; Kappler, Rock 2; L. Ober, Hills 27; Comerford, Rock 9; Hikel, Hills 7; Ulery, Hills 27; F. Holden, Hills 4; Baldasaro, Rock 3; Renzullo, Hills 27; Groen, Straf 1; Winters, Hills 17; Letourneau, Dist 19: Commerce and Consumer Affairs)

HB 1286, allowing nonpublic schools to obtain criminal history records checks on employees and volunteers. (Stevens, Carr 4; Charron, Rock 7: Education)

HB 1287, relative to setback requirements on private rights-of-way. (Chandler, Carr 1; Patten, Carr 4; Knox, Carr 4; Stevens, Carr 4; Campbell, Hills 24: Municipal and County Government)

HB 1288, relative to the term of office of an appointed member of a local land use board member. (Hamm, Merr 4: Municipal and County Government)

HB 1289, relative to air quality in public schools. (J. Day, Rock 13; Beck, Hills 2; Thomas, Coos 4; Stiles, Rock 15; Hassan, Dist 23; Fuller Clark, Dist 24; Kelly, Dist 10: Education)

HB 1290, relative to unincorporated religious societies. (Itse, Rock 9; Ingbretson, Graf 5: Judiciary)

HB 1291-FN, relative to the fuel oil importation fee. (C. Christensen, Hills 19; Webb, Merr 2; Lasky, Dist 13: Ways and Means)

HB 1292, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. (C. Christensen, Hills 19; Webb, Merr 2: Resources, Recreation and Development)

HB 1293-FN, relative to the oil discharge cleanup fund. (C. Christensen, Hills 19; Webb, Merr 2; Lasky, Dist 13: Resources, Recreation and Development)

HB 1294, relative to underground storage facility operator training. (C. Christensen, Hills 19; Hinch, Hills 19; Tupper, Merr 6; Webb, Merr 2; Letourneau, Dist 19: Resources, Recreation and Development)

HB 1295, establishing a committee to study the effects of milfoil and methods of eradication. (Drisko, Hills 5; Beaulieu, Hills 17; C. Christensen, Hills 19; Tupper, Merr 6; D. Russell, Belk 6: Resources, Recreation and Development)

HB 1296, prohibiting a state agency from establishing a fee without legislative approval. (Ulery, Hills 27; Itse, Rock 9; Renzullo, Hills 27: Executive Departments and Administration)

HB 1297-FN, requiring the racing and charitable gaming commission to establish fees for licensees conducting live racing to generate revenue that approximates the direct costs of administration. (Vaillancourt, Hills 15; M. Smith, Straf 7; Roberge, Dist 9: Local and Regulated Revenues)

HB 1298, establishing a statewide septic system commission. (Beaulieu, Hills 17; Long, Hills 10; Spaulding, Hills 18; Wheeler, Merr 6: Resources, Recreation and Development)

HB 1299, establishing a committee to study enacting a moratorium on the sale and use of fertilizers containing phosphorus. (Beaulieu, Hills 17; Tupper, Merr 6; S. Smith, Graf 7: Environment and Agriculture)

HB 1300, relative to placement of warrant articles for town meetings on official ballots. (R. Elliott, Rock 4: Municipal and County Government)

HB 1301, relative to the regulation of fuel gas fitters. (Patten, Carr 4: Executive Departments and Administration)

HB 1302-FN, relative to mileage for members of the general court. (Robertson, Ches 3: Legislative Administration)

HB 1303, relative to maintenance, repair, and preservation of burial grounds. (Watters, Straf 4; Merry, Belk 2; M. Rollo, Straf 2; S. Price, Straf 3; Hamm, Merr 4; Cilley, Dist 6; Odell, Dist 8: Municipal and County Government)

HB 1304, extending the task force on homeless teenagers and the commission to study alternate fuel vehicles. (B. Shaw, Hills 16; Julie Brown, Straf 1; J. Johnson, Ches 6: Legislative Administration)

HB 1305, relative to designating uses for surface waters. (Moody, Rock 12; Spang, Straf 7; Abbott, Rock 12; G. Richardson, Merr 4; Cilley, Dist 6: Resources, Recreation and Development)

HB 1306, relative to approval of recommendations of marital masters and judicial referees. (Rowe, Hills 6; W. O'Brien, Hills 4; Gorman, Hills 23; Nixon, Hills 17; Emiro, Rock 3; Bragdon, Dist 11; Letourneau, Dist 19: Judiciary)

HB 1307, relative to appointments and reappointments of marital masters. (Rowe, Hills 6; W. O'Brien, Hills 4; Emiro, Rock 3; Nixon, Hills 17; Letourneau, Dist 19: Judiciary)

HB 1309-FN, requiring insurance coverage for infertility treatments. (A. Perkins, Rock 14: Commerce and Consumer Affairs)

HB 1310, allowing towns to hire certain health care workers. (Lockwood, Merr 6; Bettencourt, Rock 4: Municipal and County Government)

HB 1311, relative to the sunset date of legislative study committees. (N. Elliott, Hills 19; Hogan, Hills 25; Willette, Hills 6; Boyce, Belk 5; Seidel, Hills 20: Legislative Administration)

HB 1312, relative to notification by banks concerning crediting deposits in bank accounts. (Hikel, Hills 7; R. Holden, Hills 7: Commerce and Consumer Affairs)

HB 1313, relative to personal trainers. (Hikel, Hills 7; R. Holden, Hills 7: Executive Departments and Administration)

HB 1314, relative to approval of changes to a capital budget project. (Cloutier, Sull 4; Chandler, Carr 1; Campbell, Hills 24; Graham, Hills 18; Rausch, Rock 5; D'Allesandro, Dist 20; Janeway, Dist 7; Kelly, Dist 10; Gallus, Dist 1; Downing, Dist 22: Public Works and Highways)

HB 1315-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. (G. Richardson, Merr 4; Nixon, Hills 17; Craig, Hills 9; W. O'Brien, Hills 4; Rowe, Hills 6: Labor, Industrial and Rehabilitative Services)

HB 1316, requiring new construction and renovations of commercial buildings over 4,000 square feet to follow the Leadership in Energy and Environmental Design (LEED) guidelines relative to volatile organic compounds. (Thomas, Coos 4; Beck, Hills 2; J. Day, Rock 13; Ingersoll, Coos 4; Kepner, Rock 15: Commerce and Consumer Affairs)

HB 1317-FN, establishing an exotic game license for hunting in a game preserve. (Cushing, Rock 15; R. Read, Rock 16: Fish and Game and Marine Resources)

HB 1318, relative to post-conviction DNA testing. (Cushing, Rock 15: Criminal Justice and Public Safety)

HB 1319, relative to single-member representative districts. (Cushing, Rock 15: Election Law)

HB 1320, permitting the victim of a crime to offer a statement at certain civil proceedings. (Cushing, Rock 15: Judiciary)

HB 1321, relative to foreclosure consultants. (Leishman, Hills 3: Commerce and Consumer Affairs)

HB 1322, relative to the dam management review committee. (Hatch, Coos 3; Almy, Graf 11; Mack, Hills 1: Resources, Recreation and Development)

HB 1323, relative to applications for new licenses under the driver license compact. (Hinkle, Hills 19: Transportation)

HB 1324, relative to staffing exceptions for geographically isolated small schools. (Ladd, Graf 5; K. Shaw, Hills 26; Rappaport, Coos 1; B. Ward, Graf 1; Rous, Straf 7; Reynolds, Dist 2: Education)

HB 1325, relative to licensure of home inspectors by the board of home inspectors. (S. Scamman, Rock 13; Hawkins, Hills 18; Houde-Quimby, Sull 1; Baroody, Hills 13; Craig, Hills 9; D'Allesandro, Dist 20: Executive Departments and Administration)

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Daniels, Hills 6; Vita, Straf 3: Health, Human Services and Elderly Affairs)

HB 1327, establishing a commission to establish a framework for the franchising of cable access by cities and towns. (Gagnon, Sull 4: Municipal and County Government)

HB 1328, prohibiting wheeled motorized vehicles from operation on Stone Pond in the town of Marlow. (L. Weber, Ches 2; Sad, Ches 2; Eaton, Ches 2: Transportation)

HB 1329, establishing a committee to study voter fraud. (L. Christiansen, Hills 27: Election Law)

HB 1330, relative to the preservation of religious freedom. (Wendelboe, Belk 1: Judiciary)

HB 1331, relative to extending the days for recreational taking of clams following an emergency closing. (A. Perkins, Rock 14; L. Perkins, Rock 14; Weare, Rock 14: Fish and Game and Marine Resources)

HB 1332, relative to planning board members. (A. Perkins, Rock 14; Weare, Rock 14: Municipal and County Government)

HB 1333-FN-A, relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor. (Shurtleff, Merr 10: Finance)

HB 1334, relative to penalties for unpaid fines concerning hazardous materials accidents. (DeJoie, Merr 11: Criminal Justice and Public Safety)

HB 1335, establishing a local option for lowering the interest rate on late and delinquent property tax payments and subsequent payments. (Vaillancourt, Hills 15; Kepner, Rock 15; Henson, Rock 13; T. Russell, Rock 13: Local and Regulated Revenues)

HB 1336, relative to health care liability claims. (W. Smith, Rock 18; Boyce, Belk 5; Hagan, Rock 7; Cebrowski, Hills 18: Judiciary)

HB 1337, relative to rules adopted by the assessing standards board regarding certification of appraisers by the department of revenue administration. (Patten, Carr 4; Stohl, Coos 1; Schmidt, Straf 4: Executive Departments and Administration)

HB 1338, relative to scholarships for higher education for early graduating high school students. (Daniels, Hills 6; W. Smith, Rock 18: Municipal and County Government)

HB 1339, relative to the state services system and establishing a commission to study uncompensated care at community mental health centers. (DeJoie, Merr 11: Health, Human Services and Elderly Affairs Health)

HB 1340, relative to condominium liens for assessments. (Infantine, Hills 13: Commerce and Consumer Affairs)

HB 1341, relative to election day procedures. (Fields, Belk 2: Election Law)

HB 1342, relative to the right of election to submit a claim for medical expenses under a medical payments motor vehicle liability policy or a health insurance policy. (Nixon, Hills 17; Craig, Hills 9; DiFruscia, Rock 4; Ramsey, Hills 8; McEachern, Rock 16: Commerce and Consumer Affairs)

HB 1343, establishing a joint committee on the constitutionality of acts, orders, laws, statutes, regulations, and rules of the government of the United States of America in order to protect state sovereignty. (Itse, Rock 9; Ingretson, Graf 5; Comerford, Rock 9; K. Roberts, Ches 3: State-Federal Relations and Veterans Affairs)

HB 1344, relative to the taking of private property during a state of emergency. (Hinkle, Hills 19; Kurk, Hills 7; Chandler, Carr 1: Judiciary)

HB 1345, relative to information for property tax assessments of commercial and industrial properties. (Almy, Graf 11; Bouchard, Merr 11; Schmidt, Straf 4; L. Weber, Ches 2; Meader, Ches 3; Houde, Dist 5; Merrill, Dist 21: Local and Regulated Revenues)

HB 1346-FN, relative to the approval of chartered public schools. (L. Christiansen, Hills 27; Ingretson, Graf 5: Education)

HB 1347, relative to the right of jury nullification. (L. Christiansen, Hills 27; Hogan, Hills 25; Ingbretson, Graf 5: Judiciary)

HB 1348, relative to enforcement of surface water classification. (Spang, Straf 7; Kappler, Rock 2; Abbott, Rock 12; Kaen, Straf 7; G. Richardson, Merr 4; Sad, Ches 2; Fuller Clark, Dist 24; Cilley, Dist 6; Merrill, Dist 21; Odell, Dist 8: Resources, Recreation and Development)

HB 1349, relative to requirements for pharmacists-in-charge. (Keans, Straf 1: Executive Departments and Administration)

HB 1350-FN, establishing the salary for the position of director of security and training in the department of corrections. (Hawkins, Hills 18; Irwin, Hills 3; Keans, Straf 1; Downing, Dist 22: Executive Departments and Administration)

HB 1351-FN, establishing the salary for the position of professional standards director in the department of corrections. (Hawkins, Hills 18; Irwin, Hills 3; Keans, Straf 1; Downing, Dist 22: Executive Departments and Administration)

HB 1352, relative to direct shippers. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 1353, relative to group net energy metering. (S. Harvey, Hills 21; Pastor, Graf 9; Butcher, Ches 3; Townsend, Graf 10; Fuller Clark, Dist 24; Merrill, Dist 21: Science, Technology and Energy)

HB 1354, relative to dog racing. (Vaillancourt, Hills 15; Cooney, Graf 7: Local and Regulated Revenues)

HB 1355-FN, relative to certain Medicaid appropriations. (Harding, Graf 11; Wendelboe, Belk 1; DeJoie, Merr 11; Miller, Belk 3; Millham, Belk 5; Gilmour, Dist 12; Gallus, Dist 1; Odell, Dist 8; Fuller Clark, Dist 24; Bradley, Dist 3: Finance)

HB 1356, relative to certain nonprofit corporations subject to the right-to-know law. (Watrous, Merr 12; Cloutier, Sull 4: Judiciary)

HB 1357, requiring funds for the purchase of modular or manufactured housing to be held in escrow until an occupancy permit is issued and relative to the development of a manufactured housing buyer's guide. (Nord, Rock 1; Bucu, Carr 1; Clarke, Merr 6; Taylor, Graf 2: Commerce and Consumer Affairs)

HB 1358, relative to the amendment of property tax inventories and tax lists by selectmen or assessors. (Walz, Merr 13: Local and Regulated Revenues)

HB 1359, relative to the enforcement of humane slaughter laws. (Sad, Ches 2: Environment and Agriculture)

HB 1360, permitting persons 17 years of age to register to vote. (Gargas, Hills 5: Election Law)

HB 1361, relative to notification of parole hearings. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1362, extending the right-to-know oversight commission. (J. Garrity, Rock 6; Casey, Rock 11; Osborne, Merr 12; Barnes, Jr., Dist 17: Judiciary)

HB 1363, relative to continuing care communities. (Hammond, Hills 3: Health, Human Services and Elderly Affairs)

HB 1364, relative to Medicare unfair trade practices. (Headd, Rock 3; D. Flanders, Belk 4: Commerce and Consumer Affairs)

HB 1365, establishing a commission to study the licensing of motor vehicle appraisers. (Schlachman, Rock 13; D. Flanders, Belk 4: Executive Departments and Administration)

HB 1366, making certain technical corrections in the insurance laws. (Butler, Carr 1: Commerce and Consumer Affairs)

HB 1367-FN, relative to permissible campaign contributions by business organizations and labor unions. (Splaine, Rock 16; McEachern, Rock 16; Nixon, Hills 17; Comerford, Rock 9; D'Allesandro, Dist 20: Election Law)

HB 1368, relative to the definition of "employee" for workers' compensation purposes. (Goley, Hills 8; Craig, Hills 9; R. Holden, Hills 7; Baroody, Hills 13; DeVries, Dist 18; Cilley, Dist 6: Labor, Industrial and Rehabilitative Services)

HB 1369-L, relative to pool safety. (G. Hutchinson, Rock 5; Kappler, Rock 2: Municipal and County Government)

HB 1370, requiring independent medical examination practitioners to file a report with the insurance department. (Long, Hills 10: Labor, Industrial and Rehabilitative Services)

HB 1371, allowing recording of an examination by health care providers performing independent medical examinations. (Long, Hills 10: Labor, Industrial and Rehabilitative Services)

HB 1372, establishing a commission to study the provisions of RSA 570-A, the wiretapping and eavesdropping statute, and to study permitting a person to record a law enforcement officer in the course of such officer's official duties. (Winters, Hills 17; R. Holden, Hills 7: Criminal Justice and Public Safety)

HB 1373, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. (Winters, Hills 17; Ingbretson, Graf 5: Criminal Justice and Public Safety)

HB 1374, relative to the prohibition against participation in a national identification card system. (Winters, Hills 17; Kurk, Hills 7: Transportation)

HB 1375, establishing a committee to study regional planning commissions. (Cloutier, Sull 4; Donovan, Sull 4; L. Brown, Straf 3; Watrous, Merr 12: Municipal and County Government)

HB 1376, relative to the regulation of pharmacies and pharmacists. (Case, Rock 1; Bulis, Graf 1; Donovan, Sull 4; Mann, Rock 1; Wendelboe, Belk 1; Carson, Dist 14: Executive Departments and Administration)

HB 1377, permitting utilities to establish loan programs for owners of residential and business property engaging in renewable energy and energy efficiency projects. (Cali-Pitts, Rock 16; Borden, Rock 18; Fuller Clark, Dist 24: Science, Technology and Energy)

HB 1378-FN, establishing an adopt-a-state park program in the state park system. (St. Cyr, Belk 5; Bettencourt, Rock 4: Resources, Recreation and Development)

HB 1379, relative to promotion of the state parks. (St. Cyr, Belk 5; Bettencourt, Rock 4: Resources, Recreation and Development)

HB 1380-FN, relative to assessing fees by zoning boards of adjustment. (Gandia, Hills 27: Local and Regulated Revenues)

HB 1381, establishing a commission on licensing trades and professions. (W. O'Brien, Hills 4; Hinkle, Hills 19; Coffey, Merr 6; Ulery, Hills 27: Executive Departments and Administration)

HB 1382, relative to workforce housing. (W. O'Brien, Hills 4; Shurtleff, Merr 10; Hikel, Hills 7; Groen, Straf 1: Municipal and County Government)

HB 1383-FN, requiring a course in business or financial literacy as a prerequisite to high school graduation. (Doherty, Hills 27; Levesque, Hills 5: Education)

HB 1384, establishing a suicide fatality review committee. (Wells, Rock 8: Health, Human Services and Elderly Affairs)

HB 1385-FN, relative to appeals under the workers' compensation law. (L. Perkins, Rock 14: Labor, Industrial and Rehabilitative Services)

HB 1386, requiring school boards to develop dropout prevention policies. (A. Peterson, Hills 3; Mitchell, Ches 7; D'Allesandro, Dist 20: Education)

HB 1387, establishing a commission to study the need for supportive housing for homeless veterans. (Chandley, Hills 6; Merry, Belk 2: State-Federal Relations and Veterans Affairs)

HB 1388, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants. (Wiley, Carr 3; Mulholland, Graf 10; Townsend, Graf 10; S. Smith, Graf 7: Environment and Agriculture)

HB 1389, relative to the annulment of a criminal record. (Walz, Merr 13: Criminal Justice and Public Safety)

HB 1390, relative to the minimum age for the operation of commercial vessels. (Millham, Belk 5; Pilliod, Belk 5; D. Russell, Belk 6: Transportation)

HB 1391, implementing the Tools for Schools program in public schools. (Beck, Hills 2; J. Day, Rock 13; Stiles, Rock 15; Janeway, Dist 7; Kelly, Dist 10: Education)

HB 1392-FN, requiring insurance companies to report to the insurance department the number of claims denied. (F. Holden, Hills 4; Rappaport, Coos 1: Commerce and Consumer Affairs)

HB 1393, establishing a commission to review and make suggestions for updating the treatment of New Hampshire investment trusts. (DeJoie, Merr 11: Commerce and Consumer Affairs)

HB 1394-L, relative to town clerks. (Butynski, Ches 4; Parkhurst, Ches 4; Sapareto, Rock 5; Walsh, Hills 11: Municipal and County Government)

HB 1395, relative to workforce housing. (Hess, Merr 9; Dokmo, Hills 6; Leishman, Hills 3: Municipal and County Government)

HB 1396, relative to the extension of study committees. (Drisko, Hills 5; O'Neil, Hills 19; Kelly, Dist 10: Legislative Administration)

HB 1397, relative to the approval of a pupil's alternative learning plan. (Itse, Rock 9; Ingbretson, Graf 5; Comerford, Rock 9; Hinkle, Hills 19; Carson, Dist 14: Education)

HB 1398, allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration. (Emerson, Ches 7; W. Smith, Rock 18; Kotowski, Merr 9; Barnes, Jr., Dist 17; Roberge, Dist 9; Cilley, Dist 6: Health, Human Services and Elderly Affairs)

HB 1399, relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities. (Patten, Carr 4: Resources, Recreation and Development)

HB 1400, requiring all colleges and universities to report crimes to the local law enforcement agency. (Emerson, Ches 7; W. Smith, Rock 18; Roberge, Dist 9; Carson, Dist 14: Education)

HB 1401-FN, limiting corn-based ethanol as an additive to gasoline sold in New Hampshire. (Townsend, Graf 10; Pastor, Graf 9: Science, Technology and Energy)

HB 1402, repealing the crime of adultery. (McGuire, Merr 8; Horrigan, Straf 7: Criminal Justice and Public Safety)

HB 1403, relative to wrongful termination. (Butynski, Ches 4: Labor, Industrial and Rehabilitative Services)

HB 1404, relative to the regulation of real estate brokers and salespersons. (Baroody, Hills 13; Buco, Carr 1: Executive Departments and Administration)

HB 1405, relative to reverse signal operation safety requirements for construction equipment. (Baldasaro, Rock 3; Swinford, Belk 5; Sapareto, Rock 5; Griffin, Rock 4: Transportation)

HB 1406, relative to police details on public ways. (Kurk, Hills 7: Public Works and Highways)

HB 1407, relative to personal identifiers contained within vital records. (Kurk, Hills 7: Health, Human Services and Elderly Affairs)

HB 1408, relative to motor vehicle records. (Kurk, Hills 7: Transportation)

HB 1409, banning biometrics for state or privately issued identification cards and as a condition of doing business. (Kurk, Hills 7; Itse, Rock 9: Commerce and Consumer Affairs)

HB 1410, prohibiting lobbyists from serving on judicial branch commissions, committees, boards, or similar government entities. (Kurk, Hills 7; Bettencourt, Rock 4; Itse, Rock 9: Judiciary)

HB 1411, requiring notice of the decision against rehiring be provided to educational support personnel. (Cushing, Rock 15; R. Read, Rock 16: Education)

HB 1412, requiring due process for educational support personnel. (Cushing, Rock 15; R. Read, Rock 16: Education)

HB 1413, relative to the deposit of weekly rental payments by a tenant during an eviction proceeding. (Sprague, Straf 2; Graham, Hills 18: Judiciary)

HB 1414, relative to teacher evaluations. (Splaine, Rock 16: Education)

HB 1415, relative to the donation of official records of state governors and members of Congress to the state of New Hampshire. (Splaine, Rock 16; McEachern, Rock 16: State-Federal Relations and Veterans Affairs)

HB 1416, making technical corrections to certain department of revenue administration laws. (Almy, Graf 11; Major, Rock 8: Ways and Means)

HB 1417, allowing companion dogs in certain areas of restaurants. (Butler, Carr 1; Bettencourt, Rock 4: Commerce and Consumer Affairs)

HB 1418, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge. (Lindsey, Ches 3; Butterworth, Ches 4: Public Works and Highways)

HB 1419, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Rudyard Kipling Bridge. (Lindsey, Ches 3: Public Works and Highways)

HB 1420, relative to the calculation of child support. (Bickford, Straf 3; G. Katsakiores, Rock 5: Children and Family Law)

HB 1421-FN, establishing regional advisory councils in the state park system. (P. McMahon, Merr 3; Drisko, Hills 5; Gottling, Sull 3: Resources, Recreation and Development)

HB 1422, establishing a committee to study the establishment of a department of natural resources. (P. McMahon, Merr 3; Drisko, Hills 5; Gottling, Sull 3: Executive Departments and Administration)

HB 1423, requiring a performance audit of the judicial branch family division. (Itse, Rock 9; Ulery, Hills 27; Baldasaro, Rock 3; Ingbretson, Graf 5; McGuire, Merr 8: Judiciary)

HB 1424, requiring a performance audit of the division of child support, department of health and human services. (Itse, Rock 9; Baldasaro, Rock 3; Ingbretson, Graf 5; McGuire, Merr 8; Ulery, Hills 27: Children and Family Law)

HB 1425, relative to the regulation of the processing of lobster tails. (Henson, Rock 13; Abbott, Rock 12: Fish and Game and Marine Resources)

HB 1426, permitting patients to bring their medications to the hospital or health care facility. (Daniels, Hills 6: Health, Human Services and Elderly Affairs)

HB 1427, relative to the conversion period for quarterly billing for property taxes. (Foose, Merr 1; Houde, Dist 5: Local and Regulated Revenues)

HB 1428-FN, relative to death benefits for surviving spouses of a New Hampshire retirement system member. (P. McMahon, Merr 3: Executive Departments and Administration)

HB 1429, establishing a committee to study the inclusion of universal design requirements in the state building code. (P. McMahon, Merr 3; T. Russell, Rock 13: Commerce and Consumer Affairs)

HB 1430, relative to the uniform anatomical gift act. (Foose, Merr 1: Health, Human Services and Elderly Affairs)

HB 1431-FN, relative to health care choice. (Renzullo, Hills 27; Garcia, Rock 4; Ulery, Hills 27; Hogan, Hills 25; Coffey, Merr 6; Carson, Dist 14: Commerce and Consumer Affairs)

HB 1432-L, relative to the use of blue lights on firefighting apparatus. (Mead, Hills 4; W. O'Brien, Hills 4: Transportation)

HB 1433, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire. (Hinkle, Hills 19; Kolodziej, Rock 4; Daniels, Hills 6; Sapareto, Rock 5: Criminal Justice and Public Safety)

HB 1434, relative to exemptions from sewage disposal systems approval. (Dokmo, Hills 6; Bergin, Hills 6; Leishman, Hills 3: Resources, Recreation and Development)

HB 1435-FN, relative to the practitioner-patient relationship in the dispensing of prescriptions. (Case, Rock 1; Wendelboe, Belk 1; Bulis, Graf 1; Donovan, Sull 4; Mann, Rock 1; Carson, Dist 14: Health, Human Services and Elderly Affairs)

HB 1436, requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System. (Wells, Rock 8: Criminal Justice and Public Safety)

HB 1437, requiring the department of health and human services to provide a legislative report on Katie Beckett, the Medicaid program for home care for children with severe disabilities. (R. Elliott, Rock 4; C. McMahon, Rock 4: Health, Human Services and Elderly Affairs)

HB 1438, relative to a patient's right to know regarding charges for health care. (Renzullo, Hills 27; Hogan, Hills 25; Seidel, Hills 20; Fields, Belk 2; Carson, Dist 14: Health, Human Services and Elderly Affairs)

HB 1439-L, relative to tax exemptions for water and air pollution control installations. (Webb, Merr 2; A. Peterson, Hills 3: Local and Regulated Revenues)

HB 1440, relative to property tax exemptions for the disabled. (Infantine, Hills 13: Local and Regulated Revenues)

HB 1441, relative to claimant eligibility for victim's compensation. (Cushing, Rock 15: Criminal Justice and Public Safety)

HB 1442-FN, relative to residency restrictions on offenders against children. (Baldasaro, Rock 3; N. Elliott, Hills 19; Hogan, Hills 25; Griffin, Rock 4: Criminal Justice and Public Safety)

HB 1443, relative to Medicaid, statutory and other liens or subrogation claims for public assistance or medical expenses. (Nixon, Hills 17; Craig, Hills 9; Leishman, Hills 3; T. Russell, Rock 13; Ramsey, Hills 8: Judiciary)

HB 1444-FN, allowing the purchase of drugs from Canada. (Renzullo, Hills 27; Seidel, Hills 20; Garcia, Rock 4; Coffey, Merr 6; Hogan, Hills 25; Carson, Dist 14: Commerce and Consumer Affairs)

HB 1445-FN-A-L, eliminating the meals and rooms tax on campsites. (H. Richardson, Coos 2; Boutin, Merr 9; Chandler, Carr 1; Ingersoll, Coos 4; Swinford, Belk 5; Coffey, Merr 6; Kappler, Rock 2; Jasper, Hills 27; Letourneau, Dist 19; Gallus, Dist 1: Ways and Means)

HB 1446, naming a bridge in Hopkinton in honor of Officer Sean M. Powers. (Hamm, Merr 4; Owen, Merr 4; G. Richardson, Merr 4; French, Merr 5; Rodd, Merr 5; Janeway, Dist 7: Public Works and Highways)

HB 1447, relative to authorization to use firearms in the compact part of a town. (Welch, Rock 8; Eaton, Ches 2; B. Williams, Graf 8; Letourneau, Dist 19: Criminal Justice and Public Safety)

HB 1448, relative to town audits. (Cooney, Graf 7; Hatch, Coos 3; Mulholland, Graf 10; K. Gould, Rock 5; DeVries, Dist 18: Municipal and County Government)

HB 1449, relative to complaints against judicially appointed guardians ad litem and psychotherapists. (L'Heureux, Hills 19; Pellegrino, Hills 19; Hinch, Hills 19: Judiciary)

HB 1450, relative to the designation of a portion of the Cocheco River as a protected river. (Kappler, Rock 2; Schmidt, Straf 4; Keans, Straf 1: Resources, Recreation and Development)

HB 1451, relative to the expiration dates of certain committees. (Kappler, Rock 2; Tupper, Merr 6: Legislative Administration)

HB 1452-FN, relative to commercial motor vehicle operation. (Stuart, Belk 4; R. Williams, Merr 11: Criminal Justice and Public Safety)

HB 1453, relative to notice to legal guardians of students. (Bates, Rock 4; Vita, Straf 3; Hinkle, Hills 19; Fleck, Carr 5; Ingbretson, Graf 5; Letourneau, Dist 19: Education)

HB 1454-FN, requiring parental consent for medical procedures and medications provided to minors. (Willette, Hills 6; W. Smith, Rock 18; J. Roberts, Carr 3; Seidel, Hills 20; Barnes, Jr., Dist 17; Roberge, Dist 9; Bragdon, Dist 11: Judiciary)

HB 1455, establishing a commission to oversee creation of a monument to acknowledge and commemorate persons enslaved in New Hampshire from 1645 to 1840. (Watters, Straf 4; Cali-Pitts, Rock 16; M. Rollo, Straf 2; K. Roberts, Ches 3; Fuller Clark, Dist 24: Public Works and Highways)

HB 1456, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate. (S. Smith, Graf 7; Miller, Belk 3; Cooney, Graf 7; Wiley, Carr 3; Reynolds, Dist 2: Environment and Agriculture)

HB 1457, establishing a commission to study urban compacts. (Kepner, Rock 15; Stiles, Rock 15; Cushing, Rock 15: Public Works and Highways)

HB 1458, relative to driver's license suspensions. (Gionet, Graf 3; Gallus, Dist 1; D'Allesandro, Dist 20: Transportation)

HB 1459, relative to the board of trust company incorporation. (Butler, Carr 1: Commerce and Consumer Affairs)

HB 1460-FN-A, establishing a credit for gambling losses against the tax on gambling winnings. (R. Elliott, Rock 4; DiFruscia, Rock 4; Bulis, Graf 1; Sapareto, Rock 5: Ways and Means)

HB 1461, relative to the municipal regulation of the sale of martial arts weapons. (Stiles, Rock 15; Boyce, Belk 5; Casey, Rock 11; A. Perkins, Rock 14; Reeve, Belk 4; Carson, Dist 14; Sgambati, Dist 4: Municipal and County Government)

HB 1462, establishing a shoreland advisory council. (Stiles, Rock 15; Borden, Rock 18; Boyce, Belk 5; O'Neil, Hills 19; Fuller Clark, Dist 24; Bradley, Dist 3; Hassan, Dist 23; Odell, Dist 8: Resources, Recreation and Development)

HB 1463-FN, establishing a memorial number plate to honor New Hampshire law enforcement officers who die in the line of duty. (Emerton, Hills 7; Welch, Rock 8; Shurtleff, Merr 10; Wall, Straf 7; Odell, Dist 8: Transportation)

HB 1464-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. (Hinkle, Hills 19; Seidel, Hills 20; Sapareto, Rock 5; Bragdon, Dist 11: Ways and Means)

HB 1465-FN-A, establishing firefighter number plates. (Ingersoll, Coos 4; Theberge, Coos 4; Thomas, Coos 4; H. Richardson, Coos 2; Mears, Coos 4; Gallus, Dist 1: Transportation)

HB 1466, relative to rafting of boats in Braun Bay. (Patten, Carr 4; Knox, Carr 4; Stevens, Carr 4: Resources, Recreation and Development)

HB 1467, establishing a committee to study extending Medicaid and similar sources of private and public aid to provide health care insurance through age 20 to individuals who were foster children and are attending postsecondary school. (Gile, Merr 10; Ford, Graf 3: Health, Human Services and Elderly Affairs)

HB 1468-FN, relative to official oppression. (L. Christiansen, Hills 27: Criminal Justice and Public Safety)

HB 1469, relative to the required number of instructional days and instructional hours in a school district's calendar. (Knox, Carr 4; Wiley, Carr 3; Bradley, Dist 3: Education)

HB 1470, establishing a committee to study laws relating to condominium and homeowners' associations. (S. Harvey, Hills 21; Kappler, Rock 2; Hackel, Hills 21; Almy, Graf 11; Merrill, Dist 21; Carson, Dist 14: Commerce and Consumer Affairs)

HB 1471, requiring the board of home inspectors to adopt rules developing documents relative to home energy audits and energy efficiency for home buyers and relative to continuing education for home inspectors. (R. Read, Rock 16; Borden, Rock 18; Pastor, Graf 9; Merrill, Dist 21: Science, Technology and Energy)

HB 1472-FN-L, relative to testimony by video teleconference. (Umberger, Carr 1; Ulery, Hills 27: Criminal Justice and Public Safety)

HB 1473, relative to requiring lobbyists to file an annual statement. (Nixon, Hills 17; Rowe, Hills 6; Ramsey, Hills 8; DiFruscia, Rock 4: Legislative Administration)

HB 1474, revising the child support guidelines based on the income shares model. (Bickford, Straf 3: Children and Family Law)

HB 1475, relative to indoor smoking. (Butynski, Ches 4; J. Day, Rock 13; DiPentima, Rock 16; Pilliod, Belk 5: Commerce and Consumer Affairs)

HB 1476, relative to periodic verification of the checklist. (Bates, Rock 4; Splaine, Rock 16; Horrigan, Straf 7; Perry, Straf 3; Carson, Dist 14; Houde, Dist 5: Election Law)

HB 1477, relative to checklist information. (Bates, Rock 4; Splaine, Rock 16; Horrigan, Straf 7; Perry, Straf 3; Carson, Dist 14: Election Law)

HB 1478-FN, relative to permits for dock designers. (Hubbard, Straf 1; Gottling, Sull 3; Kappler, Rock 2; Fuller Clark, Dist 24: Resources, Recreation and Development)

HB 1479-FN, requiring that body mass index be assessed in all pupils in grades one, 4, 7, and 10. (Schulze, Hills 26; Stiles, Rock 15; French, Merr 5; Hogan, Hills 25; Pilliod, Belk 5; Hassan, Dist 23: Health, Human Services and Elderly Affairs)

HB 1480, relative to rail authority bonds. (Graham, Hills 18; Chandler, Carr 1; Letourneau, Dist 19: Public Works and Highways)

HB 1481, relative to the use of turnpike tolls. (Graham, Hills 18; Campbell, Hills 24; Sprague, Straf 2; Letourneau, Dist 19: Public Works and Highways)

HB 1482-FN, upgrading the chief executive officer of the New Hampshire hospital, department of health and human services. (Hawkins, Hills 18; Irwin, Hills 3; Keans, Straf 1; Downing, Dist 22: Executive Departments and Administration)

HB 1483, relative to appropriations in the county budget and expenditures of state and federal grants by counties. (Millham, Belk 5; Patten, Carr 4; Fields, Belk 2; Merry, Belk 2: Municipal and County Government)

HB 1484, relative to residency restrictions for sex offenders. (Rodd, Merr 5; Robertson, Ches 3; Gile, Merr 10: Criminal Justice and Public Safety)

HB 1485, granting zoning and planning powers to Hampton Beach village district. (Kepner, Rock 15: Municipal and County Government)

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings. (Nord, Rock 1; Butler, Carr 1; McGuire, Merr 8; Hunt, Ches 7; Winters, Hills 17: Commerce and Consumer Affairs)

HB 1487, relative to the definition of certified wetland scientists. (Benn, Graf 9; Harding, Graf 11; Sad, Ches 2; McClammer, Sull 5; C. Christensen, Hills 19; Janeway, Dist 7; Carson, Dist 14: Executive Departments and Administration)

HB 1488-FN, relative to New Hampshire HealthFirst. (Butler, Carr 1: Commerce and Consumer Affairs)

HB 1489, allowing municipalities to adopt a volunteer incentive property tax credit. (Cloutier, Sull 4; Donovan, Sull 4; Harris, Sull 4: Local and Regulated Revenues)

HB 1490, establishing a commission to analyze revenues and expenditures in the state budget. (Bergin, Hills 6; A. Peterson, Hills 3; Foose, Merr 1; Dokmo, Hills 6: Ways and Means)

HB 1491, relative to child support and responsibility for extraordinary child-rearing expenses in cases of shared parenting. (Gargas, Hills 5; B. Richardson, Ches 5: Children and Family Law)

HB 1492, requiring police officers receiving notice of a motor vehicle accident to respond to the scene of the accident. (Emerson, Ches 7: Criminal Justice and Public Safety)

HB 1493, establishing a committee to study comprehensive mental health parity. (Merry, Belk 2; B. Richardson, Ches 5; Ford, Graf 3; DeJoie, Merr 11; Pilliod, Belk 5; Fuller Clark, Dist 24; Gilmour, Dist 12: Commerce and Consumer Affairs)

HB 1494-FN, reducing the number of required number plates for motor vehicles from 2 to one. (McGuire, Merr 8: Transportation)

HB 1495, relative to conditional approval of chartered public schools from July 1, 2009 through June 30, 2011. (Casey, Rock 11: Education)

HB 1496, relative to time limits on suspended sentences. (Rodd, Merr 5; Craig, Hills 9; DiFruscia, Rock 4: Criminal Justice and Public Safety)

HB 1497, relative to terms of office for Concord school board members. (Osborne, Merr 12; Shurtleff, Merr 10; Watrous, Merr 12; Gile, Merr 10: Municipal and County Government)

HB 1498, relative to obscured figures or letters on number plates attached to motor vehicles. (Wendelboe, Belk 1: Transportation)

HB 1499-FN, reducing the number of area agencies in the state. (Swinford, Belk 5; Hogan, Hills 25; Groen, Straf 1: Health, Human Services and Elderly Affairs)

HB 1500, relative to excuse from jury service. (Bates, Rock 4; Baldasaro, Rock 3; Komi, Hills 12; Schmidt, Straf 4; Horrigan, Straf 7; Lasky, Dist 13: Judiciary)

HB 1501, relative to recording oral communications. (R. Holden, Hills 7: Judiciary)

HB 1502, relative to costs associated with cashing payroll checks. (R. Holden, Hills 7: Commerce and Consumer Affairs)

HB 1503-FN, establishing a liquor license review board. (R. Holden, Hills 7; Eaton, Ches 2; Infantine, Hills 13; Kidder, Merr 1: Commerce and Consumer Affairs)

HB 1504, establishing a liquor commission oversight committee. (R. Holden, Hills 7; Eaton, Ches 2; Infantine, Hills 13; Kidder, Merr 1: Local and Regulated Revenues)

HB 1505, establishing a commission to study state-imposed burdens on unregulated businesses. (Kurk, Hills 7; Hunt, Ches 7: Commerce and Consumer Affairs)

HB 1506-FN-A-L, establishing a state aeronautical fund. (Nevins, Rock 15; Campbell, Hills 24; J. Russell, Rock 13; Rodeschin, Sull 2; K. Roberts, Ches 3; Carson, Dist 14; Bradley, Dist 3: Ways and Means)

HB 1507-FN, relative to hunting and fishing licenses for disabled veterans, active duty members of the armed forces, and residents returning from active duty. (Emiro, Rock 3; Fields, Belk 2; K. Roberts, Ches 3; Kappler, Rock 2; J. Johnson, Ches 6: Fish and Game and Marine Resources)

HB 1508-FN, prohibiting offenders convicted of certain sexual assaults from contacting the victim of the crime. (Cushing, Rock 15; Chandley, Hills 6; S. Harvey, Hills 21; Foster, Hills 4: Criminal Justice and Public Safety)

HB 1509-FN, relative to unemployment compensation for self-employed individuals. (Stiles, Rock 15; Gallus, Dist 1: Labor, Industrial and Rehabilitative Services)

HB 1510, relative to grounds for divorce for persons with minor children. (Hopper, Hills 7; Boyce, Belk 5; Groen, Straf 1; Bates, Rock 4; W. O'Brien, Hills 4: Children and Family Law)

HB 1511-L, relative to municipal reimbursement for local assistance and establishing a committee to study local assistance under RSA 165, concerning aid to assisted persons. (Buco, Carr 1; Umberger, Carr 1; Bridgham, Carr 2; Butler, Carr 1; Gallus, Dist 1; Reynolds, Dist 2: Municipal and County Government)

HB 1512, relative to supplemental allowances for beneficiaries of the judicial retirement plan. (Wall, Straf 7: Executive Departments and Administration)

HB 1513-FN, relative to fees collected by the secretary of state for checklist information. (Jasper, Hills 27; Pierce, Graf 9: Election Law)

HB 1514-FN, prohibiting the sale of raw skins or unskinned carcasses of fur-bearing animals. (Vaillancourt, Hills 15; Schmidt, Straf 4; Leishman, Hills 3: Fish and Game and Marine Resources)

HB 1515-FN, relative to the crime of official oppression. (Itse, Rock 9; Dumaine, Rock 3; Ingbreton, Graf 5; Foster, Hills 4: Criminal Justice and Public Safety)

HB 1516-FN-A, making appropriations to fund the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011. (Leishman, Hills 3; Bergin, Hills 6; Dokmo, Hills 6; Harris, Sull 4; Stohl, Coos 1; Odell, Dist 8; Bragdon, Dist 11: Finance)

HB 1517-FN, establishing a DWI victim fatality sign program. (Spaulding, Hills 18; Graham, Hills 18; Roberge, Dist 9: Public Works and Highways)

HB 1518-FN, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile. (D. Reed, Merr 2; Palfrey, Merr 2: Ways and Means)

HB 1519, relative to the surety bond requirement for meals and rentals operators. (Butler, Carr 1: Commerce and Consumer Affairs)

HB 1520, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. (Stiles, Rock 15; Renzullo, Hills 27; Borden, Rock 18; J. Day, Rock 13; Nevins, Rock 15: Resources, Recreation and Development)

HB 1521, relative to funding of the New Hampshire rail transit authority. (Kurk, Hills 7; Bergin, Hills 6: Public Works and Highways)

HB 1522, relative to local spending caps. (Bettencourt, Rock 4; Chandler, Carr 1; Packard, Rock 3; Bragdon, Dist 11; Bradley, Dist 3; Carson, Dist 14; Gallus, Dist 1: Local and Regulated Revenues)

HB 1523, revising the pupil safety and violence prevention act. (Schlachman, Rock 13; Judith Day, Rock 13; Spaulding, Hills 18; Stiles, Rock 15; P. Price, Hills 26; Hassan, Dist 23; Kelly, Dist 10: Education)

HB 1524, relative to the liability of town and city health officers and overseers of public welfare. (T. Howard, Sull 2; Rodeschin, Sull 2; Skinder, Sull 1; Osgood, Sull 4; Odell, Dist 8: Judiciary)

HB 1525, relative to physical therapists practicing on animals. (Hodges, Hills 7; R. Holden, Hills 7; Cilley, Dist 6: Executive Departments and Administration)

HB 1526, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases. (Miller, Belk 3: Health, Human Services and Elderly Affairs)

HB 1527, relative to exceptions from the definition of private postsecondary career schools. (Hunt, Ches 7: Education)

HB 1528, relative to observing voter check-in. (Pierce, Graf 9: Election Law)

HB 1529, relative to absentee voting. (Perry, Straf 3; Drisko, Hills 5: Election Law)

HB 1530-FN-L, redefining earnable compensation of members of the New Hampshire retirement system. (Kurk, Hills 7; Hawkins, Hills 18: Executive Departments and Administration)

HB 1531, prohibiting New Hampshire physicians and medical staff from sharing patient records in a health information exchange without the patient's written consent. (Kurk, Hills 7: Health, Human Services and Elderly Affairs)

HB 1532, relative to the compilation of data on criminal substance abuse in New Hampshire. (Tilton, Merr 6; Butynski, Ches 4: Health, Human Services and Elderly Affairs)

HB 1533, establishing a commission to study the statute governing annulment of criminal records. (Splaine, Rock 16; McEachern, Rock 16: Criminal Justice and Public Safety)

HB 1534, relative to the issuance of air permits and certain fees relative to air permits. (Kaen, Straf 7: Science, Technology and Energy)

HB 1535-FN, relative to delivery and collection of ballots for armed services voters. (Ulery, Hills 27; K. Roberts, Ches 3; Baldasaro, Rock 3; Umberger, Carr 1: Election Law)

HB 1536-FN, relative to administering psychotropic drugs to children in court ordered placements. (B. Richardson, Ches 5; Gile, Merr 10; Gargas, Hills 5; Julie Brown, Straf 1; Ford, Graf 3: Children and Family Law)

HB 1537, allowing primary care providers to provide preventive oral health services to children under the state Medicaid program. (DiPentima, Rock 16; Pilliod, Belk 5; Millham, Belk 5; Gilmour, Dist 12: Health, Human Services and Elderly Affairs)

HB 1538, relative to the date of the state primary election. (Horriggan, Straf 7: Election Law)

HB 1539, relative to rulemaking authority of the state treasurer regarding the New Hampshire excellence in higher education endowment trust fund and the college tuition savings plan. (Patten, Carr 4: Executive Departments and Administration)

HB 1540-FN, relative to registers of probate. (L. Weber, Ches 2: Judiciary)

HB 1541-FN, prohibiting the sale of e-cigarettes to minors. (DiPentima, Rock 16; E. Merrick, Coos 2; Kotowski, Merr 9; Donovan, Sull 4; Pilliod, Belk 5; Gilmour, Dist 12: Commerce and Consumer Affairs)

HB 1542-FN, repealing nitrogen oxide emitting generation source requirements. (Kaen, Straf 7: Science, Technology and Energy)

HB 1543, relative to the annual rate of interest on judgments. (Nixon, Hills 17; Rowe, Hills 6; McEachern, Rock 16; Craig, Hills 9: Judiciary)

HB 1544-FN, relative to penalties for forestry violations. (Theberge, Coos 4; S. Smith, Graf 7; Odell, Dist 8: Resources, Recreation and Development)

HB 1545-FN, relative to group size for premiums charged by health insurance carriers when issuing small employer health coverage. (Nord, Rock 1: Commerce and Consumer Affairs)

HB 1546-FN-A, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth. (Comerford, Rock 9; Bishop, Rock 2; Bailey, Rock 3: Transportation)

HB 1547-FN, relative to the use of consumer discount cards. (Stetson, Merr 10; Kidder, Merr 1; Kurk, Hills 7: Commerce and Consumer Affairs)

HB 1548-FN, relative to ambulatory surgical facilities under the law requiring reporting of hospital infections. (Rosenwald, Hills 22; Batula, Hills 19; Wendelboe, Belk 1; Millham, Belk 5; Irwin, Hills 3; Sgambati, Dist 4; Fuller Clark, Dist 24: Health, Human Services and Elderly Affairs)

HB 1549-FN, prohibiting copying, reproducing, or retaining personal documents of voters. (Eaton, Ches 2: Election Law)

HB 1550-FN-L, requiring substance abuse treatment drugs to be available to emergency medical providers when responding to emergencies in all emergency medical vehicles. (Tilton, Merr 6; Butynski, Ches 4: Health, Human Services and Elderly Affairs)

HB 1551-FN-A, establishing cancer research number plates. (Doherty, Hills 27: Transportation)

HB 1552-FN, revising the child support guidelines based on the Melson formula. (Bickford, Straf 3: Children and Family Law)

HB 1553, establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire. (Houde-Quimby, Sull 1; Harding, Graf 11; Rosenwald, Hills 22; Irwin, Hills 3; Houde, Dist 5; Sgambati, Dist 4; Gilmour, Dist 12; D'Allesandro, Dist 20; Carson, Dist 14: Health, Human Services and Elderly Affairs)

HB 1554, allowing municipalities to establish energy efficiency and clean energy districts. (Pastor, Graf 9; Borden, Rock 18; F. Holden, Hills 4; R. Read, Rock 16; Rappaport, Coos 1; Fuller Clark, Dist 24; Merrill, Dist 21; Houde, Dist 5; Reynolds, Dist 2: Municipal and County Government)

HB 1555, adding an exemption from immunization for conscientious beliefs. (McConkey, Carr 3; Wiley, Carr 3; J. Roberts, Carr 3; S. Smith, Graf 7; B. Richardson, Ches 5: Health, Human Services and Elderly Affairs)

HB 1556, restricting courts from ordering counseling not covered by the parties' health insurance. (A. Perkins, Rock 14; L. Perkins, Rock 14; Comerford, Rock 9; Weare, Rock 14: Judiciary)

HB 1557-FN-A, relative to purchasing specialized weights and measures equipment. (Beaulieu, Hills 17; Sad, Ches 2; Owen, Merr 4; Messier, Hills 17: Environment and Agriculture)

HB 1558, prohibiting the sale of certain energy drinks to minors. (B. Richardson, Ches 5; French, Merr 5; Butynski, Ches 4; Julie Brown, Straf 1; Gargas, Hills 5: Commerce and Consumer Affairs)

HB 1559-FN, relative to gold star number plates. (Harding, Graf 11; G. Katsakiores, Rock 5; White, Graf 11; Houde, Dist 5: Transportation)

HB 1560, prohibiting sellers of consumer goods from excluding or limiting implied warranties through disclaimers. (Moran, Hills 18: Commerce and Consumer Affairs)

HB 1561-FN, relative to off highway recreational vehicle registrations. (Hopper, Hills 7; Kurk, Hills 7; Gallus, Dist 1: Transportation)

HB 1562-L, relative to assistance dogs. (Tilton, Merr 6; Fields, Belk 2; Butynski, Ches 4: Health, Human Services and Elderly Affairs)

HB 1563, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmund Lo, and Marine Lance Corporal Robert L. Mosillo. (Bettencourt, Rock 4; Belanger, Rock 4; Priestley, Rock 4; Garcia, Rock 4; Ingram, Rock 4; Downing, Dist 22: Public Works and Highways)

HB 1564, relative to the regulation of attorneys by the supreme court and eliminating the requirement that the county attorney be a member of the New Hampshire bar. (Ingbretson, Graf 5: Judiciary)

HB 1565, relative to application of the child support guidelines in high income cases. (Bickford, Straf 3: Children and Family Law)

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. (Cebrowski, Hills 18; Donovan, Sull 4; C. McMahon, Rock 4; Nevins, Rock 15: Health, Human Services and Elderly Affairs)

HB 1567-FN, relative to leave of absence for military training. (Kappler, Rock 2; Baldasaro, Rock 3; Boutin, Merr 9; Kotowski, Merr 9; Barnes, Jr., Dist 17; Carson, Dist 14: State-Federal Relations and Veterans Affairs)

HB 1568-FN-L, relative to the definition of wars and conflicts for the purpose of determining eligibility for public assistance payments for burial expenses of veterans. (Emiro, Rock 3; K. Roberts, Ches 3; Theberge, Coos 4; Baldasaro, Rock 3; Barnes, Jr., Dist 17: State-Federal Relations and Veterans Affairs)

HB 1569-FN, establishing the salary for the position of director of community corrections in the department of corrections. (Hawkins, Hills 18; Irwin, Hills 3; Keans, Straf 1; Downing, Dist 22: Executive Departments and Administration)

HB 1570-FN, requiring an affidavit of bills paid prior to the issuance of certain state and local permits. (Walz, Merr 13: Executive Departments and Administration)

HB 1571, relative to the penalty for failure to file an annual inventory of taxable property. (Hardy, Hills 27: Local and Regulated Revenues)

HB 1572-FN, relative to the certification of integrated residential communities. (Donovan, Sull 4; Beck, Hills 2: Health, Human Services and Elderly Affairs)

HB 1573, relative to the greenhouse gas emissions reduction fund and the renewable energy fund. (Cali-Pitts, Rock 16; Fuller Clark, Dist 24: Science, Technology and Energy)

HB 1574-FN, relative to retention of election records. (Drisko, Hills 5; Perry, Straf 3: Election Law)

HB 1575, relative to commercial composting. (Carr, Ches 4; P. Allen, Ches 6; Wiley, Carr 3; S. Smith, Graf 7: Environment and Agriculture)

HB 1576-FN, relative to certain retirement system beneficiaries receiving a retirement allowance while in active service. (DeJoie, Merr 11; P. McMahon, Merr 3: Executive Departments and Administration)

HB 1577-FN, relative to court records research fees. (Crisler, Rock 4: Judiciary)

HB 1578-FN, relative to state agency evaluation of contractors. (Seidel, Hills 20; W. Smith, Rock 18; Long, Hills 10; Kolodziej, Rock 4: Public Works and Highways)

HB 1579-FN, relative to electioneering by public employees. (Fields, Belk 2: Executive Departments and Administration)

HB 1580, relative to home schooling. (Ingbretson, Graf 5; Vita, Straf 3; Willette, Hills 6; Hogan, Hills 25: Education)

HB 1581, relative to the taxation of railroads. (Patten, Carr 4; Stohl, Coos 1; Theberge, Coos 4: Ways and Means)

HB 1583, relative to the property tax exemption for organizations with charitable activities. (Daniels, Hills 6: Local and Regulated Revenues)

HB 1585-FN, allowing health insurance policies to be sold without mandates. (W. O'Brien, Hills 4; Boyce, Belk 5: Commerce and Consumer Affairs)

HB 1586-FN, relative to mandated benefits review. (Renzullo, Hills 27; W. O'Brien, Hills 4; Seidel, Hills 20; Carson, Dist 14: Commerce and Consumer Affairs)

HB 1588-FN, changing the effective date of the expiration of the motor vehicle registration surcharge. (Renzullo, Hills 27; Ulery, Hills 27; Hogan, Hills 25; Fields, Belk 2; Hinkle, Hills 19; Carson, Dist 14: Transportation)

HB 1589-FN, requiring capital budget projects of the university system of New Hampshire to include payment to the state art fund. (Watters, Straf 4; M. Rollo, Straf 2; Fuller Clark, Dist 24: Public Works and Highways)

HB 1590-FN, repealing same sex marriage. (Baldasaro, Rock 3; Ulery, Hills 27; Gionet, Graf 3; Kappler, Rock 2; Villeneuve, Hills 18: Judiciary)

HB 1591-FN, requiring the state to list and itemize all fees on vehicle registration forms. (A. Perkins, Rock 14; Weare, Rock 14: Transportation)

HB 1592-FN, relative to the exemption from the charge for a municipal permit to register a motor vehicle for amputee and other disabled veterans. (Emiro, Rock 3; K. Roberts, Ches 3; Theberge, Coos 4; Butynski, Ches 4: Local and Regulated Revenues)

HB 1593-FN, establishing a board of dental hygienists. (Houde-Quimby, Sull 1; French, Merr 5; Skinder, Sull 1; Beck, Hills 2; DiPentima, Rock 16; Sgambati, Dist 4; Cilley, Dist 6; Houde, Dist 5: Executive Departments and Administration)

HB 1594-FN-A, repealing the tax on gambling winnings. (Bailey, Rock 3; Renzullo, Hills 27; Hogan, Hills 25; Seidel, Hills 20; Boyce, Belk 5; Carson, Dist 14: Ways and Means)

HB 1595-FN-L, relative to tax collection procedures for manufactured housing in a manufactured housing park. (Boehm, Hills 27: Local and Regulated Revenues)

HB 1596-FN-L, relative to the civil forfeiture of unlicensed dogs. (Major, Rock 8: Municipal and County Government)

HB 1597-FN, relative to employer-provided health insurance coverage and prohibiting denial of coverage for preexisting conditions. (Hess, Merr 9: Commerce and Consumer Affairs)

HB 1598-FN, relative to the use of Temporary Assistance to Needy Families (TANF) funds. (Donovan, Sull 4; Pilliod, Belk 5; Skinder, Sull 1; French, Merr 5: Health, Human Services and Elderly Affairs)

HB 1599-FN, establishing an emergency mental health and developmental disabilities database within the division of state police. (D. Petterson, Rock 10; Millham, Belk 5; Pilliod, Belk 5; Barnes, Jr., Dist 17: Health, Human Services and Elderly Affairs)

HB 1600-FN, allowing any person to request conviction information regarding public officials. (Ulery, Hills 27: Criminal Justice and Public Safety)

HB 1601, requiring the inclusion of certain offenses against adults on the public sexual offender list. (R. Elliott, Rock 4; DiFruscia, Rock 4: Criminal Justice and Public Safety)

HB 1602-FN, relative to the secure psychiatric unit. (Cushing, Rock 15: Criminal Justice and Public Safety)

HB 1603-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. (Hinkle, Hills 19; Seidel, Hills 20; Sapareto, Rock 5; Renzullo, Hills 27; Bragdon, Dist 11: Ways and Means)

HB 1604-FN-A, establishing a credit against the interest and dividends tax for taxes paid to other states on certain distributions. (Hinkle, Hills 19; Seidel, Hills 20; Sapareto, Rock 5: Ways and Means)

HB 1605-FN, requiring businesses to disclose the terms and conditions of any continuing or automatic obligation as part of the sale. (Wendelboe, Belk 1; Ingbretson, Graf 5; F. Holden, Hills 4: Commerce and Consumer Affairs)

HB 1606-FN, relative to the transfer of funds within the department of environmental services. (Buco, Carr 1; Baroody, Hills 13; T. Katsiantonis, Hills 15; Keans, Straf 1; Gallus, Dist 1: Finance)

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax. (Almy, Graf 11: Ways and Means)

HB 1608, relative to general election candidates for offices that elect more than one person. (Pierce, Graf 9: Election Law)

HB 1609-FN, relative to current use and the land use change tax. (Owen, Merr 4: Environment and Agriculture)

HB 1610-FN, establishing a New Hampshire commission on Native American affairs and recognizing the Abenaki and other American Indian residents as a minority population in the state of New Hampshire. (Carr, Ches 4; Cushing, Rock 15; Watters, Straf 4; Charron, Rock 7; Lindsey, Ches 3; Fuller Clark, Dist 24; Kelly, Dist 10: State-Federal Relations and Veterans Affairs)

HB 1611-FN-A-L, establishing a sales and use tax. (Shattuck, Hills 1: Ways and Means)

HB 1612-FN, relative to restriction of the use and sale of carisoprodol, tramadol hydrochloride, and temazepam. (Tilton, Merr 6; Butynski, Ches 4: Health, Human Services and Elderly Affairs)

HB 1613-FN, relative to the general banking laws of the state. (Butler, Carr 1: Commerce and Consumer Affairs)

HB 1614-FN, relative to state employee whistleblower protection to be administered by the secretary of state. (P. McMahon, Merr 3: Labor, Industrial and Rehabilitative Services)

HB 1615, relative to the determination of value and taxability for purposes of the utility property tax. (Patten, Carr 4: Ways and Means)

HB 1616-FN-A, creating an exemption from the business enterprise tax for new businesses in New Hampshire. (Hinkle, Hills 19; Seidel, Hills 20; Sapareto, Rock 5; Renzullo, Hills 27: Ways and Means)

HB 1617-FN-L, exempting owners of timber cut on storm-damaged land from timber taxes. (Ladd, Graf 5; Chandler, Carr 1: Local and Regulated Revenues)

HB 1618-FN-A, exempting certain federally tax-exempt transactions from the business profits tax. (McGuire, Merr 8: Ways and Means)

HB 1619-FN, requiring law enforcement officers to record interviews of suspects in felony cases. (Robertson, Ches 3: Criminal Justice and Public Safety)

HB 1620-FN-A, establishing state park number plates. (A. Peterson, Hills 3; Campbell, Hills 24; Bergin, Hills 6; Nixon, Hills 17; G. Katsakiores, Rock 5; P. Allen, Ches 6; Hassan, Dist 23; Odell, Dist 8; D'Allesandro, Dist 20: Transportation)

HB 1621-FN, prohibiting a lobbyist from serving on a public agency or public body where the lobbyist gains from the activity of the public agency or body. (Rowe, Hills 6; Gorman, Hills 23; W. O'Brien, Hills 4; Nixon, Hills 17; Letourneau, Dist 19: Legislative Administration)

HB 1622-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2010. (Pepino, Hills 11; Mead, Hills 4; Carson, Dist 14: Ways and Means)

HB 1623, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug. (J. Day, Rock 13: Health, Human Services and Elderly Affairs)

HB 1624-FN, relative to the care and treatment of dogs by breeders within the state. (Kepner, Rock 15; Skinder, Sull 1; Reagan, Rock 1: Environment and Agriculture)

HB 1625, relative to eligibility for the New Hampshire veterans' home. (P. Garrity, Hills 14; D. Sullivan, Hills 8; Baldasaro, Rock 3; Emiro, Rock 3; Goley, Hills 8; Fields, Belk 2; Gallus, Dist 1: State-Federal Relations and Veterans Affairs)

HB 1626-FN, requiring the licensing of building energy auditors. (Borden, Rock 18; R. Read, Rock 16; Cilley, Dist 6: Executive Departments and Administration)

HB 1627-FN, relative to the regulation of manufactured housing and modular buildings. (Taylor, Graf 2; Buco, Carr 1: Commerce and Consumer Affairs)

HB 1628, establishing guidelines for neighborhood notification upon release of a sexual offender. (Boutin, Merr 9; Pepino, Hills 11; P. Price, Hills 26; Walz, Merr 13; Welch, Rock 8; Letourneau, Dist 19; Carson, Dist 14; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 1629-FN, repealing the dedicated enhanced 911 system fund. (Kurk, Hills 7: Ways and Means)

HB 1630-FN, relative to filing criminal complaints. (Watrous, Merr 12; DiFruscia, Rock 4: Criminal Justice and Public Safety)

HB 1631-FN, relative to the state fire code and state building code. (Ingbretson, Graf 5; Groen, Straf 1; Buco, Carr 1: Executive Departments and Administration)

HB 1632-FN, relative to the sale and delivery of home heating oil during a declared state of emergency. (P. McMahon, Merr 3; Osborne, Merr 12: Commerce and Consumer Affairs)

HB 1633-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2012. (Pepino, Hills 11; W. O'Brien, Hills 4; Pratt, Hills 7; Itse, Rock 9: Ways and Means)

HB 1634-FN, relative to assault by strangulation. (Shurtleff, Merr 10; Bettencourt, Rock 4; Rodd, Merr 5; Groen, Straf 1; Welch, Rock 8: Criminal Justice and Public Safety)

HB 1635-FN, prohibiting the open carrying of a firearm in a public building. (Burrige, Ches 3; Robertson, Ches 3; Osborne, Merr 12: Criminal Justice and Public Safety)

HB 1636-FN, establishing the real-time electronic controlled drug prescription monitoring program. (Rice, Merr 12; Tilton, Merr 6; Skinder, Sull 1: Health, Human Services and Elderly Affairs)

HB 1637-FN, relative to the registration of criminal offenders. (Robertson, Ches 3: Criminal Justice and Public Safety)

HB 1638-FN, relative to convictions for capital offenses. (Gidge, Hills 24: Criminal Justice and Public Safety)

HB 1639-FN-L, relative to the tethering of dogs. (Kepner, Rock 15: Criminal Justice and Public Safety)

HB 1640-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget as of July 1, 2011. (Pepino, Hills 11; Itse, Rock 9; Rowe, Hills 6: Ways and Means)

HB 1641-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2014. (Pepino, Hills 11; Pratt, Hills 7; Itse, Rock 9: Ways and Means)

HB 1642-FN, relative to the registration of criminal offenders. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1643-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Cebrowski, Hills 18; W. Smith, Rock 18; K. Roberts, Ches 3; Ulery, Hills 27; Rodeschin, Sull 2; Bradley, Dist 3: Finance)

HB 1644-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Wendelboe, Belk 1; Hagan, Rock 7; Bettencourt, Rock 4; Bradley, Dist 3: Criminal Justice and Public Safety)

HB 1645-FN, relative to freedom of choice on whether to join a labor union. (W. Smith, Rock 18; Groen, Straf 1; Kolodziej, Rock 4; Dumaine, Rock 3; Baldasaro, Rock 3: Labor, Industrial and Rehabilitative Services)

HB 1646-FN, granting group II retirement system status to certain positions in the department of corrections. (DeJoie, Merr 11; Quandt, Rock 13: Executive Departments and Administration)

HB 1647-FN, relative to residency restrictions for certain sexual offenders and relative to requiring persons convicted of first or second degree homicide against a child to register for life. (Wendelboe, Belk 1; Reynolds, Dist 2: Criminal Justice and Public Safety)

HB 1648-FN, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. (Itse, Rock 9; Ingbretson, Graf 5; Dumaine, Rock 3; Comerford, Rock 9; Villeneuve, Hills 18: Health, Human Services and Elderly Affairs)

HB 1649-FN, relative to health information and patient rights and establishing a commission to study adding certain information to a driver's license. (Bridgham, Carr 2; Rosenwald, Hills 22; Batula, Hills 19: Health, Human Services and Elderly Affairs)

HB 1650-FN, establishing a forensic science oversight commission. (Robertson, Ches 3: Criminal Justice and Public Safety)

HB 1651-FN, requiring that current information and reports relative to the state budget be made available on the state website. (Major, Rock 8; M. Smith, Straf 7; Almy, Graf 11; W. D.

Scamman, Rock 13; Kurk, Hills 7; D'Allesandro, Dist 20; Odell, Dist 8; Janeway, Dist 7; Carson, Dist 14; Downing, Dist 22: Finance)

HB 1652-FN-A, allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana. (Pratt, Hills 7; Winters, Hills 17; Comerford, Rock 9; Skinder, Sull 1: Criminal Justice and Public Safety)

HB 1653-FN, decriminalizing possession of one quarter of an ounce or less of marijuana. (Lindsey, Ches 3: Criminal Justice and Public Safety)

HB 1654-FN, relative to state house security. (Hardy, Hills 27; J. Day, Rock 13; Kepner, Rock 15; Moody, Rock 12: Legislative Administration)

HB 1655-FN, relative to persons with mental illness and the corrections system. (Rosenwald, Hills 22; L. Weber, Ches 2; Batula, Hills 19; Charron, Rock 7; Lasky, Dist 13: Judiciary)

HB 1656-FN, requiring disclosure of fees by automobile dealers. (Moran, Hills 18; Dowling, Rock 5: Commerce and Consumer Affairs)

HB 1657, directing the commissioner of the department of health and human services to adopt rules regarding transfers of income to special needs trusts. (Donovan, Sull 4; Pilliod, Belk 5: Health, Human Services and Elderly Affairs)

HB 1658, relative to the adult parole board. (Kurk, Hills 7: Executive Departments and Administration)

HB 1659, including solar hot water heating systems in electric renewable energy class I. (Cali-Pitts, Rock 16; Borden, Rock 18; Fuller Clark, Dist 24: Science, Technology and Energy)

HB 1660-FN, repealing the authority for the assessment of an administrative penalty for various OHRV and snowmobile violations. (D. Reed, Merr 2; Palfrey, Merr 2: Fish and Game and Marine Resources)

HB 1661-FN-A, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares. (Hess, Merr 9; L. Ober, Hills 27; Kurk, Hills 7: Ways and Means)

HB 1662-FN, relative to consent for abortions. (Seidel, Hills 20; Kolodziej, Rock 4; Hogan, Hills 25; Willette, Hills 6; Ingbretson, Graf 5; Letourneau, Dist 19: Judiciary)

HB 1663-FN, relative to the exchange of inoperable E-Z pass transponders. (Graham, Hills 18; Sprague, Straf 2; McConkey, Carr 3; Seidel, Hills 20; Letourneau, Dist 19: Transportation)

HB 1664-FN, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures. (Packard, Rock 3; Kurk, Hills 7: Finance)

HB 1665-FN, relative to the penalty for using a stiletto, switch knife, dagger, or dirk-knife, in the commission of an offense. (Coffey, Merr 6; Eaton, Ches 2; Jasper, Hills 27; Welch, Rock 8; Winters, Hills 17; Groen, Straf 1; Renzullo, Hills 27; Boyce, Belk 5; Baldasaro, Rock 3; Hikel, Hills 7; Letourneau, Dist 19: Criminal Justice and Public Safety)

HB 1666-FN, requiring licensing of outpatient abortion facilities. (N. Elliott, Hills 19; Baldasaro, Rock 3; Hagan, Rock 7; Dumaine, Rock 3; Hogan, Hills 25; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

HB 1667-FN, relative to possession of controlled substances obtained by valid prescription. (Winters, Hills 17: Criminal Justice and Public Safety)

HB 1668-FN, requiring state creditable service for group II retirees to receive state employee medical benefits. (P. McMahon, Merr 3: Executive Departments and Administration)

HB 1669-FN-A-L, repealing certain tax and fee increases in the 2010-2011 budget on July 1, 2013. (Pepino, Hills 11; Baldasaro, Rock 3: Ways and Means)

HB 1670-FN, establishing a searchable budget database for state spending. (Wendelboe, Belk 1; McGuire, Merr 8; Kurk, Hills 7; Bettencourt, Rock 4; Bradley, Dist 3: Finance)

HB 1671-FN, relative to election day registrants. (Jasper, Hills 27: Election Law)

HB 1672-FN, making appropriation additions and revenue reductions for fiscal year 2011. (Packard, Rock 3; Kurk, Hills 7: Finance)

HB 1673-FN, removing the statute of limitations on offenses against children. (Pepino, Hills 11; Sweeney, Sull 5; B. Shaw, Hills 16; Barnes, Jr., Dist 17; Carson, Dist 14: Criminal Justice and Public Safety)

HB 1674-FN-L, relative to the calculation of total education grants to municipalities and the calculation of excess education tax payments. (W. Smith, Rock 18; Borden, Rock 18: Finance)

HB 1675-FN, relative to eliminating payment of certain travel expenses for members of the general court, and imposing a 2-year moratorium on reimbursement of executive branch state employee travel. (N. Elliott, Hills 19; Mead, Hills 4; W. O'Brien, Hills 4: Legislative Administration)

HB 1676-FN, requiring certification of road salt applicators. (Crisler, Rock 4: Resources, Recreation and Development)

HB 1677-FN-L, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years. (K. Gould, Rock 5; W. Smith, Rock 18; Devine, Rock 7; L. Ober, Hills 27; Weed, Ches 3; Carson, Dist 14: Finance)

HB 1678-FN, relative to gaming in hotels and establishing a gaming oversight authority. (Gidge, Hills 24: Local and Regulated Revenues)

HB 1679-FN-A, establishing a soft drinks tax. (Mulholland, Graf 10; Pastor, Graf 9: Ways and Means)

HB 1680-FN, establishing the crime of aggravated harassment by an inmate. (P. Garrity, Hills 14; D. Sullivan, Hills 8; Goley, Hills 8; Baldasaro, Rock 3; Rhodes, Hills 22; DeVries, Dist 18; Letourneau, Dist 19; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

HB 1681-FN, including education support personnel in employees participating in the New Hampshire retirement system. (Weed, Ches 3; K. Roberts, Ches 3; Rice, Merr 12: Executive Departments and Administration)

HB 1682-FN, relative to the methodology for determining retirement system contribution rates. (Kurk, Hills 7; Hawkins, Hills 18: Executive Departments and Administration)

HB 1683-FN, requiring random drug testing of public assistance recipients. (Baldasaro, Rock 3; Itse, Rock 9; Hinkle, Hills 19; Hogan, Hills 25; Swinford, Belk 5: Health, Human Services and Elderly Affairs)

HB 1684-FN, requiring an annual state operating budget. (Campbell, Hills 24: Finance)

HB 1685, relative to testing the water quality of private water supply wells. (Spang, Straf 7: Commerce and Consumer Affairs)

HB 1686, relative to juvenile diversion programs. (Shattuck, Hills 1: Criminal Justice and Public Safety)

HB 1687, relative to the procedure for filling a vacancy among county officers. (Welch, Rock 8; Pantelakos, Rock 16; Major, Rock 8; Charron, Rock 7; Griffin, Rock 4: Municipal and County Government)

HB 1688, relative to the regulation of the installation and operation of boiler and pressure vessels. (Hawkins, Hills 18; S. Harvey, Hills 21; McGuire, Merr 8; F. Holden, Hills 4; Merrill, Dist 21: Executive Departments and Administration)

HA 1, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia, Belknap county, from his said office. (Itse, Rock 9; Ingbretson, Graf 5; Baldasaro, Rock 3; Hinkle, Hills 19; Seidel, Hills 20: Joint Legislative Committee on Address)

HA 2, for the removal of Lucinda Sadler, district court judge, from her said office. (Itse, Rock 9; Ingbretson, Graf 5; Baldasaro, Rock 3; Hinkle, Hills 19; Seidel, Hills 20: Joint Legislative Committee on Address)

HA 3, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office. (Itse, Rock 9; Ingbretson, Graf 5; Baldasaro, Rock 3; Hinkle, Hills 19; Seidel, Hills 20: Joint Legislative Committee on Address)

HCR 20, urging the federal government to expand the earned income tax credit to both parents in appropriate cases. (Bickford, Straf 3: State-Federal Relations and Veterans Affairs)

HCR 21, urging all members of Congress who vote in favor of a government run health insurance option to enroll in that option and forgo their right to participate in the Federal Employees Health Benefits Program. (Baldasaro, Rock 3; Bailey, Rock 3; Tucker, Rock 17; Griffin, Rock 4: State-Federal Relations and Veterans Affairs)

HCR 22, urging Congress to oppose any legislation supporting amnesty or granting lawful status to any person who has entered the United States illegally. (Ulery, Hills 27; Renzullo, Hills 27; Wendelboe, Belk 1; W. O'Brien, Hills 4; Kappler, Rock 2: State-Federal Relations and Veterans Affairs)

HCR 23, calling on Congress to audit the Association of Community Organizations for Reform Now (ACORN) funding. (Ulery, Hills 27; Haefner, Hills 27; Renzullo, Hills 27; Hogan, Hills 25; Villeneuve, Hills 18: State-Federal Relations and Veterans Affairs)

HCR 24, supporting the Youth PROMISE Act. (Chandley, Hills 6; Levesque, Hills 5: Children and Family Law)

HCR 25, articulating the rights of the state of New Hampshire and of the several states of the United States. (L. Christiansen, Hills 27: State-Federal Relations and Veterans Affairs)

HCR 26, reaffirming the state's religious heritage and constitutional rights to practice religion and free speech. (Hinkle, Hills 19; Bates, Rock 4; Palmer, Hills 6; Groen, Straf 1; Ulery, Hills 27; Kappler, Rock 2: Judiciary)

HCR 27, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece. (T. Katsiantonis, Hills 15; Baroody, Hills 13; Rokas, Hills 12: State-Federal Relations and Veterans Affairs)

HCR 28, rescinding all requests by the New Hampshire legislature for a federal constitutional convention and urging other states to withdraw similar requests. (Comerford, Rock 9; Itse, Rock 9; Horrigan, Straf 7; Bates, Rock 4; Vita, Straf 3: State-Federal Relations and Veterans Affairs)

HCR 29, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. (Vita, Straf 3; Rappaport, Coos 1; Hogan, Hills 25; Itse, Rock 9; Comerford, Rock 9; Coffey, Merr 6: State-Federal Relations and Veterans Affairs)

HCR 30, urging the attorney general to investigate the merger between Catholic Medical Center and Dartmouth Hitchcock Medical Center. (Winters, Hills 17; C. Soucy, Hills 17; Infantine, Hills 13: Commerce and Consumer Affairs)

HJR 20, urging Congress to maintain the crime victims fund established in the Victims of Crimes Act and to continue to fully fund federal contributions to state and local victim services organizations. (Cushing, Rock 15: State-Federal Relations and Veterans Affairs)

HJR 21, directing the department of transportation and the department of environmental services to study the prevention of further erosion of the east bank of the Exeter River. (Itse, Rock 9: Public Works and Highways)

HR 20, supporting the Cornyn-McCarthy Military Voting Protection Act. (Ulery, Hills 27; K. Roberts, Ches 3; Baldasaro, Rock 3; Umberger, Carr 1: State-Federal Relations and Veterans Affairs)

HR 21, urging the department of education to conduct a survey of New Hampshire educators. (Pepino, Hills 11; B. Shaw, Hills 16; C. Soucy, Hills 17; Rep. P. Price, Hills 26; Carson, Dist 14: Education)

HR 22, encouraging Bank of America to change its business practices. (Winters, Hills 17; McEachern, Rock 16; Dowling, Rock 5; R. Holden, Hills 7: Commerce and Consumer Affairs)

CACR 20, relating to the administration of the supreme court. Providing that the rules promulgated by the chief justice governing the administration of the courts shall not have the force and effect of law. (Itse, Rock 9; Ulery, Hills 27; Vita, Straf 3; Comerford, Rock 9; Emerson, Ches 7; McGuire, Merr 8: Judiciary)

CACR 21, relating to judges and sheriffs. Providing that judges and sheriffs may serve after the age of 70 years. (Winters, Hills 17; Horrigan, Straf 7: Judiciary)

CACR 22, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated. (Robertson, Ches 3; Weed, Ches 3; Burridge, Ches 3; B. Richardson, Ches 5: Ways and Means)

CACR 23, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit. (Ulery, Hills 27; McGuire, Merr 8; Itse, Rock 9; Renzullo, Hills 27: Ways and Means)

CACR 24, relating to gambling. Providing that the state is authorized to raise funds from taxation of gambling and gambling winnings. (Itse, Rock 9: Ways and Means)

CACR 25, relating to referendums. Providing that the voters can veto laws by referendum. (Boyce, Belk 5; T. Howard, Sull 2; Rodeschin, Sull 2; N. Elliott, Hills 19; Hikel, Hills 7; Bradley, Dist 3: Election Law)

CACR 26, relating to taxation. Providing that there shall be no broad-based taxes in New Hampshire. (Bettencourt, Rock 4; Bailey, Rock 3: Ways and Means)

CACR 27, relating to education funding. Providing that state funding of education shall be targeted. (N. Elliott, Hills 19; W. O'Brien, Hills 4; Mead, Hills 4; Baldasaro, Rock 3; Ingbertson, Graf 5: Finance)

CACR 28, relating to the definition of marriage. Providing that the state shall only recognize the union of one man and one woman as marriage. (Dumaine, Rock 3; Itse, Rock 9; N. Elliott, Hills 19: Judiciary)

CACR 29, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children. (Itse, Rock 9; Kolodziej, Rock 4; Griffin, Rock 4; Bates, Rock 4; Dumaine, Rock 3; Hodges, Hills 7; Letourneau, Dist 19; Barnes, Jr., Dist 17: Children and Family Law)

CACR 30, relating to health care. Providing that people may enter into private contracts with health care providers for health care services and to purchase health care coverage. (Renzullo, Hills 27; Hogan, Hills 25; Seidel, Hills 20; Ulery, Hills 27; Carson, Dist 14: Commerce and Consumer Affairs)

MOTION TO VACATE

Rep. Kaen moved that the House vacate the reference of **HB 1180**, relative to the use of clotheslines, to the Committee on Science, Technology and Energy.
Adopted.

The Speaker referred **HB 1180** to the Committee on Commerce and Consumer Affairs.

MOTION TO VACATE

Rep. Goley moved that the House vacate the reference of **HB 1217**, relative to liability issues associated with the juvenile diversion program, to the Committee on Labor, Industrial and Rehabilitative Services.
Adopted.

The Speaker referred **HB 1217** to the Committee on Children and Family Law.

MOTION TO VACATE

Rep. Cooney moved that the House vacate the reference of **HB 1242**, relative to broadband infrastructure, to the Committee on Municipal and County Government.
Adopted.

The Speaker referred **HB 1242** to the Committee on Science, Technology and Energy.

MOTION TO VACATE

Rep. Rosenwald moved that the House vacate the reference of **HB 1363**, relative to continuing care communities and **HB 1479**, requiring that body mass index be assessed in all pupils in grades one, 4, 7 and 10, to the Committee on Health, Human Services and Elderly Affairs.

Adopted.

The Speaker referred **HB 1363** to the Committee on Commerce and Consumer Affairs and **HB 1479** to the Committee on Education.

MOTION TO VACATE

Rep. Cote moved that the House vacate the reference of **HB 1501**, relative to recording oral communications, to the Committee on Judiciary.

Adopted.

The Speaker referred **HB 1501** to the Committee on Criminal Justice and Public Safety.

COMMITTEE REPORTS – 2009 RETAINED BILLS

CONSENT CALENDAR

Rep. Wallner moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 380, relative to long-term care, removed by Rep. Vaillancourt.

HB 631-FN-L, relative to public employee collective bargaining negotiations under the public employee labor relations act, removed by Rep. Burrridge.

HB 663-FN, relative to working families' flexibility, removed by Rep. Vaillancourt.

HB 232, permitting the pesticide control board to establish pesticide fees, removed by Rep. Almy.

Consent Calendar adopted.

HB 409, relative to identification required for participation in youth recreation programs.

INEXPEDIENT TO LEGISLATE.

Rep. Deanna S. Rollo for Children and Family Law: In researching this issue the committee found that the National Little League organization has contracted with a company which will provide local organizations with official verified certificates at the parents' request. We felt this would be a stricter standard than would be permissible under this bill. A state law on this matter is not necessary. Vote 17-0.

HB 202, relative to provisions in insurance policies limiting payment of full benefits.

INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for Commerce and Consumer Affairs: The sponsor was hoping to allow injured parties in an auto accident to file separate claims to their health insurance and their auto insurance for the same injury. The committee was uniformly opposed to this kind of double dipping. The current law relative to "medical payments" for auto insurance was revised just two years ago, which affirmed the right of the injured to choose how their medical bills shall be paid. The committee reviewed how the current law was being used, which did generate a fair amount of discussion whether the law was being applied correctly by hospitals and other medical providers. However, after working on several amendments, the committee felt the current law should be left alone. Vote 16-0.

HB 286-FN*, relative to life insurance form disapproval. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill is at the request of the Insurance Department. It permits the department to disapprove certain life insurance forms within 30 days after filing of any such form if they contain provisions which are unjust, unfair, misleading or encourage misrepresentation of the policy. Subsequent disapproval is also allowed on individual life insurance policy forms after a hearing for which not less than a 20 day written notice shall have been given to the insurer. Vote 16-0.

Amendment (2371h)

Amend RSA 408:16-d, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner may, within 30 days after the filing of any such form, disapprove such form:

(a) If it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive, or encourage misrepresentation of such policy; or

(b) If it does not comply with the requirements of Title XXXVII.

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

2 New Section; Subsequent Disapproval; Individual Policies. Amend RSA 408 by inserting after section 2-a the following new section:

408:2-b Subsequent Disapproval; Individual Policies. The commissioner may at any time, after a hearing of which not less than 20 days' written notice shall have been given to the insurer, withdraw his or her approval of any such form on any of the grounds stated in this chapter. It shall be unlawful for the insurer to issue the form or use it in connection with any policy after the effective date of such withdrawal of approval. The notice of any hearing called under this section shall specify the matters to be considered at the hearing and any decision affirming disapproval or directing withdrawal of approval under this chapter shall be in writing and shall specify the reasons for the disapproval.

HB 434-FN*, relative to a health insurance access program. **INEXPEDIENT TO LEGISLATE.*

Rep. Joel F. Winters for Commerce and Consumer Affairs: People without health insurance would have been able to purchase plans through the New Hampshire Health Access program in this bill based on a 2008 Florida law. Offered plans in Florida, however, turned out to be extremely bare bones and not price competitive, so the committee did not feel this legislation warranted further study. Vote 16-0.

HB 499*, relative to insurance payments for ambulance services. **INEXPEDIENT TO LEGISLATE.*

Rep. Susi Nord for Commerce and Consumer Affairs: This bill would have required insurance companies pay benefits for ambulance claims directly to the ambulance companies, even if those companies didn't have a contract with the insurance company. The bill was an attempt to compensate for one large insurer's poor reimbursement rates, however when that carrier realized that their rates had not been reviewed in a number of years and were too low, that carrier brought their reimbursement in line with the rest of the industry. This development satisfied the ambulance companies and fire departments that contract for ambulance service, and thus the legislation is no longer needed. Vote 17-0.

HB 607-FN*, relative to residential pharmaceutical waste. **REFER FOR INTERIM STUDY.*

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill sought to establish a pharmaceutical drug disposal program through the department of health and human services. The aim of the bill was to ensure the safe and environmentally sound disposal of

unused and outdated pharmaceuticals. The committee retained the bill in order to better study current efforts going on in New Hampshire and in other states to address the environmental aspects as well as other negative issues related to the misuse or improper disposal of pharmaceuticals. The latter include, but are not limited to, poisoning from suicide attempts, accidental deaths in children six (6) years old and younger, abuse among teens that is nearing epidemic proportions and the increasing rate at which household medicines are the source of addictions. The committee voted for interim study to allow the interested parties to continue their work and coordination with the Department of Environmental Services (DES) and the attorney general's office and expects to present to the General Court a coherent solution in the next session. Vote 16-0.

HB 668-FN, relative to a life settlements model act. **INEXPEDIENT TO LEGISLATE.**
Rep. James F. Headd for Commerce and Consumer Affairs: The committee voted ITL, as the issues of concern were addressed in HB 660 therefore eliminating the need for this bill. Vote 17-0.

HB 678-FN, relative to establishing a minimum medical loss ratio. **INEXPEDIENT TO LEGISLATE.**
Rep. Susi Nord for Commerce and Consumer Affairs: Loss ratio is the amount of premium charged versus the amount paid in claims by an insurance company. A low loss ratio means the insurance company is charging a lot more than their expenses warrant or that the administrative costs are very high. This bill aimed to establish a minimum loss ratio for group health insurance in order to establish criteria for the insurance department to evaluate rate increase requests other than simply looking at medical cost trends. The reason to do this is to ensure that the rate increases stay in line with actual costs and are not simply inflated by the insurance department in the individual market. The department has recently added a minimum loss ratio to its rate review criteria for the group market as well. Since this is now being carried out through rules, this bill is unnecessary and redundant. Vote 16-0.

HB 138, revising certain provisions of the sexually violent predators statute. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Shannon E. Chandley for Criminal Justice and Public Safety: This bill, as amended, makes certain revisions to the statute governing involuntary commitment of sexually violent predators. Recognizing that there exist certain sexually violent predators that cannot be effectively treated within the hospital setting nor by traditional modalities, HB 138, as amended, eliminates the 135-C "rule-out" in these cases. It includes in the definition of sexually violent offense, felonious sexual assault in violation of RSA 632 A:3. Furthermore, if an assessment by the multidisciplinary team is requested, the court shall appoint legal counsel to represent the person before any interview or evaluation is made. In addition, the time frame during which this process takes place has been refined. Finally, restriction on confidential or privileged communications shall not apply to releases made under the involuntary commitment of sexually violent predators. Vote 16-0.

Amendment (2476h)

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

1 Involuntary Commitment of Sexually Violent Predators; Intent. Amend RSA 135-E:1 to read as follows:

135-E:1 Findings and Intent. The general court finds that a small but extremely dangerous number of sexually violent predators exist who ~~[do not have a mental disease or defect that renders them appropriate for involuntary treatment under RSA 135-C, which is intended to provide short term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil~~

~~commitment, sexually violent predators generally]~~ have antisocial personality features which are unamenable to existing mental illness treatment modalities, and those features render them likely to engage in criminal, sexually violent behavior. The general court further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The general court further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under existing law. It is therefore the intent of the general court to create a civil commitment procedure for the long-term care and treatment of sexually violent predators. ***This procedure primarily targets individuals who are nearing completion of their maximum sentence of imprisonment, having being refused parole, who pose a high risk of repeated acts of predatory behavior if released to the community.***

2 Involuntary Commitment of Sexually Violent Predators; Definitions. Amend RSA 135-E:2, XI-XIII to read as follows:

XI. "Sexually violent offense" means:

- (a) Capital murder in violation of RSA 630:1, I(e);
- (b) First degree murder in violation of RSA 630:1-a, I(b)(1);
- (c) Aggravated felonious sexual assault in violation of RSA 632-A:2;
- (d) ***Felonious sexual assault in violation of RSA 632-A:3;***
- (e) Kidnapping in violation of RSA 633:1, I(d), where the offender confined the victim with the purpose to commit sexual assault against the victim;
- ~~[(e)]~~ (f) Burglary in violation of RSA 635:1, I, where the offender entered a building or occupied structure with the purpose to commit sexual assault;
- ~~[(f)]~~ (g) An attempt, criminal solicitation, or conspiracy, to commit any of the offenses listed above; or
- ~~[(g)]~~ (h) A violation of any other statute prohibiting the same conduct as the offenses listed above in another state, territory, or possession of the United States.

XII. "Sexually violent predator" means any person who:

- (a) Has been convicted of a sexually violent offense; ***and***
- (b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment~~[-and~~
- ~~(c) Is not eligible for involuntary admission under RSA 135-C or RSA 171-B].~~

XIII. "Total confinement" means that the person is being held in any physically secure facility being operated by or contractually operated for the department of corrections ~~[or the department of health and human services]~~. A person shall also be deemed to be in total confinement for applicability of provisions under this chapter if the person is serving an incarcerative sentence under the custody of the department of corrections ~~[or is being held in any other secure facility for any reason]~~. A person is not subject to total confinement if the person is subject to an incarcerative sentence or other custody in a secure facility but has contact with the community, such as through work release, a halfway house, or other supervised or unsupervised release into the community.

3 Involuntary Commitment of Sexually Violent Predators; Request for Assessment. Amend RSA 135-E:3, III to read as follows:

III. Upon receipt of such notice, if there is an articulable basis to believe that the person is likely to engage in acts of sexual violence, either the county attorney, attorney general, or the agency with jurisdiction may request that the multidisciplinary team assess and evaluate the person to determine whether the person is a sexually violent predator. ***If the county attorney, attorney general, or the agency with jurisdiction over the person who has committed a sexually violent offense requests an assessment by the***

multidisciplinary team, the court shall appoint legal counsel to represent the person before any interview or personal examination of the person is conducted by the multidisciplinary team. The person to be assessed shall bear the cost of legal services associated with any proceedings under this section. If the person to be assessed is unable to pay for counsel, the court shall appoint counsel pursuant to RSA 604-A:2.

4 Involuntary Commitment of Sexually Violent Predators; Request for Assessment; Version Effective September 1, 2010. RSA 135-E:3, III is repealed and reenacted to read as follows:

III. Within 45 days of receipt of such notice, if there is an articulable basis to believe that the person is likely to engage in acts of sexual violence, either the county attorney, attorney general, or the agency with jurisdiction may request that the multidisciplinary team assess and evaluate the person to determine whether the person is a sexually violent predator. If the county attorney, attorney general, or the agency with jurisdiction over the person to be assessed requests an assessment by the multidisciplinary team, the court shall appoint legal counsel to represent the person before any interview or personal examination of the person is conducted by the multidisciplinary team. The person to be assessed shall bear the cost of legal services associated with any proceedings under this section. If the person to be assessed is unable to pay for counsel, the court shall appoint counsel pursuant to RSA 604-A:2.

5 Involuntary Commitment of Sexually Violent Predators; Notice to County Attorney or Attorney General. Amend RSA 135-E:3, V(c) to read as follows:

(c) Within ~~[6]~~ **4** months after receiving ~~[notice of a person's anticipated release from total confinement]~~ ***the request for an assessment and evaluation***, the department of health and human services shall provide to the county attorney or attorney general, ***and to the attorney representing the person***, a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

6 Involuntary Commitment of Sexually Violent Predators; Notice to County Attorney or Attorney General; Version Effective September 1, 2010. RSA 135-E:3, V(c) is repealed and reenacted to read as follows:

(c) Within 4 months after receiving the request for an assessment and evaluation, the department of health and human services shall provide to the county attorney or attorney general, and to the attorney representing the person, a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

7 Involuntary Commitment of Sexually Violent Predators; Release of Records. Amend RSA 135-E:15, I to read as follows:

I. In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency with jurisdiction, to a multidisciplinary team, or to the county attorney or attorney general for the purpose of meeting the notice requirements of this chapter and determining whether a person is or continues to be a sexually violent predator. ***Restrictions on confidential or privileged communications pursuant to RSA 329:26, RSA 330-A:32, or any other statute establishing similar restrictions on confidential or privileged communications shall not apply to releases made under this chapter.*** A person, agency, or entity receiving information under this section which is confidential shall maintain the confidentiality of that information. Such information does not lose its confidential status due to its release under this section.

8 Effective Date.

I. Sections 4 and 6 of this act shall take effect September 1, 2010 at 12:01 a.m.

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

AMENDED ANALYSIS

This bill makes certain revisions to the statute governing involuntary commitment of sexually violent predators.

HB 348*, relative to criminal penalties and alternatives to incarceration. **INEXPEDIENT TO LEGISLATE.*

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The section of this bill pertaining to the closing of the Lakes Region Facility has already been addressed. The remainder of the bill, relating to alternative sentencing, is being studied by the Department of Corrections. The committee feels this bill is not needed at this time. Vote 15-0.

HB 327-FN-L*, eliminating median family income as a factor in calculating fiscal capacity disparity aid. **INEXPEDIENT TO LEGISLATE.*

Rep. Barbara E. Shaw for Education: The majority of the committee recognizes it is not possible to change the school funding formula in the middle of a budget cycle and feels that more data is needed from the present system before any changes are attempted. Vote 15-1.

HB 560*, relative to the use of state education funds for extended learning opportunities for certain pupils. **INEXPEDIENT TO LEGISLATE.*

Rep. James M. O'Neil for Education: This bill, although well intentioned, was an attempt to use state education funds to allow students to engage in extended learning opportunities (ELOs) beyond the standard school curriculum. Currently, all New Hampshire school districts are required to have an adopted policy outlining the process students need to follow to avail themselves of extended learning opportunities. A local school board may adopt, as part of its policy, the use of state education funds to pay all or part of these opportunities. Thus, there is no need to pass legislation when the local school board can approve the use of state education funding for extended learning opportunities without being required to do so under law. Vote 15-1.

HB 615*, relative to withdrawal from a school administrative unit. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Nancy F. Stiles for Education: This bill clarifies the process for withdrawal, organization and reorganization of an SAU and addresses each process individually. It identifies a planning timeline and indicates who calls the first meeting, requires a budgeting and personnel transition plan and allows a community to bring forth a second vote the next year if the first vote failed to receive the 3/5's required vote, without forming a new committee before the two year waiting period. It calls for the state board to review all statutory requirements for the plan, report deficiencies, if any, and return the plan for revision. The state board's message to the voters changes from recommending "approval," to acknowledgement that all requirements of the statute have or have not been met. HB 615 also updates the required responsibilities of the position of superintendent and clarifies that if a district withdraws from a cooperative district, it remains in the current SAU unless it goes through the SAU withdrawal process. Vote 16-0.

Amendment (2523h)

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

AN ACT relative to organization, reorganization, or withdrawal from a school administrative unit.

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

1 School Administrative Unit; Organization, Reorganization, or Withdrawal. RSA 194-C:2 is repealed and reenacted to read as follows:

194-C:2 Organization, Reorganization, or Withdrawal.

I. GENERAL PROVISIONS.

(a) Any school district pursuant to an article in the warrant for any annual or special meeting may vote to create a planning committee in the following manner:

(1) The question shall be placed on the warrant of a special or annual school district meeting, which body shall have final authority to adopt the provision to create a planning committee.

(2)(A) In districts without annual meetings, the legislative body of the school district shall consider and act upon the question in accordance with their current procedures. To the extent and if permitted by local ordinance, upon submission to the legislative body within 60 days of the legislative body's vote of a petition signed by 100 or by 2 percent, whichever is less, of the registered voters, the legislative body shall place the question on the official ballot for any regular election otherwise in accordance with their current procedures for passage of referenda.

(B) The school district legislative body shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in media of general availability and usage at least 7 days before the hearing.

(C) In the event that the referendum is nonbinding, the question shall be returned for reconsideration to the legislative body which shall have final authority to adopt the provision to create a planning committee.

(D) In the event that the referendum is binding, the public vote shall be the final and binding authority to adopt the provision to create a planning committee.

(3) The planning committee shall consist of the following members:

(A) Two local school board members, appointed by the local school board.

(B) One member of the financial committee having the statutory authority to make recommendations concerning school budgets, appointed by the financial committee. In communities with no such financial committee, the number of public members under subparagraph (a)(3)(C) shall be increased to 5.

(C) Four public members representing the community at large, appointed by the school district moderator or, for districts without an annual meeting, the legislative body of the school district.

(D) The superintendent, who shall be a nonvoting member of the committee.

(4)(A) The first-named school board member shall call the first meeting which shall be no later than 30 days from the date of his or her appointment. All planning committee meetings shall comply with RSA 91-A.

(B) At the first meeting, a chairperson shall be elected by the members.

(C) A notice of all meetings of the planning committee shall be posted in all school districts in the existing school administrative unit and in any new school administrative unit which may be created as a result of organization, reorganization, or withdrawal.

(D) All meetings shall allow time for public comment.

(5) The members of the committee shall serve without pay for a term ending:

(A) At the annual meeting of the district next following the creation of the committee, if the committee is created at an annual meeting; or

(B) One year from the date of appointment, if the committee is created at a special meeting.

(C) One year from the date of appointment, if appointed in districts without annual meetings.

(6) Vacancies on the committee shall be filled by the appropriate appointing authority for the balance of the unexpired term.

(7) The district may appropriate money to meet the expenses of the committee at the meeting at which it is created or at any subsequent district meeting

notwithstanding the provisions of RSA 32 or RSA 197:3, and such expenses may include the cost of publication and distribution of reports.

(8) A planning committee shall act by a majority vote of its total membership.

(b) If the planning committee chooses to recommend organization, reorganization, or withdrawal from a school administrative unit, it shall prepare a plan which complies with the requirements of this section.

(1) Before final approval of a plan by the planning committee, it shall hold at least one public hearing on the plan within the proposed school administrative unit and shall give such public notice of the hearing at least 2 weeks before the hearing and in all affected school districts.

(2) The plan for organization, reorganization, or withdrawal from a school administrative unit shall be submitted to the state board of education.

(3) The plan shall be submitted to the voters in accordance with the procedures outlined in this section.

(4) If the voters fail to vote in the affirmative by the 3/5 vote required, the school district may submit the plan to the voters at the next annual school district meeting. If the plan fails to receive the necessary 3/5 vote a second time, the school district shall not offer another warrant article seeking to create a planning committee for a period of 2 years after the date of the second vote by the district.

(c) If the planning committee chooses not to recommend organization, reorganization, or withdrawal from a school administrative unit, that recommendation shall be submitted to the voters of the school district at the next annual school district meeting.

(1) If a majority of voters present and voting vote in the affirmative, the recommendation shall be accepted.

(2) If a majority of voters present and voting reject the recommendation, the vote shall represent a vote to create a new planning committee in accordance with RSA 194-C:2, II and that planning committee shall prepare a plan for organization, reorganization, or withdrawal from a school administrative unit which meets the requirements of this section.

II. ORGANIZATION.

(a) The planning committee shall:

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

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

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

(4) Prepare an educational and fiscal analysis of the impact on the school districts within the existing school administrative unit and on any new school administrative unit which may be created, and prepare a proposed plan for the disposition of any school administrative unit assets and liabilities.

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

(b) If the planning committee recommends the organization of a school administrative unit, it shall prepare a plan to provide superintendent services which meet the requirements set forth in RSA 194-C:4 for the proposed school administrative unit, and a transition plan and timeline which includes consideration of transition budgets and staffing and is signed by at least a majority of the membership of the planning committee.

(c) The planning committee shall submit a copy of the proposed plan to the several school districts within the existing school administrative unit and the school districts in any new school administrative unit which may be created as a result of organization, and shall hold at least one public hearing no less than 14 days prior to submission to the state board.

(d) The state board of education shall review the proposed plan within 60 days of receipt to determine whether the plan complies with the requirements of this section and RSA 194-C:4. If, in the opinion of the state board, all requirements have been met, it shall forward the plan to the school district clerk for a vote at a regular or special school district meeting.

(e) If the state board of education determines that all requirements of this section and RSA 194-C:4 have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board of education shall promptly return the plan and make a recommendation for or against its adoption based on whether or not the plan complies with the requirements of this section and RSA 194-C:4. This recommendation shall be reported to the legislative body of the district. The state board shall not have veto power over any plan once it is resubmitted to the state board by the planning committee.

(f) The state board shall submit the organization plan to the school boards of the districts for acceptance by the districts as provided in subparagraph (c). Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in media of general availability and usage within the proposed school administrative unit.

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

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

Yes _____ No _____

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

III. REORGANIZATION.

(a) The planning committee shall:

(1) Study the advisability of reorganizing school administrative units in accordance with this chapter, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of reorganized school administrative units.

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

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

(4) Prepare an educational and fiscal analysis of the impact of the reorganized school administrative unit on any remaining districts in the school administrative unit and on the school districts in any new school administrative unit which

may be created as a result of reorganization, and a proposed plan for the disposition of any school administrative unit assets and liabilities.

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

(b) If the planning committee recommends the reorganization of a school administrative unit, it shall prepare a plan to provide superintendent services which meet the requirements set forth in RSA 194-C:4 for the proposed reorganized school administrative unit, and a transition plan and timeline which includes consideration of transition budgets and staffing and is signed by at least a majority of the membership of the planning committee.

(c) The planning committee may submit to the board of an existing school administrative unit, a plan for joining the existing school administrative unit. If approved, the plan shall be submitted to the state board of education and the school district voters in accordance with this section.

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

(e) If in the opinion of the state board, all requirements of this section and RSA 194-C:4 have been met, it shall forward the plan to the school district clerk for a vote at a regular or special school district meeting.

(f) If the state board of education determines that all requirements have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board of education shall promptly return the plan and make a recommendation for or against its adoption based on whether or not the plan complies with the requirements of this section and RSA 194-C:4. This recommendation shall be reported to the legislative body of the district. The state board shall not have veto power over any plan once it is resubmitted by the planning committee.

(g) The state board shall submit the reorganization plan to the school boards of the districts for acceptance by the districts as provided in subparagraph (d). Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in media of general availability and usage within the proposed school administrative unit.

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

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

Yes _____ No _____

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

IV. WITHDRAWAL.

(a) The planning committee shall:

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

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

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

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

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

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

(c) The planning committee may submit to the board of an existing school administrative unit, a plan for joining the existing school administrative unit. If approved, the plan shall be submitted to the state board of education and the school district voters in accordance with this section.

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

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

(f) If the state board of education determines that all requirements have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board of education shall promptly return the plan and make a recommendation for or against its adoption based on whether or not the plan complies with the requirements of this section and RSA 194-C:4. This recommendation shall be reported to the legislative body of the school district. The state board shall not have veto power over any plan once it is resubmitted by the planning committee.

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

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

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

Yes _____ No _____

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

2 School Administrative Units; Superintendent Services. Amend RSA 194-C:4 to read as follows:

194-C:4 Superintendent Services. Each school administrative unit or single school district shall **successfully** provide the following superintendent services:

I. An educational mission which indicates how the interests of pupils will be served under the administrative structure.

II. Governance ~~[and]~~, organizational structure, and ~~[delivery]~~ **implementation** of administrative services including, but not limited to:

(a) Payroll, cash flow, bills, records and files, accounts, reporting requirements, funds management, audits, and coordination with the treasurer, and advisory boards on policies necessary for compliance with all state and federal laws regarding purchasing.

(b) Recruitment, supervision, and evaluation of staff; labor contract negotiation support and the processing of grievances; arrangement for mediation, fact finding, or arbitration; and management of all employee benefits and procedural requirements.

(c) Development, review, and evaluation of curriculum, coordination of the implementation of various curricula, provisions of staff training and ~~[staff]~~ **professional** development, and development and recommendation of policies **and practices** necessary for compliance relating to curriculum and instruction.

(d) Compliance with laws, regulations, and rules regarding special education, Title IX, the Americans with Disabilities Act, home education, minimum standards, student records, sexual harassment, and other matters as may from time to time occur.

(e) Pupil achievement assessment through grading and state and national assessment procedures and the methods of assessment to be used.

(f) The on-going assessment of district needs relating to student population, program facilities and regulations.

(g) Writing, receiving, disbursement, and the meeting of **all federal, state, and local** compliance requirements.

(h) **Oversight of the provision of** insurance, **appropriate** hearings, litigation, and court issues.

(i) School board operations and the relationship between the board and the district administration.

(j) The daily administration and provision of educational services to students at the school facility including, but not limited to, fiscal affairs; staff, student, **and** parent[?] safety and building issues; and ~~[for]~~ dealing with citizens at large.

(k) Assignment, usage, and maintenance of administrative and school facilities.

(l) Designation of number, grade or age levels and, as applicable, other information about students to be served.

(m) Pupil governance and discipline, including age-appropriate due process procedures.

(n) Administrative staffing.

- (o) Pupil transportation.
- (p) Annual budget, inclusive of all sources of funding.
- (q) School calendar arrangements and the number and duration of days pupils are to be served pursuant to RSA 189:1.
- (r) Identification of consultants to be used for various services.

3 Withdrawal from a Cooperative School District; Time of Withdrawal. Amend RSA 195:30 to read as follows:

195:30 Time of Withdrawal. The vote to withdraw from a cooperative school district shall take effect on July 1 of the calendar year one year subsequent to the date on which the withdrawal vote is passed. ***A pre-existing school district which withdraws from a cooperative school district shall remain a part of the school administrative unit of which it was a member prior to withdrawal unless the withdrawing district complies with the school administrative unit withdrawal process set forth in RSA 194-C:2.*** After passage of the withdrawal vote and the issuance by the state board of education of its certificate of withdrawal, a special meeting of the voters in the withdrawing district shall be held at a time set by the state board of education. The warrant for this special meeting, approved by the state board of education and signed by the commissioner, shall provide for the election of officers in the withdrawing school district. The commissioner of education shall have authority to appoint officers pro tem as may be necessary and prepare the warrant for the special meeting held to elect officers. This meeting shall have the same power and authority as an annual meeting with reference to the raising or appropriating of money. The district officers elected at said meeting shall take office immediately and shall carry out the duties of their office and may take any action otherwise permitted by law which is necessary in order to carry out the provisions of the withdrawal.

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

AMENDED ANALYSIS

This bill makes various changes to the section on organization, reorganization, and withdrawal from a school administrative unit.

HB 418, relative to presidential primary ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. David M. Pierce for Election Law: In response to the constitutional requirement that each candidate have the equal right to be listed first on the ballot, this bill would have repealed the requirement that the names on the presidential primary ballot be listed alphabetically. The committee considered linking the procedure for listing the names to the procedure for listing the names of candidates for state representative. However, that procedure has been ruled unconstitutional, so that recommendation could not be implemented. The committee is committed to protecting the integrity of the presidential primary ballot and the New Hampshire first-in-the-nation presidential primary, so is committed to finding a solution for this problem. Vote 17-0.

HB 49, relative to stop and haul charges for milk. **REFER FOR INTERIM STUDY.**

Rep. Robert H. Haefner for Environment and Agriculture: We recommend holding the bill for further study. The dairy farmers of New Hampshire are split on whether or not to support the stop and hauling bill. The Farm Bureau gives lukewarm support and the Department of Agriculture, Market and Foods does not make a recommendation. The cooperatives are in opposition. It is clear that the bill needs to be more thoroughly vetted. We do not want ITL because two other states have bills doing the same thing and implementation of theirs is dependant on New Hampshire passing this bill. We will really study this issue before making our final recommendation. Vote 16-0.

HB 83, relative to ownership of milk. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara A. Sad for Environment and Agriculture: The discussions concerning transfer of ownership of milk unveiled questions that might have a potential negative impact on

members of dairy cooperatives. Because of this, the committee felt it unwise to proceed. Vote 16-0.

HB 283-FN, establishing a solid waste management fund and assessing a beverage container fee. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Palmer for Environment and Agriculture: This bill has the good intention of generating income by establishing a solid waste management fund and helping to clean up the environment. However, it will impose an additional tax on the consumer and loss of income for retailers, especially in the border towns and cities. Vote 16-1.

SB 123, relative to agricultural restricted grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura J. Gandia for Environment and Agriculture: This bill creates an agricultural restricted grant which is a grant given to a landowner by the Department of Agriculture, Markets, and Food, for a limited time set by the parties. Financial or technical assistance is provided by the department in return for guarantees of continued farm use of the property for a minimum specified time period. Vote 17-0.

Amendment (2392h)

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

1 Agricultural Preservation Restrictions. Amend RSA 432:18, I-II to read as follows:

I. "Agricultural land development rights" means the rights of the fee simple owner of agricultural land to construct on, sell, lease or otherwise improve the agricultural land for uses that result in rendering such land no longer suitable for agricultural use. Such development rights may be severed from the fee simple right to constitute a restriction for the preservation of the agricultural land **as defined in paragraphs II and II-a.**

II. "Agricultural preservation restriction" means the restraint placed on the development rights of agricultural land, whether stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the land which is appropriate to retaining land or water areas predominantly in their agricultural use, to prohibit or limit (1) construction or placement of buildings except those used for agricultural purposes or for [dwellings] **a dwelling** used for family living by the landowner, his **or her** immediate family or employees; (2) excavation, dredging, or removal of loam, sod, peat, gravel, soil, rock, or other mineral substance in such a manner as to adversely affect the land's future agricultural potential; or (3) other acts or uses detrimental to such retention of the land for agricultural use. **Agricultural preservation restriction does not include agricultural restricted grants as defined in paragraph II-a.**

2 New Paragraph; Agricultural Restricted Grants; Definition. Amend RSA 432:18 by inserting after paragraph II the following new paragraph:

II-a. "Agricultural restricted grant" means a grant given to a landowner by the department of agriculture, markets, and food for a limited time set by the parties with financial or technical assistance provided by the department in return for guarantees of continued farm use of the property for a minimum specified time period.

3 Site; Agricultural Restricted Grants Added. Amend RSA 432:18, IX to read as follows:

IX. "Site" means a specific land area for agricultural purposes in which agricultural land development rights **including agricultural restricted grants** are acquired in order to preserve land suitable for agricultural production.

4 New Paragraph; Duties of the Commissioner. Amend RSA 432:21 by inserting after paragraph V the following new paragraph:

VI. Adopt rules relative to procedures for granting financial or technical assistance for aid for the creation of agricultural restricted grants.

5 Administration; Agricultural Restricted Grants. Amend RSA 432:22, I to read as follows:

I. Acquisition of agricultural land development rights shall be conducted in cooperation with a landowner upon review pursuant to this section. Any proposal for designating a site as an agricultural preservation restriction area ***or a site for an agricultural restricted grant*** shall be submitted by the landowner to the committee for approval. ***Notwithstanding RSA 432:23, approval of a site for an agricultural restricted grant shall not be the only cause for a current use valuation as described in RSA 79-A.***

6 Administration; Agricultural Restricted Grant. Amend RSA 432:22, V to read as follows:

V. The committee shall view each parcel subject to agricultural preservation restriction ***or an agricultural restricted grant*** not less than once every 2 years to assure that its use complies with law and the rules of the committee. The committee may delegate responsibility for monitoring of the agricultural preservation restriction to the conservation commission in the municipality, or to the conservation district, in which the parcel is situated. Such commission or district shall submit a report of its inspection to the committee in a timely manner.

7 Release; Agricultural Restricted Grants. Amend RSA 432:24, I-II to read as follows:

I. Agricultural preservation restrictions shall be in perpetuity except as released pursuant to this section and RSA 432:25. ***Agricultural restricted grants shall run in accordance with the agreement between a landowner and the department of agriculture, markets, and food except as terminated pursuant to this section and RSA 432:25.*** All customary rights and privileges of ownership shall be retained by the owner including the right to privacy and the right to carry out all regular agricultural practices which are not prohibited by RSA 432:18, II.

II. Agricultural preservation restrictions ***and agricultural restricted grants*** may be released ***or terminated*** by the committee if the site is no longer suitable for agricultural purposes. An owner of an agricultural preservation site may request the committee's approval to release the restriction for the public good. Prior to the release of the agricultural land development rights by the committee, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time, and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within said period. At least 2 committee members shall sit on the hearing panel.

8 Agricultural Land Development; Special Account; Bonding Removed. Amend RSA 432:30 to read as follows:

432:30 Special Account[; Bonds Authorized].

[I.] The state treasurer shall establish a separate account to which shall be credited all funds appropriated or acquired ***to provide financial and technical assistance associated with agricultural restricted covenants or*** to fund the acquisition of development rights in accordance with RSA 432:17-31-a. This shall be a non-lapsing account, and funds in said account are hereby appropriated for the purposes of this subdivision.

~~[II. To provide funds for any appropriation made for the account established in RSA 432:30, I, the state treasurer may borrow upon the credit of the state a sum as approved by the general court and issue bonds and notes in the name of and on behalf of the state in accordance with RSA 6-A. Any bonds issued under this section shall be payable not later than 10 years from their date or dates of issue.~~

~~III. The payment of principal and interest on the bonds and notes issued for the purposes of this subdivision shall be made when due from the general fund.]~~

9 Contributions. Amend RSA 432:31 to read as follows:

432:31 Contributions. The committee is authorized to apply for and accept ~~[federal funds]~~ **public or private grants, gifts, or donations of any kind** and to use and dispose of money, services and property received from **such** contributions ~~[and gifts]~~ for the purposes of this subdivision.

10 Easement Restriction. For all agricultural easements acquired under RSA 432 after July 1, 2010, the construction or placement of any building is prohibited except those used solely for agricultural purposes.

11 Effective Date. This act shall take effect July 1, 2010.

HB 42-FN, allowing the state veterinarian to employ a meat inspection services administrator. **REFER FOR INTERIM STUDY.**

Rep. Laurie Harding for Executive Departments and Administration: This bill creates a meat inspection program in New Hampshire. Other than a single USDA approved federal meat inspection site in Goffstown, there has been no other for New Hampshire farmers to get their meat inspected since the 1970s. Consequently, farmers have been unable to sell their meat in the New Hampshire commercial market. This profoundly limits the state's opportunity for agricultural growth. The subcommittee was joined by Environment and Agriculture members, as well as representatives from the Department of Agriculture, Markets and Food, in order to deliberate on HB 42. Over the course of the summer, the meat inspection statute (RSA 437) was rewritten in order to clarify legislative intent so that rules could be written for an innovative meat inspection program funded by fees and donations. The committee deliberations were completed just as the Department of Agriculture, Markets and Food received word about decreases in staffing. It became apparent, no matter how critical this program was to the agricultural fabric of our state that the legislation could not move forward at this time because of the additional burden that would be placed on remaining department staff, especially the state veterinarian. The committee reluctantly agreed to refer HB 42 to interim study in order that the farmers and the department could once again review the structure of the proposed program in hopes that federal or grant funding might become available. Vote 16-1.

HB 268, relative to transfers from the judicial branch to the executive or legislative branches of state government. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill rectifies inequities in the three branches of government and allows staff from the judicial branch, without a break in service, to transfer to either of the other two branches without forgoing earned annual or sick leave. Vote 17-0.

Amendment (2529h)

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

1 Benefits of Nonjudicial Employees. Amend RSA 490:28 to read as follows:

490:28 Benefits of Nonjudicial Employees.

I. Except as provided in a collective bargaining agreement under RSA 273-A, full-time nonjudicial employees of the judicial branch shall, effective January 1, 1984, receive all fringe benefits and salary increases as provided for classified state employees including membership in the state retirement system, health insurance, dental insurance, life insurance coverage, and annual and sick leave benefits. Annual and sick leave benefits accumulated by said employees, as a result of service prior to January 1, 1984, shall be transferable under such guidelines as may be established by the supreme court unless covered in a collective bargaining agreement under RSA 273-A.

II. Any full-time judicial branch employee who transfers from the judicial branch to state service in the executive branch or the legislative branch, without a break in service, may transfer all earned annual leave, sick leave, longevity pay, and bonus time already accumulated in the judicial branch, to the receiving branch of state government. The maximum amount of accumulated annual and sick leave that may be transferred shall be limited to the amount of annual and sick leave that employees of the receiving branch may accumulate. No leave granted at the outset of service, or without a relationship to the length of employment shall be included in earned leave.

2 New Section; Applicability. Amend RSA 490 by inserting after section 28 the following new section:

490:28-a Applicability. The provisions of RSA 490:28 shall apply to all individuals who are state employees as of the effective date of this section, who previously transferred from the judicial branch to the executive branch.

3 Effective Date. This act shall take effect 60 days after its passage.
Referred to the Committee on Finance.

HB 510, relative to the position of director of vital records administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth H. Gould for Executive Departments and Administration: As amended, this bill makes clear that the director of vital records or state registrar is an unclassified employee of the state, under the supervision of the secretary of state. Further, this bill clarifies that the position is appointed by the secretary of state subject to confirmation by the governor and executive council. Vote 18-0.

Amendment (2518h)

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

1 Division of Vital Records Administration. Amend RSA 5-C:2 to read as follows:

5-C:2 Division of Vital Records Administration Established.

I. There is established within the department of state a division of vital records administration under the supervision of a director of vital records administration. The secretary of state, with the approval of the governor and council, shall appoint the director of vital records administration, ***who shall be known as the state registrar and who shall be an unclassified employee.*** ~~[In addition to the title of director, the director shall also be known as the state registrar.]~~ The director of vital records administration shall be academically and technically qualified to hold the position. The director shall be a citizen of this state ~~[or become a citizen of this state within one year of the director's appointment].~~ ***The term of office for the state registrar shall be 4 years. Any vacancy shall be filled for the remainder of the unexpired term.***

II. ~~[The director shall:~~

(a) ~~Be responsible for the day-to-day operations of the division.~~

(b) ~~Plan and provide operational resources as available, for the establishment and support of a statewide vital records registration, issuance, and dissemination program.]~~

The salary of the state registrar shall be as specified in RSA 94:1-a and shall be determined in accordance with the procedure in RSA 94:1-d and RSA 14:14-c.

2 Registrar of Vital Records; Privacy; Duties. Amend RSA 5-C:4, I to read as follows:

I. ~~The [secretary of state shall appoint the]~~ ***state*** registrar ~~[of vital records for the state who]~~, under the supervision of the secretary ***of state***, shall have charge of the vital records of the state and shall enforce the provisions of law in relation to them. ***The state registrar shall be responsible for the day-to-day operations of the division and shall plan and provide operational resources, as available, to establish and support a statewide vital records registration, issuance, and dissemination program.***

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

AMENDED ANALYSIS

This bill clarifies the duties and responsibilities of the state registrar.

HB 617-FN, permitting private employers and others to join the state health insurance program. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for Executive Departments and Administration: The intent of the bill was to explore the possibility of incorporating private employers into the health insurance program offered by the State of New Hampshire. While other states have considered this approach, we believe that due to cost factors it is premature for New Hampshire, at this time, to initiate. Vote 17-0.

HB 140-FN, making charter schools eligible for grants for leased space. **REFER FOR INTERIM STUDY.**

Rep. Marjorie K. Smith for Finance: The committee considers charter schools to be an important component of the state's continuing exploration of how best to meet the educational needs of our children. This bill would authorize chartered schools to receive school building aid grants for leased space. Since a study committee is currently evaluating the entire school building aid system, the committee voted to hold this bill until we might benefit from the report of the building aid committee. Vote 19-0.

HB 689-FN-A-L, directing aid to isolated small schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Finance: The sponsors of this bill filed it after they saw a discrepancy in the adequacy funding formula that may have not directed aid to isolated small schools. The committee tried to remedy this. However, in studying this issue, the committee found out that some small isolated schools would receive more money and others would receive less if the formula was changed. In addition, the total funding was only \$55,000 for 20 small isolated schools. Therefore, it was prudent not to change the formula. Vote 16-3.

SB 10-FN-A-L, making an appropriation to the town of Allenstown for disaster assistance in response to the May 2006 and April 2007 floods. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Finance: This bill became moot when the committee of conference on the budget added \$600,000 for this purpose to the budget that was approved by the legislature on June 25, 2009. Vote 19-0.

HB 493, adopting the uniform emergency volunteer health practitioners act.

INEXPEDIENT TO LEGISLATE.

Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: While supporting the concept of this bill, the committee felt that most, if not all, of the issues have already been addressed by previous legislation. Representatives from the key agencies involved in emergency response agreed that existing law is adequate and that adopting this legislation would create unnecessary duplication and bureaucracy. The prime sponsor of this bill agreed and requested that the bill be voted inexpedient to legislate. An ad hoc group of interested stakeholders will continue to meet to develop a guide for clearly outlining current law and review all applicable statutes to identify any gaps that may need to be addressed in the future. Vote 15-0.

HB 577-FN, relative to recovery of public assistance and third party liability. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: RSA 167:14-a, II-a deals with recovery of assistance when (a) a person is injured, (b) their medical expenses are covered by Medicaid and (c) in a settlement the responsible party compensates for the injury. In such cases, part of the settlement must reimburse Medicaid. Under current New

Hampshire law, Medicaid may recover the full amount of medical assistance provided, leaving only 10% of the net settlement for the injured party. The supreme court found a similar percentage provision in another state unconstitutional. This bill remedies this, removing the presumptive percentage. It states that the state may recover medical expenses only from the portion of the settlement attributable to medical expenses and that the court shall have discretion to apportion the amount as justice may require. This is similar to the way such cases are handled in workers compensation. Vote 15-0.

Amendment (2376h)

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

1 Recovery of Assistance. Amend RSA 167:14-a, III-a and IV to read as follows:

III-a. The commissioner of health and human services may recover the full amount of medical assistance furnished by the state ~~[if there are proceeds available for such recovery after the deduction of reasonable attorneys' fees, litigation costs, claims by other creditors, and 10 percent of the remaining net settlement amount for the recipient of medical assistance. Any balance remaining after the state has recovered the full amount due shall be available to the recipient of medical assistance. No attorneys' fees shall be deducted from the amount due the state from such award or settlement]~~ **from the portion of any settlement or judgment reasonably attributable to medical expenses.** The commissioner may waive or reduce the amount due the state for good cause upon written request from a recipient or recipient's attorney. The acceptance of any waiver or the payment of any reduced amount due shall create a rebuttable presumption that the apportionment was equitable in any action brought pursuant to paragraph IV.

IV. A disbursement of any award, judgment, or settlement shall not be made to a recipient without the recipient or the recipient's attorney first providing at least 30-days written notice of any scheduled trial, alternative dispute resolution hearing, or settlement to the commissioner of health and human services that the recipient has a claim which could result in a recovery from a third party or obtaining from the commissioner a written release of any obligation owed to the state for medical assistance provided to the recipient. The commissioner shall notify the recipient or the recipient's attorney of the amount of the commissioner's claim within 21 days of the notice. If a dispute arises between the recipient and the commissioner of health and human services as to the settlement of any claim that arises under this section, the third party or the recipient's attorney shall withhold from disbursement to the recipient or to any legal instrument created for the benefit of the recipient, an amount equal to the commissioner's claim. Either party may apply to the superior court or the district court in which an action based upon the recipient's claim could have been commenced for an order to determine an equitable apportionment between the commissioner and the recipient of the amount withheld. ***The court shall have broad discretion to apportion the amount withheld as justice may require.*** An order of apportionment has the effect of a judgment. The obligation of a third party under this paragraph to withhold all or part of a disbursement is conditional upon the receipt by the third party of written notice from the commissioner, the recipient, or the recipient's attorney that the commissioner is asserting a claim.

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

AMENDED ANALYSIS

This bill permits the department of health and human services to recover medical assistance costs from the portion of settlements or judgments reasonably attributed to medical expenses. The bill also clarifies the court's discretion to apportion the amount withheld from such awards.

HB 606-FN, relative to aid to the disabled. **REFER FOR INTERIM STUDY.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill was retained to develop more accurate estimates of costs and savings associated with the bill's

provisions using recent data from the HHS files for Aid to the Permanently and Totally Disabled (APTD). This was not possible at the current time and any such estimates might have to be modified should changes to Medicaid eligibility be enacted in federal health payment reform legislation. However, interim study is justified because the policy options available for setting criteria for disability can be assessed with a combination of available current and historic data and to what extent these findings should be modified because of federal legislation should be known well before interim study is completed. Vote 15-0.

HB 693, relative to emergency generators in residential care facilities. **REFER FOR INTERIM STUDY.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill was retained in order to fully explore the level and complexity of need for generators in residential care facilities, balancing this need against the cost. Presently, all licensed facilities must have an evacuation plan for their residents, including not only timely evacuation but a secondary place to stay. Some facilities with high acuity populations are also required to have a backup generator. The committee believes that some additional facilities will also need generators, but more study is needed to determine which facilities and what type of generators. Study is also needed on the life safety expectations for licensed facilities. Vote 15-0.

SB 158, establishing a commission to study the creation of an uncompensated care fund to provide payments to certain health care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: The bill was held to ensure that the charter given to a state commission on uncompensated care was fully cognizant of impending federal health reform legislation. That legislation is still pending, but in the meantime the task of reformulating the state's uncompensated care fund was given by HB 2 to the commissioner of Health and Human Services. Thus, it makes no sense to establish another body to do what the legislature has already assigned as a duty of the Health and Human Services commissioner. Vote 15-0.

HB 53, relative to the definition of "public body" under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: The bill, as originally filed, would have removed the word "agency" from the list of public bodies subject to the open meeting provisions of the right-to-know law. The committee did not agree that agencies should be excluded. Instead, the committee amended the bill to make it explicit in this section that the open meeting provisions cover only bodies which act by vote or agreement of their members. Individual executive or administrative officers do not constitute a public body, nor do staff members of an agency or department of a political subdivision meeting as a group. This is not a change from the current interpretation of the law; the language was added solely to make the distinction clearer to a lay person consulting the statute. The change has no effect on the requirements that public records remain open to the public. Vote 19-0.

Amendment (2384h)

Amend the bill by replacing section 1 with the following:

1 Right-to-Know Law; Definition of "Public Body." Amend RSA 91-A:1-a, VI(d) to read as follows:

(d) Any legislative body, governing body, board, commission, committee, agency, ~~[or]~~ authority, **or similar entity, which acts by vote or agreement of its members** of any county, town, municipal corporation, **village district**, school district, school administrative unit, chartered public school, or other political subdivision, or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto. **An individual executive or administrative officer of a political subdivision shall not constitute a public body,**

and staff members of an agency or department of a political subdivision meeting as a group shall not constitute a public body.

HB 135, relative to remedies for violation of the state right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The subject matter of this bill has been covered in HB 425. Vote 18-0.

HB 266, relative to the right-to-know exemption for voter records. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: This bill addresses the procedure for challenging a voter at the polling place. After consultation with the Election Law Committee, it was determined that this issue has been addressed in legislation already passed by the House. Vote 18-0.

HB 325, establishing standards for adequate service of process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B. Richardson for Judiciary: This bill, as amended, establishes and clarifies the process for adequate service of process. Current statutes are not specific. The bill, as amended, sets forth the procedures for making personal service on an individual, posting service at someone's abode when personal service is not available and making service of process on a business entity, non-profit organization or an association. The amended bill also makes it clear that service may be made by certified mail as well as registered mail when such service is authorized. Finally, the amended bill establishes a commission to study authorizing service of process by laypersons. Service of process by a layperson could save costs for litigants but has financial implications for our county sheriffs and the committee felt that additional input was warranted before proposing legislation in the area. Vote 18-0.

Amendment (2522h)

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

AN ACT establishing standards for adequate service of process and establishing a commission to study service of process by laypersons.

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

1 New Chapter; Standards for Adequate Service of Process. Amend RSA by inserting after chapter 510 the following new chapter:

CHAPTER 510-A

STANDARDS FOR ADEQUATE SERVICE OF PROCESS

510-A:1 Standards for Adequate Service of Process. In the absence of other provisions of law or order of the court, the following standards for service of a subpoena, summons, order of notice, or petition shall apply:

I. Service of a subpoena, summons, order of notice, or petition may be made either by delivering in hand or reading to the person who is the subject of the subpoena, summons, order of notice, or petition in the presence of that person. Such service is known as "personal service." If the person is not available at the time delivery is attempted, the document or documents may be given to a member of the person's household who is over the age of 18 and of apparent mental competency. Such service is known as "substitute service at place of abode."

II. If there is no one at the last and usual place of residence of the person who is the subject of the subpoena, summons, or petition, the document or documents may be posted in an obvious place at or near the main entry door of the last and usual place of abode and a copy of the document or documents mailed via United States Mail, registered or certified mail, return receipt request and postage prepaid, with address service requested, to the address where the document or documents were posted. It is the duty of the server to deliver

any returned mail to the person requesting service. Such service is known as “posting service at place of abode.”

III. If service is attempted at a place of employment, only personal service is permitted.

IV. If service is on a business entity, non-profit organization, or other association, service shall be made on the registered agent of the entity. If service is unable to be made on a registered agent or if the entity does not have a registered agent, then service on an officer, manager, employee, or 2 members of an association is permitted. The actual person or persons served shall be requested to provide his or her name or their names and the name or names shall be noted on the return of service. If the person served refuses to provide his or her name, a description of the circumstances and the person receiving the document or documents shall be noted on the return of service. Refusal to provide the name may result in a personal finding of contempt of court if the court determines that the refusal was in bad faith to frustrate service of process.

V. If the address of service is at a gated community, the document or documents may be left with the person operating the security gate or entrance if entry is denied and a copy of the document or documents mailed via United States Mail, registered or certified mail, return receipt request and postage prepaid, to the address where the document or documents were posted.

VI. The return of service shall indicate the date, time, location, and method of service and shall be signed by the person or persons served, or if signature is refused, a description of the circumstances and person served. All returns shall be made under oath or under the pains of perjury.

2 Service of Process; Nonresident Defendant. Amend RSA 510:4, II to read as follows:

II. SERVICE OF PROCESS ON SECRETARY OF STATE. Service of process upon any person who is subject to the jurisdiction of this state, as provided in this section, may be made by leaving a copy thereof, with a fee of \$10, in the hands or office of the secretary of state. Such service shall be of the same legal force and effect as if served on the defendant at his abode or place of business in the state or country where he resides and according to the law of that state or country, provided that notice thereof and a copy of the process is forthwith sent by ~~[registered mail, postage prepaid]~~ **registered or certified mail, return receipt requested and postage prepaid**, by the plaintiff or his attorney to the defendant at his last known abode or place of business in the state or country in which the defendant resides. The defendant’s return receipt and an affidavit of the plaintiff or his attorney of compliance with the section shall be appended to the process and entered therewith. In the event that the notice and a copy of the process are not delivered to or accepted by the defendant, the court may order such additional notice, if any, as justice may require.

3 Commission Established.

I. There is established a commission to study service of process by laypersons.

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

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

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

(3) One member with expertise in local and county issues, appointed by the New Hampshire Municipal Association.

(4) One sheriff, appointed by the New Hampshire Sheriffs' Association.

(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 service of process by laypersons.

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 report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2011.

HB 328, establishing a committee to study the right-to-know law relative to certain nonprofit corporations. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The committee voted to ITL this bill at the request of the sponsor. The sponsor has introduced substantive legislation in this area and would prefer to pursue that rather than the study committee. Vote 18-0.

HB 425-FN-A-L, relative to remedies under the state right-to-know law and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: This bill is a response to concerns that when a court finds a violation of the right-to-know law there is often no meaningful penalty to deter future violations. The bill, as amended, provides that a court shall invalidate any action taken at a meeting in violation of the right-to-know law unless the court makes a specific finding that circumstances do not justify the invalidation. The bill also allows the court to fine an official, who has been found to have acted in bad faith, a penalty of up to \$1000. Because of concerns that the possibility of a fine might deter people from seeking public office or employment, a provision was added allowing the violator to avoid paying the court-ordered penalty by resigning their office. The bill provides that any fines collected under this provision shall be paid into a revolving fund held by the attorney general's office to fund remedial training programs on the right-to-know law. Vote 19-0.

Amendment (2383h)

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

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

II. The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a person's lawsuit under the provisions of this chapter, when the court finds that the lawsuit is frivolous or in bad faith.

III. The court shall invalidate an action of a public body taken at a meeting held in violation of the provisions of this chapter, unless the court makes a specific finding that the circumstances do not justify such invalidation.

IV. If the court finds that an officer, employee, or other official of a public body or public agency has violated this chapter in bad faith, the court may impose against such person a civil penalty of not more than \$1,000. Upon such finding, such person or persons may also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I unless the person or persons involved resign their office. For the purposes of this paragraph, a finding of bad faith shall mean that the officer, employee, or other official violated this chapter knowingly and without adequate justification.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 2011.
Referred to the Committee on Ways and Means.

HB 677-FN, allowing part-time district court justices and probate court judges to sit as senior active status judges upon retirement. **INEXPEDIENT TO LEGISLATE.**
Rep. Janet G. Wall for Judiciary: This bill would allow part-time district court justices, as well as probate court judges, to sit as senior active status judges after their retirement. The committee received compelling evidence from the New Hampshire Retirement System that passage of this bill would create unintended consequences negatively impacting the retirement system's tax exempt status. Based on the information from the retirement system together with the lack of a strong reason to alter the status of retired judges, the committee voted unanimously to find this bill inexpedient to legislate. Vote 19-0.

SB 90, establishing a private right of action for pharmacies against health maintenance organizations. **REFER FOR INTERIM STUDY.**
Rep. Robert B. Thompson for Judiciary: The committee realizes that this bill has merit, but more time is needed to effectively address the subject. Interim Study will give all parties and the public the time to continue the conversations on how to best address all the issues raised by the bill. Vote 18-1.

HB 128, relative to the enrollment of bills and their presentation by the secretary of state. **INEXPEDIENT TO LEGISLATE.**
Rep. Patricia M. McMahon for Legislative Administration: The parties involved agreed to an informal resolution in which the Speaker's office and the secretary of state's office will work to ensure that the progress of an enrolled bill is given regularly to the Clerks of the House and Senate for inclusion on the docket so the public can be informed of the status of the bill. Vote 10-0.

HB 309, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs. **INEXPEDIENT TO LEGISLATE.**
Rep. David W. Hess for Local and Regulated Revenues: This bill would have allowed local communities to replace their property tax with a local alternative such as a sales, income or value added tax. A subcommittee rejected the original bill and recommended the creation of a commission to study the issue. The proposed commission would have had half their members appointed by the municipal association. The committee did not believe the proposal was a good plan and rejected both the amendment and the bill. Vote 16-2.

HB 421-FN, establishing an oversight committee to monitor liquor enforcement. **INEXPEDIENT TO LEGISLATE.**
Rep. Mary Beth Walz for Local and Regulated Revenues: At neither the full committee hearing nor the subcommittee hearing was there any evidence presented of widespread abuse by the enforcement division of the liquor commission. Vote 17-0.

SB 79, relative to the compensation of game operators. **INEXPEDIENT TO LEGISLATE.**
Rep. Liz H. Merry for Local and Regulated Revenues: The bill is unnecessary. The substance of the bill was added to a Senate bill and adopted by the House through a committee of conference report in spring 2009. Vote 18-0.

HB 262, relative to recording development restrictions. **INEXPEDIENT TO LEGISLATE.**
Rep. Margaret M. Crisler for Municipal and County Government: This bill would require all municipal land use boards to record, within a specified time frame, conservation easements that are included in conditions of approval or else the easements would cease to be

enforceable. The committee was interested in capturing all conditions of approval in a more permanent manner than in the land use board's minutes and therefore retained this bill to study it further. However, SB 186, Chapter 266, Laws of 2009 addressed this issue with planning board decisions, which comprise the majority of such actions, so the committee recommends ITL. Vote 15-0.

HB 539-L, relative to town boundaries and the laws pertaining to such boundaries. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: RSA 51:2-9 deals with the perambulation of town lines. The current procedure sets out exactly what the governing body has to do if the boundary between two towns is either agreed to or not. This bill proposed changes to deal with the noncompliance of the towns who do not perambulate. The legislative history was researched and it showed that any attempt to change RSA 51:2-9 with more requirements has not been accepted. The committee recognizes that there is another venue to address this issue – the New Hampshire Municipal Association Policy Procedure – to try to find consensus. Vote 16-0.

HB 124-FN-A, relative to the rate of the gas tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works and Highways: While the issue of increasing the gas tax may be a topic of discussion in upcoming sessions, at the present time the commission formed in HB 2 is meeting and studying the issue and will be issuing a report by November 1, 2010. Consequently, the committee unanimously agreed that this bill should be found Inexpedient to Legislate. Vote 18-0.

HB 564-FN, relative to wheelchair van accessible parking spaces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: This bill makes provision for ramp/lift handicap equipped vans parking spaces to be exclusively marked for that purpose. It increases the number of ramp/lift van parking spaces by one in lots between 76 and 200 spaces and by two in lots of 201 on more the amendment excluded small lots between 50 and 75 and provides that this law does not apply to lots that would become non-conforming with local zoning. It clarifies that this law will go into effect for all new parking lots and existing lots upon repaving, restriping or other reconstruction. Signs shall be in conformance with national standards and the state building code. Vote 19-0.

Amendment (2457h)

Amend the bill by replacing the title with the following:

AN ACT relative to ramp/lift equipped van parking spaces.

Amend the bill by replacing section 1 with the following:

1 New Section; Accessible Parking. Amend RSA 155-A by inserting after section 5-b the following new section:

155-A:5-c Handicap Accessible, Van Accessible, and Ramp/Lift Equipped Van Only Parking Spaces.

I. Any new construction containing a parking area or parking areas commenced after January 1, 2011 shall have the following number of handicap accessible, van accessible, and ramp/lift equipped van only parking spaces reserved for individuals with walking disabilities:

(a) If there are between 76 and 200 parking spaces there shall be one ramp/lift equipped van only parking space in addition to those required by the International Building Code as referenced in the New Hampshire State building code.

(b) If there are more than 201 parking spaces there shall be 2 ramp/lift equipped van only parking spaces in addition to those required by the International Building Code as referenced in the New Hampshire State building code.

II. Property owners with an existing parking area or parking areas shall conform to the standards in paragraph I when the existing parking area or parking areas are repaved, resurfaced, repainted, or otherwise reconstructed. Property owners shall not be obligated to conform to the standards in paragraph I when parking lot cracks are sealed, pot holes are filled, or other general maintenance is performed.

III. Paragraph I shall not apply to a property owner if it conflicts with local zoning regulations regarding either the total number of parking spaces required or the total number of handicapped spaces required.

IV. In this section, "ramp/lift equipped van" shall be as defined in RSA 259:83-a. Amend RSA 265:73-a as inserted by section 3 of the bill by replacing it with the following:

265:73-a Parking Signs; Disabled. A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post or a building. Said sign shall be clearly visible to anyone directly approaching that particular space. ***Spaces designated for ramp/lift equipped vans only and for van accessible parking shall be marked by a sign in compliance with the American National Standards Institute (ANSI) A117.1 as referenced in the New Hampshire State building code for accessible and usable buildings and facilities standards affixed to a post or building with the words "RAMP/LIFT VANS ONLY".***

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill requires new construction to designate certain areas as ramp/lift equipped van only parking.

SB 186, relative to the establishment of a statewide transportation policy and a transportation advisory commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Dale R. Sprague for Public Works and Highways: The committee unanimously agreed that a major advisory commission on transportation policy is not necessary and detracts from the current policy dynamic between the executive branch and the legislative branch. The executive branch has input from the Department of Transportation (DOT), the governor and council through GACIT (Governor's Advisory Commission on Intermodal Transportation) which has a multitude of hearings throughout the state. The legislative branch, both House and Senate, have standing committees to oversee and consider transportation policy. Vote 19-0.

HB 643-FN, extending the enhanced 911 system surcharge to voice over internet protocol providers and prepaid wireless telecommunications services. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Harvey for Science, Technology and Energy: This bill would have extended the enhanced 911 system surcharge to voice over internet protocol (VOIP) providers and prepaid wireless telecommunications services. The committee heard testimony confirming that there is no mechanism to collect the surcharge either from the myriad retail sources that sell prepaid cards or from VOIP customers. Vote 17-0.

HB 294, prohibiting writing a text message while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy A. Soucy for Transportation: The committee's recommendation to ITL this bill was based on the Governor's signing of HB 34, Chapter 291, Laws of 2009, making texting while driving against the law. The committee felt that this bill was unnecessary. Vote 17-0.

HB 477-FN, relative to restoration of driving privileges for persons previously licensed in other states. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer M. Brown for Transportation: The committee decided to ITL this bill because

the Department of Safety is already doing this without the benefit of being in law. Vote 17-0.

CACR 1, relating to taxes. Providing that all revenues raised by a state income tax shall be dedicated to funding public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman Shattuck for Ways and Means: The committee has voted to recommend ITL for the only current income bill to which this CACR would apply. The committee recommends ITL on this CACR since it would tie the hands of the legislature in regard to future legislation. The legislature should have full flexibility on the use of revenue and the funding of public education. Vote 16-1.

HB 69, relative to submission of health care data. **INEXPEDIENT TO LEGISLATE.**

Rep. William Butynski for Ways and Means: Passage of this bill would establish a new dedicated fund. Also, it would allow fees to be established through the Joint Legislative Committee on Administrative Rules (JLCAR) rather than through the legislature. The committee generally opposes both new dedicated funds and fees that bypass the legislature. The committee could not agree with the agency on a reasonable alternative. Vote 19-0.

HB 168, relative to disposition of electricians' fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for Ways and Means: Currently, electricians' board fees go into a dedicated fund that lapses into the general fund, the fund is nested inside the non-lapsing fire safety fund. To clarify the money flow, the fees were recommended by the original policy committee to go to the general fund directly. However, this would leave the electricians' board with no budget since their expenditures are made from the dedicated fund. The fees are already higher than expenses. The Finance Committee has agreed to address this by amending onto a budget bill in 2010 and this bill is being killed to enable that. Vote 19-0.

HB 205-FN-A, relative to certain boating fees. **INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 19-0.

HB 355-FN-A, relative to oil fund disbursement board authority and fees for oil discharge cleanup. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan G. Price for Ways and Means: The committee recommends ITL pending results of a performance audit conducted by the Legislative Budget Office regarding administration of the four dedicated funds utilized for cleanup of petroleum releases of which the subject fund in HB 355 is one. The bill also created a potential legal ambiguity with respect to duplicating fees dues to a definition change. The committee intends to introduce a bill through the committee to address issues identified in the performance audit and to clarify the ambiguity in a proposed definition change. Vote 18-1.

HB 490-FN-A-L, relative to the maintenance of state-owned dams. **INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for Ways and Means: The purpose of this bill was to replace the declining revenue source that is no longer adequate to provide enough funds to maintain and repair the 269 state owned dams. The bill establishes a fee for each lineal foot of frontage each property owner has along the shore of bodies of water whose levels are controlled by state owned dams. This method did not have the necessary support to move forward, thus the committee voted to ITL the bill. It is important to note that a careful review of the fund and expenditures was done by the committee and it was determined that the dam maintenance fund will be exhausted of all funds by April of 2011. Thus an alternative method must be established prior to the end of the fiscal year and further ideas are being explored. Vote 19-0.

HB 540-FN-A, relative to fees for motor vehicle records. **INEXPEDIENT TO LEGISLATE**. Rep. Frank W. Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 17-0.

HB 546-FN, relative to authorizing temporary registrations of off-highway recreational vehicles and snowmobiles for nonresidents and increasing the agent fee. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Frank W. Davis for Ways and Means: Out-of-staters arriving with off-highway recreation vehicles are faced with paying for a full year's registration or not riding. The new Berlin ATV park and various other North Country attractions have suffered from the lack of a cheaper, temporary license as an alternative. Fish and Game, DRED's Trail Bureau, and the bill's sponsor collaborated on an amendment that answers all their enforcement and fiscal concerns. It allows a single-month license for non-residents only. Snowmobiles and the increased agent fee were removed from the amended bill. The program sunsets in 2013 to allow a review of its effectiveness. Vote 19-0.

Amendment (2391h)

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

AN ACT relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

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

1 OHRV Registrations. Amend RSA 215-A:21, II to read as follows:

II. Except as otherwise provided, no OHRV shall be operated in this state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. ***Except for temporary registrations under paragraph V***, all OHRV registrations shall expire on July 1 in each year. The executive director shall collect a fee for each registration as provided in RSA 215-A:23.

2 Temporary Registrations; Nonresident Registration. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use [~~and those registered pursuant to paragraph IV~~] shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ***A nonresident registering an OHRV for a calendar month from May to October shall be issued a temporary registration by the executive director. Such registration shall be valid only for the calendar month for which it is issued. The executive director shall determine the design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.***

3 New Paragraph; Fees; Temporary Registration. Amend RSA 215-A:23 by inserting after paragraph V the following new paragraph:

V-a. Temporary Registration for Nonresidents. \$34 for each non-transferable, calendar month registration upon presentation of a valid out-of-state driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first \$14 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in

paragraph VII, and \$10 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

4 2013 Version; OHRV Registrations. Amend RSA 215-A:21, II to read as follows:

II. Except as otherwise provided, no OHRV shall be operated in this state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. ~~[Except for temporary registrations under paragraph V,]~~ All OHRV registrations shall expire on July 1 in each year. The executive director shall collect a fee for each registration as provided in RSA 215-A:23.

5 2013 Version; Temporary Registrations Removed. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ~~[A nonresident registering an OHRV for a calendar month from May to October shall be issued a temporary registration by the executive director. Such registration shall be valid only for the calendar month for which it is issued. The executive director shall determine the design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.]~~

6 Repeal. RSA 215-A:23, V-a, relative to temporary OHRV registrations for nonresidents, is repealed.

7 Effective Date.

I. Sections 4-6 of this act shall take effect January 1, 2013.

II. The remainder of this act shall take effect 120 days after its passage.

AMENDED ANALYSIS

This bill allows nonresidents to be issued temporary registrations for OHRVs for each calendar month during the period of May through October. The temporary OHRV registration authority is repealed January 1, 2013.

HB 568-FN-A, relative to the taxation of tobacco products other than cigarettes.

INEXPEDIENT TO LEGISLATE.

Rep. William A. Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 19-0.

HB 609-FN-A, establishing a judicial branch information technology fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W. Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 19-0.

HB 627-FN, relative to the insurance premium tax. **INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 18-1.

HB 629-FN-A, revising certain motor vehicle laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Butynski for Ways and Means: Decals on plates were requested by farmers to assist them in moving their implements of husbandry (i.e., a self-propelled custom harvester, sprayer, soil amendment spreader, or forage mower) on public roads without receiving traffic

citations or tickets from local law enforcement authorities. The committee amended the bill to reduce the proposed fees for a decal on plate from \$25 for vehicles of 15,000 pounds or less and \$50 for vehicles over 15,000 pounds down to \$15 and \$25 respectively. Vote 18-1.

Amendment (2375h)

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

AN ACT relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

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

1 Habitual Offender; Offenses Added. Amend RSA 259:39, I(r)-(s) to read as follows:

(r) Conviction of any offense specified in RSA 265:82; ~~[or]~~

(s) Conviction of any offense specified in RSA 265:82-a;

(t) Conviction of any offense specified in RSA 262:23;

(u) Conviction of any offense specified in RSA 265-A:43; or

(v) Conviction of any offense specified in RSA 265:79-b.

2 Words and Phrases Defined; Implement of Husbandry. Amend RSA 259:44 to read as follows:

259:44 Implement of Husbandry. "Implement of husbandry" shall mean equipment designed ~~[;]~~ **or** adapted ~~[;]~~ and used exclusively for agricultural, horticultural, forestry, or livestock operations, for which use on a public way is incidental to its intended function. "Implement of husbandry" shall include a self-propelled custom harvester, **sprayer, soil amendment spreader, or forage mower.**

3 New Section; Unified Carrier Registration Required. Amend RSA 261 by inserting after section 40 the following new section:

261:40-a Unified Carrier Registration Required. It is a violation for any person to drive or for the owner or lessee to cause to be driven on the ways of this state a motor vehicle subject to registration under the provisions of the Unified Carrier Registration Act of 2005, 49 U.S.C. section 14504a, as amended, unless the motor vehicle has been registered and the appropriate fee paid. The fine for a violation of this section shall not exceed \$500 plus penalty assessment for a first offense and \$1,000 plus penalty assessment for a subsequent offense in a 12-month period.

4 New Paragraph; Implements of Husbandry; Identification. Amend RSA 261:64 by inserting after paragraph II the following new paragraph:

III. Implements of husbandry shall not be operated on toll roads or on the interstate and defense highway system. When implements of husbandry not meeting the definition of a tractor in RSA 259:108 are moved over any other way, the power unit shall display in a conspicuous location an identifying decal or plate issued by the division. The identifying decal or plate issued by the division is not a registration and shall not require the municipal permit for registration described in RSA 261:148. The fee for each identifying decal or plate shall be \$15 for an implement weighing no more than 15,000 pounds and \$25 for an implement weighing 15,001 pounds or more. The identifying decal or plate shall not require annual renewal but shall expire upon a change of ownership of the implement. The director may adopt rules pursuant to RSA 541-A specifying the location for display of the identifying decal or plate, specifying such limitations as the director deems necessary for the safety of other highway users by restricting speeds of operation and operation after daylight hours, and specifying safety, conspicuity, and lighting equipment requirements.

5 Spillage of Material; Farming Operations. Amend RSA 266:72, IV to read as follows:

IV. The provisions of paragraphs I, II, II-a, and III of this section shall not apply to a local farmer transporting his **or her** own farm products or materials incidental to ~~his~~ **a local farming [operations] operation** where such transporting requires incidental use of a way, provided that such farmer shall not thereby be relieved of his **or her** duty to exercise reasonable care ~~[in carrying on such operations]~~ **to prevent hazardous spillage.**

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

AMENDED ANALYSIS

This bill:

I. Adds offenses to the definition of “habitual offender.”

II. Establishes penalties for failing to comply with unified carrier registration requirements.

III. Requires an identifying plate or decal for certain implements of husbandry.

This bill was requested by the department of safety.

HB 638-FN-A, increasing the tobacco tax and dedicating certain tobacco tax revenues to the comprehensive cancer plan fund. **INEXPEDIENT TO LEGISLATE.**

Rep. William Butynski for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 18-0.

HB 644-FN-A-L, increasing the rate of the road toll, establishing the New Hampshire road and bridge account, limiting the uses of road toll revenues, and establishing a commission to study revenue sources for funding improvements to highways and bridges. **INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 18-0.

HB 664-FN-A, relative to taxation of capital gains under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W. Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 18-0.

HB 691-FN-A, relative to the New Hampshire estate tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W. Davis for Ways and Means: The contents of this bill were contained in the House version of the budget. Therefore, this bill was retained so the budget process could be completed. Vote 18-0.

SPECIAL ORDERED

Rep. Butler moved that ***HB 561-FN***, relative to insurance coverage for persons having deafness and hearing loss, be made a Special Order as the first order of business on the Regular Calendar.

Adopted.

COMMITTEE REPORTS – 2009 RETAINED BILLS

REGULAR CALENDAR

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss.

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

Rep. Jill Shaffer Hammond for the Majority of Commerce and Consumer Affairs: This bill establishes a mandate that state-regulated health insurance policies cover hearing aids to the amount of \$1500 per 3 years. Hearing loss can result in less effective communication on the job, jeopardize on-the-job safety, isolate one socially from friends, family and co-workers and lead to anxiety and depression. Earning capacity for the hearing-impaired can be lower by \$2,000 to \$12,000 per year. Most children and roughly half the adult population age 19 to 64 are currently covered for hearing aids through insurance coverage of durable medical equipment. This limited mandate adds \$1.64 per member per month to the cost of insurance,

but will put the cost of a hearing aid, ranging in price from \$2,000 to \$5,000, within the reach of many more suffering this silent, invisible handicap. Vote 9-7.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs: This bill represents a health-insurance coverage mandate that will add significant cost exposure to the business community, which is already struggling to pay healthcare costs, and may jeopardize existing coverage for those with health insurance today. If they choose to continue offering health insurance, employers will either be required to pay higher premiums or be forced to make the very difficult decision to require more or all of the premium to be paid by their workers and our constituents. The minority believes that HB 561 represents the most generous hearing-aid benefit in the nation and will add a significant cost burden to our business community, which is presently weathering the worst economy since the great depression. Most states that mandate coverage for hearing aids limit that coverage to children (up to age 19) or exempt small employers or only require that insurers offer the benefit but leave the decision to employers as to whether they will make the benefit available to their employees.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Hunt spoke against.

Reps. Emerson and Clarke spoke in favor and yielded to questions.

Rep. Hammond spoke in favor.

Rep. Emerson requested a roll call; sufficiently seconded.

YEAS 209 NAYS 157

YEAS 209

BELKNAP

Arsenault, Beth
Miller, Kate
Stuart, Richard

Bolster, Peter
Pilliod, James
Swinford, Elaine

Fields, Dennis
Reever, Judith

Merry, Liz
St. Cyr, Jeffrey

CARROLL

Buco, Thomas

Butler, Edward

Fleck, Joseph

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Emerson, Susan
Richardson, Barbara
Sterling, Franklin Jr

Burridge, Delmar
Carlson, Nancy
Johnson, Jane
Roberts, Kris
Weber, Lucy

Butcher, Suzanne
Carr, Daniel
Lerandeau, Alfred
Robertson, Timothy
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Lindsey, Steven
Sad, Tara

COOS

Hatch, William
Richardson, Herbert

Mears, Lucy
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Benn, Bernard
Ladd, Rick Jr
Pastor, Beatriz
Taylor, Kathleen

Cooney, Mary
Laliberte, Suzanne
Pierce, David
Townsend, Charles

Gionet, Edmond
Matheson, Robert
Preston, Philip
White, Andrew

Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Chininis, Alexis
Day, Russell
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Jeudy, Jean
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr
Pepino, Leo
Shattuck, Gilman
Thompson, Robert

Beauchamp, Roger
Caron, June
Clemons, Jane
Flurey, Joan
Ginsburg, Ruth
Hammond, Jill
Hodges, Kevin
Katsiantonis, Thomas
LaPlante, Roland
Long, Patrick
Messier, Irene

Pilotte, Maurice
Shaw, Kimberly
Walsh, Robert Jr

Beck, Catriona
Chandley, Shannon
Cote, David
Foster, Linda
Goley, Jeffrey
Hardy, Valerie
Holden, Rip
Knowles, John
Leishman, Peter
Mack, Ron
Nixon, David

Poznanski, Brian
Soucy, Timothy
Williams, Carol

Boisvert, Ronald
Chase, Claudia
Craig, James
Garritty, Patrick
Gorman, Mary
Harvey, Philip
Infantine, William
Knowles, Mary Ann
Levesque, Melanie
Marshall, Seth
O'Brien, Michael Sr

Rokas, Theodoros
Sullivan, Daniel

MERRIMACK

Bartlett, Michael
Foose, Robert
Kelly, Sally
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Bouchard, Candace
French, Barbara
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Clarke, Claire
Gile, Mary
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Davis, Frank
Hamm, Christine
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Day, Judith
Ferrante, Beverly
Hutchinson, Karen
McCarthy, Barbara
Pantelakos, Laura
Russell, Trinka
Sullivan, James

Bishop, Franklin
Case, Frank
DiFruscia, Anthony
Henson, John
Ingram, Russell
McEachern, Paul
Pettersen, Don
Sanders, Elisabeth
Weare, Everett

Bridle, Russell
Casey, Kimberley
DiPentima, Rich
Hoelzel, Kathleen
Kepner, Susan
Moody, Marcia
Preston, Mark
Schlachman, Donna
Webber, Carolyn

Brown, C. Pennington
Cushing, Robert
Emiro, Frank
Hutchinson, Gina
Mann, Maureen
Nord, Susi
Read, Robin Jr
Splaine, James
Wells, Roger

STRAFFORD

Berube, Roger
Brown, Julie
Grassie, Anne
Kaen, Naida
Rous, Emma
Spang, Judith
Ward, Kenneth

Bickford, David
Brown, Larry
Hofemann, Roland
Perry, Robert
Ryder, Mark
Sprague, Dale
Watters, David

Brennan, William
Browne, Brendon
Horrigan, Timothy
Rogers, Rose Marie
Schmidt, Peter
Vita, Carol

Brown, Jennifer
Burke, Rachel
Hubbard, Pamela
Rollo, Michael
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

BELKNAP

Boyce, Laurie
Nedeau, Stephen

Flanders, Donald
Russell, David

Johnson, William
Veazey, John

Millham, Alida
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Bridgham, Robert
Patten, Betsey
Umberger, Karen

Chandler, Gene
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Hunt, John
Parkhurst, Henry

Laurent, John

Meador, David

Mitchell, Bonnie

COOS

Rappaport, Laurence

Stohl, Eric

GRAFTON

Aguiar, James
Friedrich, Carol
Williams, Burton

Almy, Susan
Gould, Franklin

Bulis, Lyle
Ingbretson, Paul

Ford, Susan
Mulholland, Catherine

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Graham, John
Hikel, John
Holden, Frank
Kurk, Neal
Moran, Edward
Ober, Lynne
Pratt, Calvin
Rhodes, Brian
Seidel, Carl
Tahir, Saghir
Willette, Robert

Beaulieu, Jane
Cebrowski, John
Doherty, Shaun
Emerton, Larry
Haefner, Robert
Hinch, Richard
Hopper, Gary
L'Heureux, Robert
Movsesian, Lori
Ober, Russell III
Price, Pamela
Rosenwald, Cindy
Silva, Peter
Ulery, Jordan
Winters, Joel

Belvin, William
Christensen, Chris
Dokmo, Cynthia
Gagne, Larry
Haley, Robert
Hinkle, Peyton
Irwin, Anne-Marie
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Ramsey, Peter
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Bergin, Peter
Christiansen, Lars
Drisko, Richard
Gandia, Laura
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Mead, Robert
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
DeStefano, Stephen
Lockwood, Priscilla
Reed, Dennis

Blankenbeker, Lynne
Hess, David
McGuire, Carol
Smith, Todd

Boutin, David
Kidder, David
McMahon, Patricia

Coffey, Jennifer
Kotowski, Frank
Palfrey, David

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Crisler, Margaret
Dumaine, Dudley
Garrity, James
Hagan, Joseph

Bailey, Clinton
Bettencourt, David
DeSimone, Debra
Elliott, Robert
Gleason, John
Headd, James

Baldasaro, Alfred
Charron, Gene
Devine, James
Fesh, Robert
Gould, Kenneth
Howard, Doreen

Bates, David
Comerford, Timothy
Dowling, Patricia
Flanders, John Sr
Griffin, Mary
Introne, Robert

Itse, Daniel	Kappler, L. Mike	Katsakiores, Phyllis	Kolodziej, Walter
Lyons, Melissa	McKinney, Betsy	McMahon, Charles	Nevins, Chris
Packard, Sherman	Perkins, Lawrence	Rausch, James	Reagan, John
Scamman, Stella	Scamman, W. Douglas Jr	Sedensky, John	Smith, William
Stiles, Nancy	Welch, David		

STRAFFORD

Groen, Warren	Keans, Sandra	Lauterborn, Elaine	Price, Susan
Twombly, James	Vachon, Dennis		

SULLIVAN

Howard, Thomas Osgood, Joe Rodeschin, Beverly
 and the majority committee report was adopted.
 Ordered to third reading.

HB 139, relative to the determination of parental rights and responsibilities. **REFER FOR INTERIM STUDY.**

Rep. Daniel C. Itse for Children and Family Law: This bill would confirm comparable parenting responsibilities as the presumption for parenting plans and require the marital master or judge to provide detailed justification for deviations in the parenting plans. The committee recognizes that the lack of justification for deviations has proved to be a problem when changes in parenting plans are required, but is unable to agree on the use of “comparable” in the bill. Furthermore, there is a desire to ensure that the bill is written so that it is clear, that the best interests of the children remain the focal point in the development of parenting plans. Therefore, the committee recommends that this bill be the subject of further study. Vote 18-0.
 Committee report adopted.

HB 180, creating an exception from the registration requirement for certain nonviolent offenders. **REFER FOR INTERIM STUDY.**

Rep. Julie M. Brown for Children and Family Law: This bill attempts to address the issue of sexual contact for the purposes of sexual offender registry. The committee believes that the bill requires further study to consider the issue of youthful offenders between the ages of 18-21 who are still in secondary school. For these reasons, the committee unanimously recommends further study. Vote 17-0.
 Committee report adopted.

HB 299, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rip Holden for Commerce and Consumer Affairs: The majority of the committee felt that the stigma of being fingerprinted connotes criminality. Although the committee applauds the industry's efforts to protect against fraud, the majority feels to require people to be fingerprinted in order to cash a check, for services rendered, is too intrusive. Vote 10-7.

Amendment (2479h)

Amend the bill by replacing the title with the following:

AN ACT prohibiting banks from requiring fingerprints in order to complete a banking transaction.

Amend RSA 382-A:3-501(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Reasonable identification shall not include finger prints.

AMENDED ANALYSIS

This bill prohibits banks from requiring fingerprints in order to complete a banking transaction.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Hunt spoke against.

Rep. Rip Holden spoke in favor.

On a division vote, 255 members having voted in the affirmative and 93 in the negative, the committee report was adopted.

Ordered to third reading.

HB 366, relative to retail vehicle dealers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for the Majority of Commerce and Consumer Affairs: This consumer protection bill seeks to eliminate the dual categories of plated and unplated dealers in order to ensure that cars sold by licensed dealers be done out of an established place of business. Under current law, unplated dealers need not sell cars from an established place of business. The committee heard from the NH Department of Safety's enforcement officer that too often people are buying cars they see on the side of the road by calling a cell phone number and making the deal at that site. When undisclosed problems are discovered, the buyer has no recourse from the seller who has essentially disappeared. This bill ensures that if the buyer has an issue, she or he can return to a legitimate place of business from which the car was purchased. The concern that we are forcing someone who works out of a trailer to make a bigger investment in their business by having to comply with the 1,000 contiguous square feet requirement for an established place of business is far outweighed by the protections this bill gives. The committee heard that the consumers needing cheap transportation are the buyers most often victimized by unscrupulous dealers; this bill will reduce fraud. This bill does not prohibit dealers from displaying cars off-site, or people selling up to 5 cars a year, or individuals selling their own cars from their yard. The enforcement officer also testified that this will not have an impact on hobbyists or large families who may sell a number of their cars each year. Currently, licensed unplated dealers will have up to 5 years to comply with this new statute. Vote 14-4.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs: The minority is concerned that the solution the amendment provides does not address the problem. The issue is 'fly-by-night' car dealers that may not be found after a car is sold. The solution is to require that to sell more than five cars a year, a seller must have a business location of at least 1,000 square feet. Given that anyone who sells more than five cars a year must register with the Department of Safety, how does adding the cost of ownership/rental insure the integrity of the used auto dealer? Even though this bill is supposed to be pro-consumer, the minority is concerned that this bill will have the opposite effect and hurt consumers who are looking for an affordable car from a dealer who is trying to hold down overhead cost.

Majority Amendment (2437h)

Amend RSA 259:29-a, III(a)-(b) as inserted by section 1 of the bill by replacing it with the following:

(a) A business location where the retail vehicle dealer conducts sales during normal business hours; and

(b) Such business location is capable of storing and displaying motor vehicles indoors, in one building, in an area of at least 1,000 contiguous square feet; and

Amend RSA 261:103-a, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) A complete description, including the city or town and the street and number of the permanent, established place of business and such other and additional place or places

of business as shall be operated and maintained by the applicant in conjunction with the permanent, established place of business.

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Retail Vehicle Dealer's Use of Dealer Registration. Amend RSA 261:111 by inserting after paragraph V the following new paragraph:

VI. A retail vehicle dealer may use the dealer registration to operate a vehicle on the ways of this state when transporting the vehicle from a place of purchase to the dealer's place of business if the vehicle bears a valid inspection sticker from any state unless a clear violation of RSA 266:1 is apparent from visual observation.

Amend the bill by replacing section 7 with the following:

7 Unlicensed Sales; Applicability. The established place of business requirement in RSA 261:103-b, as inserted by section 4 of this act, shall not apply until December 31, 2015 to any retail vehicle dealer licensed under RSA 261:103-a on the effective date of this act so long as the dealer continues to be licensed as a retail vehicle dealer and does not have a general distinguishing number.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

On a division vote, 201 members having voted in the affirmative and 144 in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matt J. Quandt for Commerce and Consumer Affairs: Each year hundreds of unwitting animals both domestic and wild are killed from licking antifreeze from the ground and each year children are injured or die from tasting the sweet lure of antifreeze. There is now a bittering agent available to end the unnecessary harm done. In our research we found 3 other neighboring states looking to include a bittering agent in any antifreeze sold in their state after January 2011. We looked at the reasons why a company would want to include a bittering agent and determined such an action went beyond simple good corporate citizenship but is also being responsible to its shareholders. The committee felt that it would be a responsible action for the legislature to agree to give antifreeze manufacturers until 2011 to use what product it still has. After January, 2011, all antifreeze sold in NH will need to include a bittering agent. No immunity for the manufacturer is granted in this legislation. Vote 16-1.

Amendment (2448h)

Amend RSA 644:8-g as inserted by section 1 of the bill by replacing it with the following:

644:8-g Sale of Engine Coolants and Antifreeze.

I. After October 1, 2011, no person may sell or offer to sell in this state any engine coolant or antifreeze that contains more than 10 percent ethylene glycol unless it includes denatonium benzoate or other aversive agents in sufficient strength at a minimum of 30 parts per million as a bittering agent within the product so as to render it unpalatable.

II. Notwithstanding paragraph I, an aversive agent other than denatonium benzoate may be used in engine coolant or antifreeze if it meets or exceeds the degree of aversion in test subjects obtained by using the formulation of 30 parts per million of denatonium benzoate in antifreeze.

III. This section shall not apply to the sale of a motor vehicle that contains engine coolant or antifreeze.

IV. Any person who knowingly violates this section shall be guilty of a class B misdemeanor.

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect January 1, 2011.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 242 members having voted in the affirmative and 104 in the negative, the committee report was adopted.

Referred to the Committee on Criminal Justice and Public Safety.

SUSPENSION OF RULES

Rep. William O'Brien moved that House Rules be so far suspended as to allow a motion for late drafting and introduction of a House Bill.

Reps. Wallner and Packard spoke in favor.

Adopted by the necessary two-thirds.

MOTION TO ALLOW INTRODUCTION

Rep. William O'Brien moved that, pursuant to House Rule 35 (c), the House allow the late drafting and introduction of a bill that would amend RSA 630:1 to expand capital murder to include the commission of a home invasion resulting in death where murder was intended.

Reps. William O'Brien and Chandler spoke in favor.

Rep. Campbell spoke against and yielded to questions.

Reps. Eaton and Nixon spoke against.

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 161 NAYS 201

YEAS 161

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Veazey, John

Fields, Dennis
Russell, David
Wendelboe, Fran

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
White, Andrew

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Boisvert, Ronald
Daniels, Gary
Emerton, Larry
Graham, John
Hikel, John
Holden, Frank
Jasper, Shawn
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Tahir, Saghir

Beauchamp, Roger
Cebrowski, John
Day, Russell
Gagne, Larry
Haefner, Robert
Hinch, Richard
Holden, Rip
Katsiantonis, Thomas
Moran, Edward
Ober, Russell III
Peterson, Andrew
Rowe, Robert
Soucy, Connie
Ulery, Jordan

Belvin, William
Christensen, Chris
Doherty, Shaun
Gandia, Laura
Haley, Robert
Hinkle, Peyton
Hopper, Gary
L'Heureux, Robert
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Ryder, Donald
Soucy, Timothy
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Elliott, Nancy
Garritty, Patrick
Hawkins, Ken
Hogan, Edith
Infantine, William
McCarthy, Michael
O'Neil, James
Pellegrino, Tony
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Willette, Robert

MERRIMACK

Anderson, Eric
Coffey, Jennifer
Palfrey, David

Bartlett, Michael
Hess, David
Reed, Dennis

Blankenbeker, Lynne
Kotowski, Frank
Smith, Todd

Boutin, David
McGuire, Carol

ROCKINGHAM

Allen, Mary
Bettencourt, David
Crisler, Margaret
Dumaine, Dudley
Fesh, Robert
Hagan, Joseph
Hutchinson, Gina
Itse, Daniel
Lyons, Melissa
Packard, Sherman
Reagan, John

Bailey, Clinton
Bridle, Russell
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Headd, James
Hutchinson, Karen
Kappler, L. Mike
McKinney, Betsy
Perkins, Lawrence
Sanders, Elisabeth

Baldasaro, Alfred
Charron, Gene
Devine, James
Emiro, Frank
Garritty, James
Hoelzel, Kathleen
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Quandt, Matt
Scamman, W.
Douglas Jr
Sullivan, James

Bates, David
Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Griffin, Mary
Howard, Doreen
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Rausch, James
Sedensky, John

Smith, William
Welch, David

Stiles, Nancy
Wells, Roger

Weare, Everett

STRAFFORD

Brown, Julie
Horrigan, Timothy

Browne, Brendon
Vita, Carol

Groen, Warren

Hofemann, Roland

SULLIVAN

Harris, Sandra

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 201

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Roberts, John

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carr, Daniel	Eaton, Daniel	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Mitchell, Bonnie	Parkhurst, Henry
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gould, Franklin	Harding, Laurie
Laliberte, Suzanne	Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Preston, Philip	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Campbell, David	Caron, June	Chandley, Shannon	Chase, Claudia
Chininis, Alexis	Clemons, Jane	Cote, David	Craig, James
Dokmo, Cynthia	Drisko, Richard	Flurey, Joan	Foster, Linda
Gidge, Kenneth	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Hodges, Kevin	Irwin, Anne-Marie	Jeady, Jean
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
LaPlante, Roland	Leishman, Peter	Levesque, Melanie	Lisle, Carolyn
Long, Patrick	Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter	Rhodes, Brian
Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan	Shaw, Kimberly
Sullivan, Daniel	Thompson, Robert	Vaillancourt, Steve	Walsh, Robert Jr
Williams, Carol	Winters, Joel		

MERRIMACK

Bouchard, Candace	Clarke, Claire	Davis, Frank	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kelly, Sally	Kidder, David	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Porter, Margaret	Potter, Frances
Rice, Chip	Richardson, Gary	Rodd, Beth	Schuett, Dianne
Shurtleff, Stephen	Stetson, William	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick	Webb, Leigh
Wheeler, Deborah	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Case, Frank	Casey, Kimberley
Cushing, Robert	Day, Judith	DiFruscia, Anthony	DiPentima, Rich
Gleason, John	Gould, Kenneth	Henson, John	Kepner, Susan
Mann, Maureen	McCarthy, Barbara	McEachern, Paul	Moody, Marcia

Nord, Susi
Read, Robin Jr
Splaine, James

Pantelakos, Laura
Russell, Trink
Webber, Carolyn

Petterson, Don
Scamman, Stella

Preston, Mark
Schlachman, Donna

STRAFFORD

Berube, Roger
Brown, Larry
Kaen, Naida
Price, Susan
Ryder, Mark
Sprague, Dale
Watters, David

Bickford, David
Burke, Rachel
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brennan, William
Grassie, Anne
Lauterborn, Elaine
Rollo, Michael
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Hubbard, Pamela
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John

Donovan, Thomas Jr

Gottling, Suzanne

Houde-Quimby,
Charlotte

McClammer, Jim
and the motion failed.

Skinder, Carla

Sweeney, Cynthia

The House recessed at 12:40 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 1:45 p.m.

REGULAR CALENDAR (CONT'D)

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David J. Palfrey for the Majority of Commerce and Consumer Affairs: This bill, with the proposed majority amendment, prohibits the human implantation of a radio frequency device without the individual's informed written consent and prohibits the implantation of such a device onto or into a minor child. The bill also amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes. This bill, as introduced, deals with radio frequency identification (RFID) technology and has several sections, including restrictions on human implantation, unauthorized reading of credit and debit cards (skimming), labeling of consumer products and identification cards and bans on state use. A study commission on this technology that finished its work one year ago recommended legislation regarding the first two issues, but could not reach conclusions on the others. This committee heard testimony that in the five years this issue has been under consideration the small number of consumer products with an RFID device has not grown. Including sections that are controversial, as the minority requests, and where there seems to be no practical answer, will continue to hold up passage of these two important policy measures. The proposed amendment would prevent unauthorized human implantation and updates the New Hampshire statute on credit card Askimming@ to include RFID technology. We are uncomfortable with mandating labeling at this time on just New Hampshire businesses. The potential costs and unforeseen consequences need more study before we move in that direction. Vote 14-3.

Rep. Joel F. Winters for the Minority of Commerce and Consumer Affairs: RFID can be a beneficial technology for tracking inventory. People, however, are not inventory and should not be treated as such by the state government. Only the minority amendment contains the language, passed by the House the last two terms that restricts how the state can use RFID when issuing identity documents like driver's licenses.

Majority Amendment (2471h)

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

AN ACT relative to the regulation of radio frequency identification devices and the illegal use of payment card scanning devices or reencoders.

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

1 New Chapter; Regulation of Radio Frequency Identification Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T

**REGULATION OF THE USE OF RADIO FREQUENCY IDENTIFICATION DEVICES
FOR THE PURPOSE OF TRACKING**

358-T:1 Definitions. In this chapter:

I. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

II. "Radio frequency identification device" means any item or application that is capable of transmitting unique identification or location information through the use of radio waves. Such devices shall not include bar codes, magnetic stripes, or similar markings that do not transmit information using radio waves or commercial mobile radio service as described in 47 U.S.C. section 332.

358-T:2 Human Implantation of Radio Frequency Identification Device Prohibited.

I. No person shall implant or attempt to implant or physically incorporate a radio frequency identification device into or on the body, skin, teeth, hair, or nails of another individual without the prior, informed, written consent of the individual. No person shall implant or attempt to implant or physically incorporate a radio frequency identification device into or on the body, skin, teeth, hair, or nails of a minor child. Use of a bracelet or other readily removable device is not considered implantation or physical incorporation under this section.

II. No individual shall be offered an incentive, denied an opportunity, or in any way treated by a person differently from any other individual as a consequence of providing or withholding such consent.

III. No person shall use the presence or absence of an implanted radio frequency identification device as a basis for discriminating against an individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, and commerce.

358-T:3 Penalties.

I. Any person convicted of violating this chapter shall be guilty of a class B felony.

II. An aggrieved individual or the state may bring suit for civil penalties for up to \$10,000, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:28, I-III to read as follows:

I. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of]~~ **or in** a payment card.

II. "Reencoder" means an electronic device that places encoded information from ~~[the magnetic strip or stripe of]~~ a payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different payment card.

III. "Payment card" means a credit card, charge card, debit card, or any other card **or device** that is issued to an authorized ~~[card]~~ user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

3 Illegal Use of Payment Card Scanning Device or Reencoder. Amend RSA 638:29, I to read as follows:

I. A person is guilty of the crime of using a scanning device or reencoder to defraud when the person knowingly:

(a) Uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on ~~[the magnetic strip or stripe of a]~~ **or in** a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or

(b) Uses a reencoder to place information encoded on ~~[the magnetic strip or stripe of a]~~ **or into a different** payment card onto ~~[the magnetic strip or stripe of]~~ **or into** a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

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

AMENDED ANALYSIS

This bill prohibits the human implantation of a radio frequency identification device without the individual's informed, written consent. The bill prohibits the human implantation of such a device onto or into a minor child. The bill also amends the definition of payment card and reencoding for purposes of the crime of using a scanning device or reencoder for fraudulent purposes.

Reps. Winters and Kurk spoke against.

Rep. Eaton spoke in favor and yielded to questions.

On a division vote, 170 members having voted in the affirmative and 185 in the negative, the majority committee amendment failed.

The question now being adoption of the motion of Ought to Pass.

On a division vote, 186 members having voted in the affirmative and 170 in the negative, the motion was adopted.

Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it adopted the motion of Ought to Pass on **HB 478-FN**, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder.

Rep. Kurk spoke against.

On a division vote, 117 members having voted in the affirmative and 240 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 507-FN, relative to taxes, fees, and credits under the insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A. Dowling for Commerce and Consumer Affairs: This bill was at the request of the New Hampshire Insurance Department and increases the application fee for insurance companies from \$300 to \$500, reimburses members of the respective continuing education advisory council's mileage for travel and increases the premium tax on foreign insurers writing surplus lines from 2% to 3%. Vote 16-2.

Amendment (2410h)

Amend RSA 400-A:29, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) Application ~~[\$300]~~ **\$500**

(b) Initial certificate \$100

Amend RSA 400-A:29-a, III as inserted by section 2 of the bill by replacing it with the following:

III. Members of the respective continuing education advisory councils shall be reimbursed for all actual travel.

Amend RSA 405:29, I as inserted by section 4 of the bill by replacing it with the following:

I. Each licensed producer shall file with the commissioner, not later than January 31st of each year, a sworn statement of the gross premiums charged for insurance procured or placed and the gross return premiums on such insurance cancelled under such license during the year ending on December 31 next preceding, and at the time of filing such statement shall pay to the state treasurer a sum equal to ~~[2]~~ **3** percent of such gross premiums less such return premiums reported.

Amend the bill by deleting section 5 and renumbering the original sections 6-9 to read as 5-8, respectively.

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect July 1, 2010.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 208 members having voted in the affirmative and 146 in the negative, the committee report was adopted.

Referred to the Committee on Ways and Means.

HB 569-FN, requiring insurance coverage for diagnosis and treatment of autism spectrum disorders. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susi Nord for the Majority of Commerce and Consumer Affairs: This bill is a clarification of our existing mental health parity statute with regard to insurance coverage for children with autism. The current statute includes autism as a covered condition; however medical bills for important aspects of the therapy are still not being paid by insurance companies. The committee retained this bill and requested that the insurance department conduct a review of the status of coverage for treatment and found that certain types of treatment are being denied as "habilitative" (promoting a new behavior rather than repairing an already existing behavior). The majority of the committee concluded, instead, that such treatments and therapies are in fact often necessary and vital aspects of treatment. The amendment does not change the scope of the current statute or the ability of insurance companies to determine medical necessity nor does it shift the responsibility for the educational aspects of the therapy from the schools to the insurance companies or give children with autism greater coverage than those with other conditions. The amendment states that behavioral therapy, speech and occupational therapy are to be covered along with the already-covered medications, health related services and psychiatric services when they are part of a written plan ordered by a doctor who is prescribing these therapies using a nationally recognized standard of care such as the standard of the American Academy of Pediatrics. Requiring a written plan actually creates a higher level of scrutiny for coverage than currently exists. There will be a minimal cost increase to the insurance industry (less than ½ of 1%); however the cost savings to the state and the local school districts over the life of the children who receive proper treatment averages just over \$1.9 million per child. This bill will ensure that children will receive proper care for their condition and will, as a result, use dramatically less assistance from the state. For the entire covered population this translates to a savings of about \$597 million to our school districts and DHHS. At a time when we as legislators are under pressure to reduce costs in these areas, this bill is one way to do exactly that. Vote 13-3.

Rep. James F. Headd for the Minority of Commerce and Consumer Affairs: The minority of the committee believes that this bill blurs the line between educational interventions and

medical treatments and will exacerbate the problem of health insurance becoming increasingly unaffordable, especially for small businesses and individuals. We believe that HB 569 is not ready to pass for the following reasons: 1. The research literature is ambivalent regarding whether expensive behavioral interventions such as Applied Behavioral Analysis or ABA are helpful in all cases of autism spectrum disorder. Which children benefit, at what ages and for how many hours of daily therapy are still open questions. To mandate insurers to pay for these therapies when their benefits are still the subject of some controversy is not good public policy. 2. It isn't clear that ABA is primarily a medical treatment rather than an educational therapy. While we in the minority understand that school districts are under a lot of financial stress, it doesn't make sense that costs should be shifted from the schools to insurers without any regard to the financial struggles businesses and their employees are facing to keep basic health coverage. 3. HB 569 sets a disturbing precedent that insurers will not be able to define whether a treatment is medically necessary, even though the state has set very explicit guidelines that insurers must follow to find a treatment medically necessary. Moreover, ABA has always been viewed as educational, not medical, in nature. How are insurers supposed to develop clinical guidelines around its use if it's not a medical treatment? 4. Many larger businesses are self-insured and will not have to bear the costs of this mandate. Those of us with health insurance will be paying through higher premiums as costs are passed on. Small businesses in particular are struggling to pay for coverage and many have dropped it altogether. The Health First Program, created to provide an affordable product for small businesses, will have another expensive mandate added to the benefits it must cover and the program has barely gotten off the ground. HB 569 is well-intentioned but it sets some dangerous precedents and we should not be rushing to a solution that will exacerbate the economic distress that small businesses and their employees are facing.

Majority Amendment (2462h)

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

AN ACT clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

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

1 New Paragraph; Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1 by inserting after paragraph V the following new paragraph:

VI. Nothing in this section shall be construed to affect any obligation to provide services to an individual under an individualized family service plan or an individualized education program, as required under the federal Individuals With Disabilities Education Act, or the provision of services to an individual under any other federal or state law.

2 New Section; Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-E by inserting after section 1 the following new section:

417-E:2 Coverage for Treatment of Pervasive Developmental Disorder or Autism

I. For the purposes of this chapter, treatment of pervasive developmental disorder or autism as required under RSA 417-E:1, III(h) shall include the following medically necessary care prescribed by a licensed physician, advanced practice registered nurse, psychologist, or clinical social worker:

(a) Professional services and treatment programs, including applied behavioral analysis, provided by a pervasive developmental disorder or autism service provider to produce socially significant improvements in human behavior or to prevent loss of attained skill or function;

(b) Medications and any health-related service necessary to determine the need or effectiveness of the medications;

(c) Direct or consultative services provided by a licensed psychiatrist, advanced practice registered nurse, psychologist, or clinical social worker; and

(d) Services provided by a licensed speech therapist, occupational therapist, or physical therapist.

II. Treatment, including frequency and duration of treatment, shall be covered in accordance with a written plan signed by a licensed physician, advanced practice registered nurse, or psychologist stating that the treatment is medically necessary for the patient and is consistent with nationally recognized treatment standards for the condition such as those set forth by the American Academy of Pediatrics. Coverage shall not be denied on the basis that services are habilitative in nature. The benefits included in this section shall be subject to the terms and conditions of the policy and shall be no less extensive than coverage provided for similar conditions or illnesses.

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

AMENDED ANALYSIS

This bill clarifies the insurance coverage required for diagnosis and treatment of pervasive developmental disorder or autism.

Rep. Nord yielded to questions.

On a division vote, 184 members having voted in the affirmative and 155 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Hunt spoke against and yielded to questions.

Rep. Butcher spoke in favor and yielded to questions.

Rep. Nord spoke in favor and yielded to questions.

Rep. Butcher requested a roll call; sufficiently seconded.

YEAS 213 NAYS 147

YEAS 213

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Knox, J. David

CHESHIRE

Allen, Peter
Butynski, William
Lerandeau, Alfred
Richardson, Barbara

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven
Sad, Tara

Butcher, Suzanne
Carr, Daniel
Meador, David
Weber, Lucy

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Weed, Charles

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Aguiar, James
Friedrich, Carol
Laliberte, Suzanne
Pastor, Beatriz

Almy, Susan
Gionet, Edmond
Matheson, Robert
Pierce, David

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Taylor, Kathleen

Townsend, Charles

White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Chase, Claudia
Craig, James
Garritty, Patrick
Gorman, Mary
Hardy, Valerie
Jeudy, Jean
Komi, Richard
Levesque, Melanie
Marshall, Seth

Beauchamp, Roger
Campbell, David
Chininis, Alexis
Day, Russell
Gidge, Kenneth
Hackel, Paul
Harvey, Suzanne
Katsiantonis, Thomas
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr

Beaulieu, Jane
Caron, June
Clemons, Jane
Flurey, Joan
Ginsburg, Ruth
Haley, Robert
Hodges, Kevin
Knowles, John
L'Heureux, Robert
Long, Patrick
Messier, Irene

Beck, Catriona
Chandley, Shannon
Cote, David
Foster, Linda
Goley, Jeffrey
Hammond, Jill
Holden, Rip
Knowles, Mary Ann
LaPlante, Roland
Mack, Ron
Moran, Edward

Movsesian, Lori
Peterson, Andrew
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Williams, Carol

Nixon, David
Pilotte, Maurice
Rokas, Theodoros
Shaw, Barbara
Tahir, Saghir

O'Brien, Michael Sr
Poznanski, Brian
Rosenwald, Cindy
Shaw, Kimberly
Thompson, Robert

O'Neil, James
Ramsey, Peter
Schulze, Joan
Soucy, Timothy
Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
French, Barbara
Osborne, Jessie
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Gile, Mary
Owen, Derek
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Davis, Frank
Hamm, Christine
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Foose, Robert
Kelly, Sally
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Cushing, Robert
Dowling, Patricia
Hutchinson, Gina
Kepner, Susan
McEachern, Paul
Pantelakos, Laura
Sanders, Elisabeth
Webber, Carolyn

Belanger, Ronald
Cali-Pitts, Jacqueline
Day, Judith
Emiro, Frank
Hutchinson, Karen
Lyons, Melissa
Moody, Marcia
Pettersen, Don
Schlachman, Donna

Bettencourt, David
Case, Frank
DiFruscia, Anthony
Griffin, Mary
Ingram, Russell
Mann, Maureen
Nevins, Chris
Read, Robin Jr
Splaine, James

Bridle, Russell
Casey, Kimberley
DiPentima, Rich
Henson, John
Katsakiores, Phyllis
McCarthy, Barbara
Nord, Susi
Russell, Trinkia
Stiles, Nancy

STRAFFORD

Berube, Roger
Browne, Brendon
Horrigan, Timothy
Rogers, Rose Marie
Smith, Marjorie
Wall, Janet

Brennan, William
Burke, Rachel
Hubbard, Pamela
Rollo, Michael
Spang, Judith
Ward, Kenneth

Brown, Julie
Grassie, Anne
Kaen, Naida
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Larry
Hofemann, Roland
Perry, Robert
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John

Donovan, Thomas Jr

Gagnon, Raymond

Gottling, Suzanne

Harris, Sandra

Houde-Quimby,
Charlotte

McClammer, Jim

Skinder, Carla

NAYS 147

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Veazey, John

Fields, Dennis
Russell, David
Wendelboe, Fran

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Patten, Betsey
Umberger, Karen

Chandler, Gene
Roberts, John

Fleck, Joseph
Scala, Dino

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan
Mitchell, Bonnie

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Stohl, Eric

GRAFTON

Bulis, Lyle
Williams, Burton

Ford, Susan

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Doherty, Shaun
Emerton, Larry
Haefner, Robert
Hinkle, Peyton
Infantine, William
Leishman, Peter
Ober, Lynne
Pepino, Leo
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

Belvin, William
Christensen, Chris
Dokmo, Cynthia
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Irwin, Anne-Marie
McCarthy, Michael
Ober, Russell III
Pratt, Calvin
Ryder, Donald
Spaulding, Jayne
Willette, Robert

Bergin, Peter
Christiansen, Lars
Drisko, Richard
Gandia, Laura
Hikel, John
Holden, Frank
Jasper, Shawn
Mead, Robert
Palmer, Stephen
Price, Pamela
Seidel, Carl
Ulery, Jordan
Winters, Joel

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Graham, John
Hinch, Richard
Hopper, Gary
Kurk, Neal
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeStefano, Stephen
Lockwood, Priscilla
Reed, Dennis

Blankenbeker, Lynne
Hess, David
McGuire, Carol
Smith, Todd

Boutin, David
Kidder, David
McMahon, Patricia

Coffey, Jennifer
Kotowski, Frank
Palfrey, David

ROCKINGHAM

Allen, Mary
Charron, Gene
Devine, James

Bailey, Clinton
Comerford, Timothy
Dumaine, Dudley

Baldasaro, Alfred
Crisler, Margaret
Elliott, Robert

Bates, David
DeSimone, Debra
Ferrante, Beverly

Fesh, Robert
Hagan, Joseph
Introne, Robert
McKinney, Betsy
Rausch, James

Flanders, John Sr
Headd, James
Itse, Daniel
McMahon, Charles
Reagan, John

Garrity, James
Hoelzel, Kathleen
Kappler, L. Mike
Packard, Sherman
Scamman, Stella

Gleason, John
Howard, Doreen
Kolodziej, Walter
Quandt, Matt
Scamman, W.
Douglas Jr
Weare, Everett

Sedensky, John
Welch, David

Smith, William

Sullivan, James

STRAFFORD

Bickford, David
Price, Susan

Groen, Warren
Twombly, James

Keans, Sandra
Vita, Carol

Lauterborn, Elaine

SULLIVAN

Howard, Thomas
and the majority committee report was adopted.
Ordered to third reading.

Osgood, Joe

Rodeschin, Beverly

Sweeney, Cynthia

HB 660-FN, relative to the life settlements act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F. Headd for Commerce and Consumer Affairs: This legislation is intended to provide the Insurance Department with the regulatory tools necessary to provide and implement consumer protections on the currently unregulated industry of life settlements. Life settlements, also known as viatical settlements, involve the sale of a person's life insurance policy to an investor (the life settlement company), in exchange for a lump sum payment. The bill seeks to protect the target market of life settlement companies, typically the elderly and the terminally ill, by requiring that life settlement companies are licensed, are subject to examination, provide adequate disclosures, operate under uniform standards of practice and are accountable to the consumer. Today there are thirty-three known life settlement companies operating in the state with no oversight. HB 660 preserves the individual consumer's right to sell a life insurance policy while ensuring the consumer is protected from unfair and fraudulent sales practices. Stranger Originated Life Insurance (STOLI) involving the purchase of life insurance through misrepresentation is currently a violation of public policy and under HB 660 will also be prohibited as a violation of insurance law, subject to fine and license revocation. Vote 10-7.

Amendment (2482h)

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

1 New Chapter; Life Settlements Act. Amend RSA by inserting after chapter 408-C the following new chapter:

CHAPTER 408-D LIFE SETTLEMENTS ACT

408-D:1 Short Title. This chapter may be cited as the life settlements act.

408-D:2 Definitions. In this chapter:

I. "Advertising" means any written, electronic or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet or similar communications media, including film strips, motion pictures and videos, published, disseminated, circulated or placed before the public, directly or indirectly, in this state, for the purpose of creating an interest in or inducing a person to purchase or sell, assign, devise, bequest or transfer the death benefit or ownership of a life insurance policy to a life settlement contact.

II. "Business of life settlements" means an activity involved in, but not limited to, the offering, soliciting, negotiating, procuring, effectuating, monitoring, tracking, underwriting, selling, transferring, assigning, pledging, hypothecating or in any other

manner, acquiring an interest in a life insurance policy by means of a life settlement contract.

III. "Chronically ill" means:

(a) Being unable to perform at least 2 activities of daily living, including eating, toileting, transferring, bathing, dressing or continence;

(b) Requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment; or

(c) Having a level of disability similar to that described in subparagraph (a) as determined by the department of health and human services.

IV. "Commissioner" means the insurance commissioner.

V.(a) "Financing entity" means an underwriter, placement agent, lender, purchaser of securities, purchaser of a policy or certificate from a life settlement provider, credit enhancer, or any entity that has a direct ownership in a policy or certificate that is the subject of a life settlement contract, but:

(1) Whose principal activity related to the transaction is providing funds to effect the life settlement contract or purchase of one or more viaticated policies; and

(2) Who has an agreement in writing with one or more licensed life settlement providers to finance the acquisition of life settlement contracts.

(b) "Financing entity" does not include a non-accredited investor or a life settlement purchaser.

VI. "Fraudulent life settlement act" includes:

(a) Acts or omissions committed by any person who, knowingly or with intent to defraud, for the purpose of depriving another of property or for pecuniary gain, commits, or permits its employees or its agents to engage in acts including, but not limited to:

(1) Presenting, causing to be presented or preparing with knowledge or belief that it will be presented to or by a life settlement provider, life settlement premium finance lender, life settlement producer, life settlement purchaser, financing entity insurer, insurance producer or any other person, false material information, or concealing material information, as part of, in support of, or concerning a fact material to one or more of the following:

(A) An application for the issuance of a life settlement contract or insurance policy;

(B) The underwriting of a life settlement contract or insurance policy;

(C) A claim for payment or benefit pursuant to a life settlement contract or insurance policy;

(D) Premiums paid on an insurance policy;

(E) Payments and changes in ownership or beneficiary made in accordance with the terms of a life settlement contract, or insurance policy;

(F) The reinstatement or conversion of an insurance policy;

(G) The solicitation, offer, effectuation, or sale of a life settlement contract, or insurance policy;

(H) The issuance of written evidence of life settlement contracts or insurance;

(I) A financing transaction; or

(J) Plan which involves "stranger-originated life insurance" (STOLI) as defined in paragraph XVI.

(2) Employing any plan, financial structure, device, scheme, or artifice to defraud related to viaticated policies.

(b) In the furtherance of a fraud or to prevent the detection of a fraud any person commits or permits its employees or its agents to:

(1) Remove, conceal, alter, destroy or sequester from the commissioner the assets or records of a licensee or other person engaged in the business of life settlements;

(2) Misrepresent or conceal the financial condition of a licensee, financing entity, insurer or other person;

(3) Transact the business of life settlements in violation of laws requiring a license, certificate of authority or other legal authority for the transaction of the business of life settlements; or

(4) File with the commissioner or the equivalent chief insurance regulatory official of another jurisdiction a document containing false information or otherwise concealing information about a material fact from the commissioner.

(c) Embezzlement, theft, misappropriation or conversion of moneys, funds, premiums, credits or other property of a life settlement provider, insurer, insured, viator, insurance policy owner or any other person engaged in the business of life settlements or insurance.

(d) Recklessly entering into, negotiating, brokering, otherwise dealing in a life settlement contract, the subject of which is a life insurance policy that was obtained by presenting false information concerning any fact material to the policy or by concealing, for the purpose of misleading another, information concerning any fact material to the policy, where the person or the persons intended to defraud the policy's issuer, the life settlement provider or the viator. "Recklessly" means engaging in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks, such disregard involving a gross deviation from acceptable standards of conduct.

(e) Facilitating the change of state of ownership of a policy or certificate or the state of residency of a viator to a state or jurisdiction that does not have a law similar to this chapter for the express purposes of evading or avoiding the provisions of this chapter.

(f) Attempting to commit, assisting, aiding or abetting the commission of, or conspiracy to commit the acts or omissions specified in this paragraph.

VII. "Life insurance producer" means any person licensed in this state as a resident or nonresident insurance producer who has received qualification or authority for life insurance coverage or a life line of coverage pursuant to RSA 402-J:7, I(a).

VIII. "Life settlement producer" means a person as provided for in RSA 408-D:3, who working for a fee, commission, or other valuable consideration, offers or attempts to solicit or negotiate life settlement contracts between a viator and one or more life settlement providers or one or more life settlement producers. The term does not include an attorney, certified public accountant or a financial planner accredited by a nationally recognized accreditation agency, who is retained to represent the viator and whose compensation is not paid directly or indirectly by the life settlement provider or life settlement purchaser.

IX. "Life settlement contract" means the transfer for compensation or value of ownership or beneficial interest in a trust or other entity that owns such policy if the trust or other entity was formed or availed of for the principal purpose of acquiring one or more life insurance contracts, which life insurance contract insures the life of a person residing in this state.

(a) "Life settlement contract" includes a written agreement between a viator and a life settlement provider or any affiliate of the life settlement provider establishing the terms under which compensation or anything of value is or will be paid, which compensation or value is less than the expected death benefits of the policy, in return for the viator's present or future assignment, transfer, sale, devise or bequest of the death benefit or ownership of any portion of the insurance policy or certificate of insurance.

(b) "Life settlement contract" includes a premium finance loan made for a life insurance policy by a lender to viator on, before or after the date of issuance of the policy where:

(1) The viator or the insured receives on the date of the premium finance loan a guarantee of a future life settlement value of the policy; or

(2) The viator or the insured agrees on the date of the premium finance loan to sell the policy or any portion of its death benefit on any date following the issuance of the policy.

(c) "Life settlement contract" does not include:

(1) A policy loan or accelerated death benefit made by the insurer pursuant to the policy's terms;

(2) Loan proceeds that are used solely to pay:

(A) Premiums for the policy;

(B) The costs of the loan, including, without limitation, interest, arrangement fees, utilization fees and similar fees, closing costs, legal fees and expenses, trustee fees and expenses, and third party collateral provider fees and expenses, including fees payable to letter of credit issuers;

(3) A loan made by a bank or other licensed financial institution in which the lender takes an interest in a life insurance policy solely to secure repayment of a loan or, if there is a default on the loan and the policy is transferred, the transfer of such a policy by the lender, provided that the default itself is not pursuant to an agreement or understanding with any other person for the purpose of evading regulation under this chapter;

(4) A loan made by a lender that does not violate RSA 415-B, provided that the premium finance loan is not described in subparagraph (b);

(5) An agreement where all the parties are closely related to the insured by blood or law, or have a lawful substantial economic interest in the continued life, health and bodily safety of the person insured, or are trusts established primarily for the benefit of such parties;

(6) Any designation, consent or agreement by an insured who is an employee of an employer in connection with the purchase by the employer, or trust established by the employer, of life insurance on the life of the employee;

(7) A bona fide business succession planning arrangement:

(A) Between one or more shareholders in a corporation or between a corporation and one or more of its shareholders or one or more trust established by its shareholders;

(B) Between one or more partners in a partnership or between a partnership and one or more of its partners or one or more trusts established by its partners; or

(C) Between one or more members in a limited liability company or between a limited liability company and one or more of its members or one or more trust established by its members;

(8) An agreement entered into by a service recipient, or a trust established by the service recipient, and a service provider, or a trust established by the service provider, who performs significant services for the service recipient's trade or business; or

(9) Any other contract, transaction or arrangement exempted from the definition of life settlement contract by the commissioner based on a determination that the contract, transaction or arrangement is not of the type to be regulated by this chapter.

X.(a) "Life settlement provider" means a person, other than a viator, that enters into or effectuates a life settlement contract with a viator resident in this state.

(b) "Life settlement provider" does not include:

(1) A bank, savings bank, savings and loan association, credit union or other licensed lending institution that takes an assignment of a life insurance policy solely as collateral for a loan;

(2) A premium finance company making premium finance loans and exempted by the commissioner from the licensing requirement under the premium finance laws that takes an assignment of a life insurance policy solely as collateral for a loan;

(3) The issuer of the life insurance policy;

(4) An authorized or eligible insurer that provides stop loss coverage or financial guaranty insurance to a life settlement provider, life settlement purchaser, financing entity, special purpose entity or related provider trust;

(5) A natural person who enters into or effectuates no more than one agreement in a calendar year for the transfer of life insurance policies for any value less than the expected death benefit;

(6) A financing entity;

(7) A special purpose entity;

(8) A related provider trust;

(9) A life settlement purchaser; or

(10) Any other person that the commissioner determines is not the type of person intended to be covered by the definition of life settlement provider.

XI.(a) "Life settlement purchaser" means a person who provides a sum of money as consideration for the life insurance policy or an interest in the death benefits of a life insurance policy, or a person who owns or acquires or is entitled to a beneficial interest in a trust that owns a life settlement contract or is the beneficiary of a life insurance policy that has been or will be the subject of a life settlement contract, for the purpose of deriving an economic benefit.

(b) "Life settlement purchaser" does not include:

(1) A licensee under this chapter;

(2) An accredited investor or qualified institutional buyer as defined, respectively, in Rule 501(a) or Rule 144A promulgated under the Federal Securities Act of 1933, as amended;

(3) A financing entity;

(4) A special purpose entity; or

(5) A related provider trust.

XII. "Person" means a natural person or a legal entity, including, but not limited to, an individual, a partnership, limited liability company, association, trust, or corporation.

XIII. "Policy" means an individual or group policy, group certificate, contract or arrangement of life insurance owned by a resident of this state, regardless of whether delivered or issued for delivery in this state.

XIV. "Related provider trust" means a titling trust or other trust established by a licensed life settlement provider or a financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction. In order to qualify as a related provider trust, the trust must have a written agreement with the licensed life settlement provider under which the licensed life settlement provider is responsible for ensuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files related to life settlement transactions available to the commissioner as if those records and files were maintained directly by the licensed life settlement provider.

XV. "Special purpose entity" means a corporation, partnership, trust, limited liability company or other similar entity formed solely to provide either directly or indirectly access to institutional capital markets:

(a) For a financing entity or licensed life settlement provider;

(b) In connection with a transaction in which the securities in the special purposes entity are acquired by the viator or by "qualified institutional buyers" as defined in Rule 144 promulgated under the Securities Act of 1933, as amended; or

(c) The securities pay a fixed rate of return commensurate with established asset-backed institutional capital markets.

XVI. "Stranger-originated life insurance" or "STOLI" means a practice or plan to initiate a life insurance policy for the benefit of a third party investor who, at the time of policy origination, has no insurable interest in the insured. STOLI practices include but are not limited to cases in which life insurance is purchased with resources or guarantees from

or through a person, or entity, who, at the time of policy inception, could not lawfully initiate the policy himself or itself, and where, at the time of inception, there is an arrangement or agreement, whether verbal or written, to directly or indirectly transfer the ownership of the policy and/or the policy benefits to a third party. Trusts, that are created to give the appearance of insurable interest, and are used to initiate policies for investors, violate insurable interest laws and the prohibition against wagering on life. STOLI arrangements do not include those practices set forth in RSA 408-D:2, XI(b)(2).

XVII. "Terminally ill" means having an illness or sickness that can reasonably be expected to result in death in 24 months or less.

XVIII. "Viaticated policy" means a life insurance policy or certificate that has been acquired by a life settlement provider pursuant to a life settlement contract.

XIX.(a) "Viator" means the owner of a life insurance policy or a certificate holder under a group policy who resides in this state and enters or seeks to enter into a life settlement contract. For the purposes of this chapter, a viator shall not be limited to an owner of a life insurance policy or a certificate holder under a group policy insuring the life of an individual with a terminal or chronic illness or condition except where specifically addressed. If there is more than one viator on a single policy and the viators are residents of different states, the transaction shall be governed by the law of the state in which the viator having the largest percentage ownership resides or, if the viators hold equal ownership, the state of residence of one viator agreed upon in writing by all the viators.

(b) "Viator" does not include:

(1) A licensee under this chapter, including a life insurance producer acting as a life settlement producer pursuant to this chapter;

(2) Qualified institutional buyer as defined, respectively, in Rule 144A promulgated under the Federal Securities Act of 1933, as amended;

(3) A financing entity;

(4) A special purpose entity; or

(5) A related provider trust.

408-D:3 License and Appointment Requirements.

I.(a) A person shall not operate as a life settlement provider or life settlement producer without first obtaining a license from the commissioner of the state of residence of the viator. If there is no license requirement in the state of residence of the viator, then a license must be obtained in New Hampshire.

(b)(1) A resident or nonresident life insurance producer who has been duly licensed with a life line of authority in this state or his or her home state for at least one year shall be deemed to meet the licensing requirements of subparagraph VI(b)(1) and (2) of this section and shall be permitted to operate as a life settlement producer upon demonstration of evidence of financial responsibility as required in subparagraph VI(b)(3).

(2) Not later than 30 days from the first day of operating as a life settlement producer, the life insurance producer shall notify the commissioner that he or she is acting as a life settlement producer on a form prescribed by the commissioner, and shall pay any applicable fee to be determined by the commissioner. Notification shall include an acknowledgement by the life insurance producer that he or she will operate as a life settlement producer in accordance with this chapter.

(3) The insurer that issued the policy being viaticated shall not be responsible for any act or omission of a life settlement producer or life settlement provider arising out of or in connection with the life settlement transaction, unless the insurer receives compensation for the placement of a life settlement contract from the life settlement provider or life settlement producer in connection with the life settlement contract.

(4) The life settlement provider shall be responsible for any act or omission of an appointed life settlement producer as set forth in RSA 408-D:15, VI.

(c) A person licensed as an attorney, certified public accountant or financial planner accredited by a nationally recognized accreditation agency, who is retained to

represent the viator, whose compensation is not paid directly or indirectly by the life settlement provider, may negotiate life settlement contracts on behalf of the viator without having to obtain a license as a life settlement producer.

II. Application for a life settlement provider or a life settlement producer license shall be made to the commissioner by the applicant on a form prescribed by the commissioner, and these applications shall be accompanied by the fees specified in RSA 400-A:29.

III. Licenses may be renewed from year to year on the anniversary date upon payment of the annual renewal fees specified in RSA 400-A:29. Failure to pay the fees by the renewal date results in expiration of the license.

IV. The applicant shall provide information on forms required by the commissioner. The commissioner shall have authority, at any time, to require the applicant to fully disclose the identity of all stockholders, partners, officers, members and employees, and the commissioner may, in the exercise of the commissioner's discretion, refuse to issue a license in the name of any person if not satisfied that any officer, employee, stockholder, partner or member thereof who may materially influence the applicant's conduct meets the standards of this chapter.

V.(a) A life settlement producer that negotiates a life settlement contract between a viator and a life settlement provider shall be appointed by the life settlement provider.

(b) To appoint a life settlement producer, the life settlement provider shall file a notice of appointment in a format approved by the commissioner within 15 days from the date the contract between the life settlement provider and the life settlement producer is executed or the life settlement contract is signed and executed.

(c) The life settlement provider shall pay an appointment fee as set forth in RSA 400-A:29 for each life settlement producer appointed by the life settlement provider.

(d) The life settlement provider shall notify the commissioner within 15 days of any termination of an appointment of a life settlement producer using a format approved by the commissioner.

VI. Upon the filing of an application and the payment of the license fee, the commissioner shall make an investigation of each applicant and issue a license if the commissioner finds that the applicant:

(a) If the life settlement provider:

- (1) Has provided a detailed plan of operation;
- (2) Is competent and trustworthy and intends to act in good faith;
- (3) Has a good business reputation and has had experience, training or education so as to be qualified in the business for which the license is applied; and
- (4) Has demonstrated evidence of financial responsibility in a format prescribed by the commissioner through either a surety bond executed and issued by an insurer authorized to issue surety bonds in this state or a deposit of cash, certificates of deposit or securities or any combination thereof in the amount of \$250,000.

(b) If a life settlement producer:

- (1) Is competent and trustworthy and intends to act in good faith;
- (2) Has a good business reputation and has had 15 hours of training or education related to life settlements and life settlement transactions so as to be qualified in the business for which the license is applied;
- (3) Has demonstrated evidence of financial responsibility in a format prescribed by the commissioner through either a surety bond executed and issued by an insurer authorized to issue surety bonds in this state or a deposit of cash, certificates of deposit or securities or any combination thereof in the amount of \$250,000;
- (4) The commissioner may ask for evidence of financial responsibility at any time the commissioner deems necessary;
- (5) Any surety bond issued pursuant to subparagraphs (a)(4) and (b)(3) shall be in the favor of this state and shall specifically authorize recovery by the commissioner on

behalf of any person in this state who sustained damages as the result of erroneous acts, failure to act, conviction of fraud or conviction of unfair practices by the life settlement provider or life settlement producer; and

(6) Notwithstanding any provision of this paragraph to the contrary, the commissioner shall accept, as evidence of financial responsibility, proof that financial instruments in accordance with the requirements in this paragraph have been filed with one state where the applicant is licensed as a life settlement provider or life settlement producer.

(c) If a legal entity, provides a certificate of good standing from the state of domicile; and

(d) If a life settlement provider or life settlement producer, has provided an anti-fraud plan that meets the requirements of RSA 408-D:15, VII.

VII. The commissioner shall not issue a license to a nonresident applicant, unless a written designation of an agent for service of process is filed and maintained with the commissioner or the applicant has filed with the commissioner, the applicant's written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the commissioner.

VIII. A life settlement provider or life settlement producer shall provide to the commissioner new or revised information about officers, 10 percent or more stockholders, partners, directors, members of designated employees within 30 days of the change.

IX. An individual licensed as a life settlement producer shall complete on an annual basis 15 hours of training related to life settlements and life settlement transactions, as required by the commissioner. Any person failing to meet the requirements of this paragraph shall be subject to the penalties imposed by the commissioner.

408-D:4 License Revocation and Denial.

I. The commissioner may refuse to issue, suspend, revoke or refuse to renew the license of a life settlement provider, or a life settlement producer, or a life insurance producer operating as a life settlement producer if the commissioner finds that:

(a) There was any material misrepresentation in the application for the license;

(b) The licensee or any officer, partner, member or key management personnel has been convicted of fraudulent or dishonest practices, is subject to final administrative action or is otherwise shown to be untrustworthy or incompetent;

(c) The life settlement provider demonstrates a pattern of unreasonable payments to viators;

(d) The licensee or any officer, partner, member or key management personnel has been found guilty of, or has pleaded guilty or nolo contendere to any felony, or to a misdemeanor involving fraud or moral turpitude, regardless of whether a judgment of conviction has been entered by the court;

(e) The life settlement provider has entered into any life settlement contract that has not been approved pursuant to this chapter;

(f) The life settlement provider has failed to honor contractual obligations set out in a life settlement contract;

(g) The licensee no longer meets the requirements for initial licensure;

(h) The life settlement provider has assigned, transferred or pledged a settled policy to a person other than a life settlement provider licensed in this state, life settlement purchaser, an accredited investor or qualified institutional buyer as defined respectively in Rule 501(a) or Rule 144A promulgated under the Federal Securities Act of 1933, as amended, financing entity, special purpose entity, or related provider trust; or

(i) The licensee or any officer, partner, member or key management personnel has violated any provision of this chapter.

II. If the commissioner denies a license application or suspends, revokes or refuses to renew the license of a life settlement provider, life settlement producer, or suspends, revokes, or refuses to renew a license of a life insurance producer operating as a life settlement

producer pursuant to this chapter the commissioner shall conduct a hearing in accordance with RSA 541-A.

408-D:5 Approval of Life Settlement Contracts and Life Settlement Provider Disclosure Statements.

I. A person shall not use a life settlement contract form or provide to a viator a disclosure statement form in this state unless first filed with and approved by the commissioner.

II. The commissioner shall disapprove a life settlement contract form or disclosure statement form if, in the commissioner's opinion, the life settlement contract or provisions contained therein fail to meet the requirements of RSA 408-D:9, RSA 408-D:11, RSA 408-D:14 and RSA 408-D:15, II, or are unreasonable, contrary to the interests of the public, or otherwise misleading or unfair to the viator. At the commissioner's discretion, the commissioner may require the submission of advertising material.

408-D:6 Reporting Requirements and Privacy.

I. Each life settlement provider shall file with the commissioner on or before March 1 of each year an annual statement containing such information as the commissioner may prescribe by rule. Individual transaction data regarding the business of life settlements or data that could compromise the privacy of personal, financial and health information of the viator or insured shall be filed with the commissioner on a confidential basis.

II. Except as otherwise allowed or required by law, a life settlement provider, life settlement producer, insurance company, insurance producer, information bureau, rating agency or company, or any other person with actual knowledge of an insured's identity, shall not disclose that identity as an insured, or the insured's financial or medical information to any other person unless the disclosure:

(a) Is necessary to effect a life settlement between the viator and a life settlement provider and the viator and insured have provided prior written consent to the disclosure;

(b) Is necessary to effect a life settlement purchase agreement between the life settlement purchaser and a life settlement provider and the viator and insured have provided prior written consent to the disclosure;

(c) Is provided in response to an investigation or examination by the commissioner or any other governmental officer or agency or pursuant to the requirements of RSA 408-D:15, III;

(d) Is a term of or condition to the transfer of a policy by one life settlement provider to another life settlement provider;

(e) Is necessary to permit a financing entity, related provider trust or special purpose entity to finance the purchase of policies by a life settlement provider and the viator and insured have provided prior written consent to the disclosure;

(f) Is necessary to allow the life settlement provider or life settlement producer or their authorized representatives to make contacts for the purpose of determining health status; or

(g) Is required to purchase stop loss coverage or financial guaranty insurance.

408-D:7 Examination or Investigations.

I. Authority, scope, and scheduling of examinations

(a)(1) The commissioner may conduct an examination under this chapter of a licensee as often as the commissioner in his or her discretion deems appropriate.

(2) In scheduling and determining the nature, scope, and frequency of the examinations, the commissioner may consider such matters as consumer complaints, results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, report of independent certified public accountants, and other relevant criteria as determined by the commissioner.

(b) For purposes of completing an examination of a licensee under this chapter, the commissioner may examine or investigate any person, or the business of any person, in

so far as the examination or investigation is, in the sole discretion of the commissioner, necessary or material to the examination of the licensee.

(c) In lieu of an examination under this chapter of any foreign or alien licensee licensed in this state, the commissioner may, at the commissioner's discretion, accept an examination report on the licensee as prepared by the commissioner for the licensee's state of domicile or port-of-entry state.

(d) As far as practical, the examination of a foreign or alien licensee shall be made in cooperation with the insurance supervisory officials of other states in which the licensee transacts business.

II. Record retention requirements.

(a) A person required to be licensed by this chapter shall for 5 years retain copies of all:

(1) Proposed, offered or executed contracts, purchase agreements, underwriting documents, policy forms, and applications from the date of the proposal, offer or execution of the contract or purchase agreement, whichever is later;

(2) All checks, drafts, or other evidence and documentation related to the payment, transfer, deposit or release of funds from the date of the transaction; and

(3) All other records and documents related to the requirements of this chapter.

(b) This paragraph shall not relieve a person of the obligation to produce these documents to the commissioner after the retention period has expired if the person has retained the documents.

(c) Records required to be retained by this section shall be legible and complete and may be retained in paper, photograph, microprocess, magnetic, mechanical, or electronic media, or by any process that accurately reproduces or forms a durable medium for the reproduction of a record.

III. Conduct of examinations.

(a) Upon determining that an examination should be conducted, the commissioner shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the Examiners Handbook adopted by the National Association of Insurance Commissioners (NAIC). The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

(b) Every licensee or person from whom information is sought, its officers, directors and agents shall provide to the examiners timely, convenient and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents, assets and computer or other recordings relating to the property, assets, business and affairs of the licensee being examined. The officers, directors, employees, and agents of the licensee or person shall facilitate the examination and aid in the examination so far as it is in their power to do so. The refusal of a licensee, by its officers, directors, employees, or agents, to submit to examination or to comply with any reasonable written request of the commissioner shall be grounds for suspension or refusal of, or nonrenewal of any license or authority held by the licensee to engage in the life settlement business or other business subject to the commissioner's jurisdiction. Any proceedings for suspension, revocation or refusal of any license or authority shall be conducted pursuant to Title XXXVII.

(c) The commissioner may issue subpoenas, to administer oaths and to examine under oath any person as to any matter pertinent to the examination. Upon the failure or refusal of a person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence.

(d) When making an examination under this chapter, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public

accountants, or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the licensee that is the subject of the examination.

(e) Nothing contained in this chapter shall be construed to limit the commissioner's authority to terminate or suspend an examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination shall be prima facie evidence in any legal or regulatory action.

(f) Nothing contained in this chapter shall be construed to limit the commissioner's authority to use and, if appropriate, to make public any final or preliminary examination report, any examiner or licensee workpapers or other documents, or any other information discovered or developed during the course of any examination in the furtherance of any legal or regulatory action which the commissioner may, in his or her sole discretion, deem appropriate.

IV. Examination reports.

(a) Examination reports shall be comprised of only facts appearing upon the books, records or other documents of the licensee, its agents or other persons examined, or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs, and such conclusions and recommendations as the examiners find reasonably warranted from the facts.

(b) No later than 60 days following completion of the examination, the examiner in charge shall file with the commissioner a verified written report of examination under oath. Upon receipt of the verified report, the commissioner shall transmit the report to the licensee examined, together with a notice that shall afford the licensee examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(c) In the event the commissioner determines that regulatory action is appropriate as a result of an examination, the commissioner may initiate any proceedings or actions provided by law.

V. Confidentiality of examination information.

(a) Names and individual identification data for all viators, owners, purchasers, and insureds shall be considered private and confidential information and shall not be disclosed by the commissioner, unless the disclosure is to another regulator or is required by law.

(b) Except as otherwise provided in this chapter, all examination reports, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this chapter, or in the course of analysis or investigation by the commissioner of the financial condition or market conduct of a licensee shall be confidential by law and privileged, shall not be subject to RSA 91-A, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties.

(c) Documents, materials or other information, including, but not limited to, all working papers, and copies thereof, in the possession or control of the NAIC and its affiliates and subsidiaries shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action if they are:

(1) Created, produced or obtained by or disclosed to the NAIC and its affiliates and subsidiaries in the course of assisting an examination made under this chapter, or assisting a commissioner in the analysis or investigation of the financial condition or market conduct of a licensee; or

(2) Disclosed to the NAIC and its affiliates and subsidiaries under subparagraph V(e) by a commissioner.

(d) Neither the commissioner nor any person that received the documents, material or other information while acting under the authority of the commissioner, including the NAIC and its affiliates and subsidiaries, shall be permitted to testify in any private civil action concerning any confidential documents, materials or information subject to subparagraph V.

(e) In order to assist in the performance of the commissioner's duties, the commissioner:

(1) May share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subparagraph V, with other state, federal and international regulatory agencies, with the NAIC and its affiliates and subsidiaries, and with state, federal and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, communication or other information;

(2) May receive documents, materials, communications or information, including otherwise confidential and privileged documents, materials or information, from the NAIC and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the jurisdiction that is the source of the document, material or information; and

(3) May enter into agreements governing sharing and use of information consistent with this paragraph.

(f) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subparagraph V(e).

(g) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection shall be available and enforced in any proceeding in, and in any court of, this state.

(h) Nothing contained in this chapter shall prevent or be construed as prohibiting the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the commissioner of any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time or to the NAIC, so long as such agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this chapter.

VI. Conflict of interest.

(a) An examiner may not be appointed by the commissioner if the examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in any person subject to examination under this chapter. This section shall not be construed to automatically preclude an examiner from being:

(1) A viator;

(2) An insured in a viaticated insurance policy; or

(3) A beneficiary in an insurance policy that is proposed to be viaticated.

(b) Notwithstanding the requirements of this paragraph, the commissioner may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though these persons may from time to time be similarly employed or retained by persons subject to examination under this chapter.

VII. Cost of examinations. The cost of examinations shall be borne by the licensee examined, and shall be pursuant to RSA 400-A:37, III(d), VII, and VIII.

VIII. Immunity from liability.

(a) No cause of action shall arise nor shall any liability be imposed against the commissioner, the commissioner's authorized representatives or any examiner appointed by the commissioner for any statements made or conduct performed in good faith while carrying out the provisions of this chapter.

(b) No cause of action shall arise, nor shall any liability be imposed against any person for the act of communicating or delivering information or data to the commissioner or the commissioner's authorized representative or examiner pursuant to an examination made under this chapter, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive. This paragraph does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person identified in subparagraph (a).

(c) A person identified in subparagraphs (a) or (b) shall be entitled to an award of attorney's fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out the provisions of this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this paragraph, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

IX. Investigative authority of the commissioner. The commissioner may investigate suspected fraudulent life settlement acts and persons engaged in the business of life settlements. The confidentiality protections set forth in paragraph V shall apply to any investigation conducted by the commissioner.

408-D:8 Life Insurer Disclosure to Viator.

I. Life insurers shall provide individual life insurance policyholders with a written notice, upon issuance of a policy and annually thereafter, that shall clearly state in substance the following: "Any of the following actions related to your life insurance policy may have significant future financial, tax or other implications: surrender or lapse of your policy, failure to make premium payments, assignment or sale of the policy, financing your premium payments, application of the equity or accumulated dividends to premium payments, or borrowing against the equity of your policy. Before you act, you should consider all options carefully and seek advice from a licensed financial advisor, attorney or other professional who can explain all available options and consequences."

II. The written notice shall also provide a current cash value for the policy.

408-D:9 Life Settlement Provider Disclosure to Viator and Insured; Life Settlement Producer Disclosure to Viator.

I. With each application for a life settlement, a life settlement provider or a life settlement producer on behalf of the life settlement provider shall provide the viator with at least the following disclosures no later than the time the application for the life settlement contract is signed by all parties. The disclosure shall be provided in a separate document that is signed by the viator and the life settlement provider or life settlement producer, and shall provide the following information:

(a) There are possible alternatives to life settlement contracts including, but not limited to, any accelerated death benefits or policy loans offered under the viator's life insurance policy, and the viator should consider all options carefully and seek advice from a licensed financial advisor, attorney, or other professional who can explain all available options and consequences.

(b) Some or all of the proceeds of the life settlement may be taxable under federal income tax and state franchise and income taxes, and assistance should be sought from a professional tax advisor.

(c) Proceeds of the life settlement could be subject to the claims of creditors.

(d) Receipt of the proceeds of a life settlement may adversely affect the viator's eligibility for Medicaid or other government benefits or entitlements, and advice should be obtained from the appropriate government agencies.

(e) The viator has the right to rescind a life settlement contract before the earlier of 60 calendar days after the date upon which the life settlement contract is executed by all parties or 30 calendar days after the life settlement proceeds have been paid to the viators, as provided in RSA 408-D:11, VI. Rescission, if exercised by the viator, is effective only if both notice of the rescission is given, and the viator repays all proceeds and any premiums, loans and loan interest paid on account of the life settlement provider within the rescission period. If the insured dies during the rescission period, the life settlement contract shall be deemed to have been rescinded, subject to repayment by the viator or the viator's estate of all life settlement proceeds and any premiums, loans and loan interest the life settlement within 60 days of the insured's death.

(f) Funds will be sent to the viator within 3 business days after the life settlement provider has received the insurer or group administrator's written acknowledgment that ownership of the policy or interest in the certificate has been transferred and the beneficiary has been designated.

(g) Entering into a life settlement contract may cause other rights or benefits, including conversion rights and waiver of premium benefits that may exist under the policy or certificate, to be forfeited by the viator. Assistance should be sought from a financial adviser.

(h) Disclosure to a viator shall include distribution of a brochure describing the process of life settlements. The NAIC's form for the brochure shall be used unless another form is developed or approved by the commissioner.

(i) The amount and method of calculating the compensation paid or to be paid to the life settlement producer, or any other person acting for the owner in connection with the transaction, wherein the term compensation includes anything of value paid or given.

(j) The disclosure document shall contain the following language: "All medical, financial or personal information solicited or obtained by a life settlement provider or life settlement producer about an insured, including the insured's identity or the identity of family members, a spouse or a significant other may be disclosed as necessary to effect the life settlement contract between the viator and the life settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every 2 years."

(k) Following execution of a life settlement contract, the insured may be contacted for the purpose of determining the insured's health status and to confirm the insured's residential or business street address and telephone number, or as otherwise provided in this chapter. This contact shall be limited to once every 3 months if the insured has a life expectancy of more than one year, and no more than once per month if the insured has a life expectancy of one year or less. All such contacts shall be made only by a life settlement provider licensed in this state in which the viator resided at the time of the life settlement, or by the authorized representative of a duly licensed life settlement provider.

(l) The affiliation, if any, between the life settlement provider and the issuer of the insurance policy to be viaticated;

(m) The disclosure document shall include the name, address, and telephone number of the life settlement provider;

(n) Any affiliations or contractual arrangements between the life settlement provider and the life settlement purchaser;

(o) If an insurance policy to be viaticated has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be viaticated, the viator shall be informed of the possible loss of coverage on the other lives under the policy and shall be advised to consult with his or her insurance producer or the insurer issuing the policy for advice on the proposed life settlement;

(p) State the dollar amount of the current death benefit payable to the life settlement provider under the policy or certificate. If known, the life settlement provider

shall also disclose the availability of any additional guaranteed insurance benefits, the dollar amount of any accidental death and dismemberment benefits under the policy or certificate and the extent to which the viator's interest in those benefits will be transferred as a result of the life settlement contract;

(q) State whether the funds will be escrowed with an independent third party during the transfer process, and if so, provide the name, business address, and telephone number of the independent third party escrow agent, and the fact that the viator or owner may inspect or receive copies of the relevant escrow or trust agreements or documents.

II. A life settlement producer shall provide the viator with at least the following written disclosures no later than the date the life settlement contract is signed by all parties. The written disclosures shall be conspicuously displayed in the life settlement contract or in a separate document signed by the viator and provide the following information:

(a) The name, business address, and telephone number of the life settlement producer;

(b) A full, complete, and accurate description of all offers, counter-offers, acceptances, and rejections relating to the proposed life settlement contract;

(c) A written disclosure of any affiliations or contractual arrangements between the life settlement producer and any person making an offer in connection with the proposed life settlement contracts.

(d) The amount and method of calculating the life settlement producer's compensation, which term "compensation" includes anything of value paid or given to a life settlement producer for the placement of a policy.

(e) Where any portion of the life settlement producer's compensation, as defined in subparagraph (d), is taken from a proposed life settlement offer, the life settlement producer shall disclose the total amount of the life settlement offer and the percentage of the life settlement offer comprised by the life settlement producer's compensation.

III. If the life settlement provider transfers ownership or changes the beneficiary of the insurance policy, the life settlement provider shall communicate in writing the change in ownership or beneficiary to the insured within 20 days after the change.

408-D:10 Life Settlement Provider and Life Settlement Producer Disclosure to Insurer. Prior to the initiation of a plan, transaction or series of transactions, a life settlement producer or life settlement provider shall fully disclose to an insurer a plan, transaction or series of transactions, to which the life settlement producer or life settlement provider is a party, to originate, renew, continue or finance a life insurance policy with the insurer for the purpose of engaging in the business of life settlements at anytime prior to, or during the first 5 years after, issuance of the policy.

408-D:11 General Rules.

I.(a) A life settlement provider entering into a life settlement contract, shall first obtain:

(1) If the viator is the insured, a written statement from a licensed attending physician that the viator is of sound mind and under no constraint or undue influence to enter into a life settlement contract; and

(2) A document in which the insured consents to the release of his or her medical records to a licensed life settlement provider, life settlement producer and the insurance company that issued the life insurance policy covering the life of the insured.

(b) Within 20 days after a viator executes documents necessary to transfer any rights under an insurance policy or within 20 days of entering any agreement, option, promise or any other form of understanding, expressed or implied, to viaticate the policy, the life settlement provider shall give written notice to the insurer that issued that insurance policy that the policy has or will become a viaticated policy. The notice shall be accompanied by the documents required by subparagraph (c).

(c) The life settlement provider shall deliver a copy of the medical release required under subparagraph (a)(2), a copy of the viator's application for the life settlement

contract, the notice required under subparagraph (b) and a request for verification of coverage to the insurer that issued the life policy that is the subject of the life transaction. The NAIC's form for verification of coverage shall be used unless another form is developed and approved by the commissioner.

II. The insurer shall respond to a request for verification of coverage submitted on an approved form by a life settlement provider or life settlement producer or life insurance producer within 30 calendar days of the date the request is received and shall indicate whether, based on the medical evidence and documents provided, the insurer intends to pursue an investigation at this time regarding the validity of the insurance contract or possible fraud. The insurer shall accept a request for verification of coverage made on an NAIC form or any other form approved by the commissioner. The insurer shall accept an original or facsimile or electronic copy of such request and any accompanying authorization signed by the viator. Failure by the insurer to meet its obligations under this paragraph shall be a violation of RSA 408-D:12 and RSA 408-D:16.

III. Prior to or at the time of execution of the life settlement contract, the life settlement provider shall obtain a witnessed document in which the viator consents to the life settlement contract, represents that the viator has a full and complete understanding of the life settlement contract, that he or she has a full and complete understanding of the benefits of the life insurance policy, acknowledges that he or she is entering into the life settlement contract freely and voluntarily and, for persons with a terminal or chronic illness or condition, acknowledges that the insured has a terminal or chronic illness and that the terminal or chronic illness or condition was diagnosed after the life insurance policy was issued.

IV. A life settlement producer may perform any of the requirements of this section on behalf of the life settlement provider.

V. All medical information solicited or obtained by any licensee shall be subject to the applicable provisions of state law relating to confidentiality of medical information.

VI. All life settlement contracts entered into in this state shall provide the viator with an absolute right to rescind the life settlement contract before the earlier of 60 calendar days after the date upon which the life settlement contract is executed by all parties or 30 calendar days after the life settlement proceeds have been sent to the viator as provided in RSA 408-D:9, I(f). Rescission by the viator may be conditioned upon the viator both giving notice and repaying to the life settlement provider within the rescission period all proceeds of the settlement and any premiums, loans and loan interest paid by or on behalf of the life settlement provider in connection with or as a consequence of the life settlement contract. If the insured dies during the rescission period, the life settlement contract shall be deemed to have been rescinded, subject to repayment to the life settlement provider or life settlement purchaser of all life settlement proceeds, and any premiums, loans, and loan interest that have been paid by the life settlement provider or life settlement purchaser, which shall be paid within 60 calendar days of the death of the insured. In the event of any rescission, if the life settlement provider has paid commissions or other compensation to a life settlement producer in connection with the rescinded transaction, the life settlement producer shall refund all such commissions and compensation to the life settlement provider within 5 business days following receipt of written demand from the life settlement provider, which demand shall be accompanied by either the viator's notice of rescission if rescinded at the election of the viator, or notice of the death of the insured if rescinded by reason of the death of the insured within the applicable rescission period.

VII. The life settlement provider shall instruct the viator to send the executed documents required to effect the change in ownership, assignment or change in beneficiary directly to the independent escrow agent.

VIII. Within 3 business days after the date the escrow agent receives the document (or from the date the life settlement provider receives the documents), if the viator erroneously provides the documents directly to the life settlement provider, the life

settlement provider shall pay or transfer the proceeds of the life settlement into an escrow or trust account maintained in a state or federally-chartered financial institution whose deposits are insured by the Federal Deposit Insurance Corporation (FDIC). Upon payment of the settlement proceeds into the escrow account, the escrow agent shall deliver the original change in ownership, assignment or change in beneficiary forms to the life settlement provider or related provider trust or other designated representative of the life settlement provider. Upon the escrow agent's receipt of the acknowledgment of the properly completed transfer of ownership, assignment or designation of beneficiary from the insurance company, the escrow agent shall pay the settlement proceeds to the viator.

IX. Failure to tender consideration to the viator for the life settlement contract within the time set forth in the disclosure pursuant to RSA 408-D:9, I(f) renders the life settlement contract voidable by the viator for lack of consideration until the time consideration is tendered to and accepted by the viator. Funds shall be deemed sent by a life settlement provider to a viator as of the date that the escrow agent either releases funds for wire transfer to the viator or places a check for delivery to the viator via United States Postal Service or other nationally recognized delivery service.

X. Contacts with the insured for the purpose of determining the health status of the insured by the life settlement provider or life settlement producer after the life settlement has occurred shall only be made by the life settlement provider or life settlement producer licensed in this state or its authorized representatives and shall be limited to once every 3 months for insureds with a life expectancy of more than one year, and to no more than once a month for insureds with a life expectancy of one year or less. The life settlement provider or life settlement producer shall explain the procedure for these contacts at the time the life settlement contract is entered into. The limitations set forth in this subsection shall not apply to any contacts with an insured for reasons other than determining the insured's health status. Life settlement providers and life settlement producers shall be responsible for the actions of their authorized representatives.

408-D:12 Prohibited Practices.

I. It is a violation of this chapter for any person to solicit or promote STOLI or to knowingly participate in any transaction, practice, or course of business involving the sale or settlement of STOLI.

II. It is a violation of this chapter for any person to enter into a life settlement contract at any time prior to the application or issuance of a policy which is the subject of a life settlement contract or within a 5 year period commencing with the date of issuance of the insurance policy or certificate unless the viator certifies to the life settlement provider that one or more of the following conditions have been met within the 5 year period:

(a) The policy was issued upon the viator's exercise of conversion rights arising out of a group or individual policy, provided the total of the time covered under the conversion policy plus the time covered under the prior policy is at least 60 months. The time covered under a group policy shall be calculated without regard to any change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship;

(b) The viator submits independent evidence to the life settlement provider that one or more of the following conditions have been met within the 5 year period:

- (1) The viator or insured is terminally or chronically ill;
- (2) The viator's spouse dies;
- (3) The viator divorces his or her spouse;
- (4) The viator retires from full-time employment;
- (5) The viator becomes physically or mentally disabled and a physician determines that the disability prevents the viator from maintaining full-time employment; or
- (6) A final order, judgment or decree is entered by a court of competent jurisdiction, on the application of a creditor of the viator, adjudicating the viator bankrupt or

insolvent, or approving a petition seeking reorganization of the viator or appointing a receiver, trustee or liquidator to all or a substantial part of the viator assets; or

(c) The viator enters into a life settlement contract more than 2 years after the date of issuance of a policy and, with respect to the policy, at all times prior to the date that is 2 years after policy issuance, the following conditions are met:

(1) Policy premiums have been funded exclusively with unencumbered assets, including an interest in the life insurance policy being financed only to the extent of its net cash surrender value, provided by, or fully recourse liability incurred by, the insured or a person described in RSA 408-D:2, IX(c)(5); and

(2) There is no agreement or understanding with any other person to guarantee any such liability or to purchase, or stand ready to purchase, the policy, including through an assumption or forgiveness of the loan.

III. Copies of the independent evidence described in subparagraph I(b) and document required by RSA 408-D:11, I shall be submitted to the insurer when the life settlement provider or other party entering into a life settlement contract with a viator submits a request to the insurer for verification of coverage. The copies shall be accompanied by a letter of attestation from the life settlement provider that the copies are true and correct copies of the documents received by the life settlement provider.

IV. If the life settlement provider submits to the insurer a copy of the owner or insured's certification described in and the independent evidence required by subparagraph I(c) when the life settlement provider submits a requests to the insurer to effect the transfer of the policy or certificate to the life settlement provider, the copy shall be deemed to conclusively establish that the life settlement contract satisfies the requirements of this section and the insurer shall timely respond to the request.

V. No insurer may, as a condition of responding to a request for verification of coverage or effecting the transfer of a policy pursuant to a life settlement contract, require that the viator, insured, life settlement provider or life settlement producer sign any forms, disclosures, consent or waiver form that has not been expressly approved by the commissioner for use in connection with life settlement contracts in this state.

VI. Upon receipt of a properly completed request for change of ownership or beneficiary of a policy, the insurer shall respond in writing within 30 calendar days with written acknowledgement confirming that the change has been effected or specifying the reasons why the requested change cannot be processed. The insurer shall not unreasonably delay effecting change of ownership or beneficiary and shall not otherwise seek to interfere with any life settlement contract lawfully entered into in this state.

VII. With respect to any life settlement contract or insurance policy, no life settlement producer knowingly shall solicit an offer from, effectuate a life settlement with or make a sale to any life settlement provider, life settlement purchaser, financing entity or related provider trust that is controlling, controlled by, or under common control with such life settlement producer.

VIII. With respect to any life settlement contract or insurance policy, no life settlement producer knowingly may enter into a life settlement contract with a viator, if, in connection with such life settlement contract, anything of value will be paid to a life settlement producer that is controlling, controlled by, or under common control with such life settlement provider or the life settlement purchaser, financing entity or related provider trust that is involved in such life settlement contract.

IX. A violation of paragraphs I or II shall be deemed a fraudulent life settlement act.

X. No life settlement provider shall enter into a life settlement contract unless the life settlement promotional, advertising and marketing materials, as may be prescribed by rule, have been filed with the commissioner. In no event shall any marketing materials expressly reference that the insurance is "free" for any period of time. The inclusion of any reference in the marketing materials that would cause a viator to reasonably believe that the insurance is free for any period of time shall be considered a violation of this chapter.

XI. No life insurance producer, insurance company, life settlement producer or life settlement provider shall make any statement or representation to the applicant or policyholder in connection with the sale or financing of a life insurance policy to the effect that the insurance is free or without cost to the policyholder for any period of time unless provided in the policy.

408-D:13 Advertising for Life Settlements. The purpose of this section is to provide prospective viators with clear and unambiguous statements in the advertisement of life settlements and to assure the clear, truthful and adequate disclosure of the benefits, risks, limitations and exclusions of any life settlement contract. This purpose is intended to be accomplished by the establishment of guidelines and standards of permissible and impermissible conduct in the advertising of life settlements to assure that product descriptions are presented in a manner that prevents unfair, deceptive or misleading advertising and is conducive to accurate presentation and description of life settlements through the advertising media and material used by life settlement licensees.

I. This section shall apply to any advertising of life settlement contracts, or related products or services intended for dissemination in this state, including Internet advertising viewed by persons located in this state. Where disclosure requirements are established pursuant to federal regulation, this section shall be interpreted so as to minimize or eliminate conflict with federal regulation wherever possible.

II. Every life settlement licensee shall establish and at all times maintain a system of control over the content, form, and method of dissemination of all advertisements of its contracts, products and services. All advertisements, regardless of by whom written, created, designed, or presented, shall be the responsibility of the life settlement licensees, as well as the individual who created or presented the advertisement. A system of control shall include regular routine notification, at least once a year, to agents and others authorized by the life settlement licensee who disseminate advertisements of the requirements and procedures for approval prior to the use of any advertisements not furnished by the life settlement licensee.

III. Advertisements shall be truthful and not misleading in fact or by implication. The form and content of an advertisement of a life settlement contract shall be sufficiently complete and clear so as to avoid deception. It shall not have the capacity or tendency to mislead or deceive. Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the commissioner from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

IV. The information required to be disclosed under this section shall not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.

(a) An advertisement shall not omit material information or use words, phrases, statements, references or illustrations if the omission or use has the capacity, tendency or effect of misleading or deceiving viators as to the nature or extent of any benefit, loss covered, premium payable, or state or federal tax consequence. The fact that the life settlement contract offered is made available for inspection prior to consummation of the sale, or an offer is made to refund the payment if the viator is not satisfied or that the life settlement contract includes a "free look" period that satisfies or exceeds legal requirements, does not remedy misleading statements.

(b) An advertisement shall not use the name or title of a life insurance company or a life insurance policy unless the advertisement has been approved by the insurer.

(c) An advertisement shall not state or imply that interest charged on an accelerated death benefit or a policy loan is unfair, inequitable, or in any manner an incorrect or improper practice.

(d) The words "free," "no cost," "without cost," "no additional cost," "at no cost," or words of similar import shall not be used with respect to any benefit or service unless true.

An advertisement may specify the charge for a benefit or service or may state that a charge is included in the payment or use other appropriate language.

(e) Testimonials, appraisals, or analysis used in advertisements must be genuine; represent the current opinion of the author; be applicable to the life settlement contract, if any; and be accurately reproduced with sufficient completeness to avoid misleading or deceiving prospective viators as to the nature or scope of the testimonials, appraisal, analysis, or endorsement. In using testimonials, appraisals, or analysis, a licensee under this chapter makes as its own all the statements contained therein, and the statements are subject to all the provisions of this section.

(1) If the individual making a testimonial, appraisal, analysis, or an endorsement has a financial interest in the party making use of the testimonial, appraisal, analysis or endorsement, either directly or through a related entity as a stockholder, director, officer, employee, or otherwise, or receives any benefit directly or indirectly other than required union scale wages, that fact shall be prominently disclosed in the advertisement.

(2) An advertisement shall not state or imply that a life settlement contract benefit or service has been approved or endorsed by a group of individuals, society, association or other organization unless that is the fact and unless any relationship between an organization and the life settlement licensee is disclosed. If the entity making the endorsement or testimonial is owned, controlled or managed by the life settlement licensee, or receives any payment or other consideration from the life settlement licensee for making an endorsement or testimonial, that fact shall be disclosed in the advertisement.

(3) When an endorsement refers to benefits received under a life settlement contract all pertinent information shall be retained for a period of 5 years after its use.

V. An advertisement shall not contain statistical information unless it accurately reflects recent and relevant facts. The source of all statistics used in an advertisement shall be identified.

VI. An advertisement shall not disparage insurers, life settlement providers, life settlement producers, life settlement investment agents, insurance producers, policies, services or methods of marketing.

VII. The name of the life settlement licensee shall be clearly identified in all advertisements about the licensee or its life settlement contract, products or services, and if any specific life settlement contract is advertised, the life settlement contract shall be identified either by form number or some other appropriate description. If an application is part of the advertisement, the name of the life settlement provider shall be shown on the application.

VIII. An advertisement shall not use a trade name, group designation, name of the parent company of a life settlement licensee, name of a particular division of the life settlement licensee, service mark, slogan, symbol, or other device or reference without disclosing the name of the life settlement licensee, if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the life settlement licensee, or to create the impression that a company other than the life settlement licensee would have any responsibility for the financial obligation under a life settlement contract.

IX. An advertisement shall not use any combination of words, symbols or physical materials that by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols or physical materials used by a government program or agency or otherwise appear to be of such a nature that they tend to mislead prospective viators into believing that the solicitation is in some manner connected with a government program or agency.

X. An advertisement may state that a life settlement licensee is licensed in the state where the advertisement appears, provided it does not exaggerate that fact or suggest or imply that competing life settlement licensee may not be so licensed. The advertisement may ask the audience to consult the licensee's web site or contact the insurance department

to find out if the state requires licensing and, if so, whether the life settlement provider or life settlement producer is licensed.

XI. An advertisement shall not create the impression that the life settlement provider, its financial condition or status, the payment of its claims or the merits, desirability, or advisability of its life settlement contracts are recommended or endorsed by any government entity.

XII. The name of the actual licensee shall be stated in all of its advertisements. An advertisement shall not use a trade name, any group designation, name of any affiliate or controlling entity of the licensee, service mark, slogan, symbol, or other device in a manner that would have the capacity or tendency to mislead or deceive as to the true identity of the actual licensee or create the false impression that an affiliate or controlling entity would have any responsibility for the financial obligation of the licensee.

XIII. An advertisement shall not directly or indirectly create the impression that any division or agency of the state or of the U.S. government endorses, approves, or favors:

- (a) Any life settlement licensee or its business practices or methods of operation;
- (b) The merits, desirability or advisability of any life settlement contract;
- (c) Any life settlement contract; or
- (d) Any life insurance policy or life insurance company.

XIV. If the advertiser emphasizes the speed with which the viatication will occur, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the viator.

XV. If the advertising emphasizes the dollar amounts available to viators, the advertising shall disclose the average purchase price as a percent of face value obtained by viators contracting with the licensee during the past 6 months.

408-D:14 Fraud Prevention and Control.

I. Fraudulent life settlement acts, interference and participation of convicted felons prohibited.

- (a) A person shall not commit a fraudulent life settlement act.
- (b) A person shall not knowingly or intentionally interfere with the enforcement of the provisions of this chapter or investigations of suspected or actual violations of this chapter.
- (c) A person in the business of life settlements shall not knowingly or intentionally permit any person convicted of a felony involving dishonesty or breach of trust to participate in the business of life settlements.

II. Fraud warning required.

(a) Life settlement contracts and applications for life settlements, regardless of the form of transmission, shall contain the following statement or a substantially similar statement: "Any person who knowingly presents false information in an application for insurance or life settlement contract is guilty of a crime and may be subject to fines and confinement in prison."

(b) The lack of a statement as required in subparagraph (a) does not constitute a defense in any prosecution for a fraudulent life settlement act.

III. Mandatory reporting of fraudulent life settlement acts.

(a) Any person engaged in the business of life settlements having knowledge or a reasonable suspicion that a fraudulent life settlement act is being, will be or has been committed shall provide to the commissioner the information as required by, and in a manner prescribed by, the commissioner.

(b) Any other person having knowledge or a reasonable belief that a fraudulent life settlement act is being, will be or has been committed may provide to the commissioner the information required by, and in a manner prescribed by, the commissioner.

IV. Immunity from Liability.

(a) No civil liability shall be imposed on and no cause of action shall arise from a person's furnishing information concerning suspected, anticipated, or completed fraudulent

life settlement acts or suspected or completed fraudulent insurance acts, if the information is provided to or received from:

- (1) The commissioner or the commissioner's employees, agents, or representatives;
- (2) Federal, state or local law enforcement or regulatory officials or their employees, agents or representatives;
- (3) A person involved in the prevention and detection of fraudulent life settlement acts or that person's agents, employees, or representatives;
- (4) The National Association of Insurance Commissioners (NAIC), National Association of Securities Dealers (NASD), the North American Securities Administration Association (NASAA), or their employees, agents, or representatives, or other regulatory body overseeing life insurance, life settlements, securities, or investment fraud; or
- (5) The life insurer that issued the life insurance policy covering the life of the insured; or

(b) Subparagraph (a) shall not apply to statements made with actual malice. In an action brought against a person for filing a report or furnishing other information concerning a fraudulent life settlement act, the party bringing the action shall plead specifically any allegation that subparagraph (a) does not apply because the person filing the report or furnishing the information did so with actual malice.

(c) A person furnishing information as identified in subparagraph (a) shall be entitled to an award of attorney's fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out the provisions of this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated. However, such an award does not apply to any person furnishing information concerning his or her own fraudulent life settlement acts.

(d) This section does not abrogate or modify common law or statutory privileges or immunities enjoyed by a person described in subparagraph (a).

V. Confidentiality.

(a) The documents and evidence provided pursuant to paragraph IV or obtained by the commissioner in an investigation of suspected or actual fraudulent life settlement acts shall be privileged and confidential and shall not be a public record under RSA 91-A and shall not be subject to discovery or subpoena in a civil or criminal action.

(b) Subparagraph (a) shall not prohibit release by the commissioner of documents and evidence obtained in an investigation of suspected or actual fraudulent life settlement acts:

(1) In administrative or judicial proceedings to enforce laws administered by the commissioner; or

(2) To federal, state, or local law enforcement or regulatory agencies, to an organization established for the purpose of detecting and preventing fraudulent life settlement acts or to the NAIC.

(c) Release of documents and evidence under subparagraph (b) shall not abrogate or modify the privilege granted in subparagraph (a).

VI. Other law enforcement or regulatory authority. This act shall not:

(a) Preempt the authority or relieve the duty of other law enforcement or regulatory agencies to investigate, examine and prosecute suspected violations of law;

(b) Prevent or prohibit a person from disclosing voluntarily information concerning life settlement fraud to a law enforcement or regulatory agency other than the insurance department; or

(c) Limit the powers granted elsewhere by the laws of this state to the commissioner or an insurance fraud unit to investigate and examine possible violations of law and to take appropriate action against wrongdoers.

VII. Life settlement antifraud initiatives.

(a) Life settlement providers and life settlement producers shall have in place antifraud initiatives reasonably calculated to detect, prosecute and prevent fraudulent life settlement acts. At the discretion of the commissioner, the commissioner may order, or a licensee may request and the commissioner may grant, such modifications of the following required initiatives as necessary to ensure an effective antifraud program. The modifications may be more or less restrictive than the required initiatives so long as the modifications may reasonably be expected to accomplish the purpose of this section. Antifraud initiatives shall include:

(1) Fraud investigators, who may be life settlement provider or life settlement producer employees or independent contractors; and

(2) An antifraud plan, which shall be submitted to the commissioner. The antifraud plan shall include, but not be limited to:

(A) A description of the procedures for detecting and investigating possible fraudulent life settlement acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(B) A description of the procedures for reporting possible fraudulent life settlement acts to the commissioner;

(C) A description of the plan for antifraud education and training of underwriters and other personnel; and

(D) A description or chart outlining the organizational arrangement of the antifraud personnel who are responsible for the investigation and reporting of possible fraudulent life settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications.

(b) Antifraud plans submitted to the commissioner shall be privileged and confidential and shall not be a public record under RSA 91-A and shall not be subject to discovery or subpoena in a civil or criminal action.

408-D:15 Injunctions; Civil Remedies; Cease and Desist.

I. In addition to the penalties and other enforcement provisions of this chapter, if any person violates this chapter or any rule implementing this chapter, the commissioner may seek an injunction in a court of competent jurisdiction and may apply for temporary and permanent orders that the commissioner determines are necessary to restrain the person from committing the violation.

II. Any person damaged by the acts of a person found in violation of this chapter by the commissioner may bring a civil action against the person committing the violation in a court of competent jurisdiction.

III. The commissioner may issue, in accordance with RSA 541-A, a cease and desist order upon a person that violates any provision of this chapter, any rule or order adopted by the commissioner, or any written agreement entered into with the commissioner.

IV. When the commissioner finds that an activity in violation of this chapter presents an immediate danger to the public that requires an immediate final order, the commissioner may issue an emergency cease and desist order reciting with particularity the facts underlying the findings. The emergency cease and desist order is effective immediately upon service of a copy of the order on the respondent and remains effective for 90 days. If the commissioner begins non-emergency cease and desist proceedings, the emergency cease and desist order remains effective, absent an order by a court of competent jurisdiction pursuant to RSA 541:18.

V. In addition the penalties and other enforcement provisions of this chapter, any person who violates this chapter is subject to civil penalties of up to \$2,500 per violation. Imposition of civil penalties shall be pursuant to an order of the commissioner issued under RSA 400-A:23. The commissioner's order may require a person found to be in violation of this chapter to make restitution to persons aggrieved by violations of this chapter.

VI. A person convicted of a violation of this chapter shall be ordered to pay restitution to persons aggrieved by the violation of this chapter. Restitution shall be ordered in addition to a fine or imprisonment, but not in lieu of a fine or imprisonment. The commissioner may order a life settlement provider to pay restitution to persons aggrieved by the violations of this chapter committed by its appointed life settlement producers.

VII. Except for a fraudulent life settlement act committed by a viator, the enforcement provisions and penalties of this section shall not apply to a viator.

408-D:16 Unfair Trade Practices. A violation of this chapter, including the commission of a fraudulent life settlement act, shall be considered an unfair trade practice under RSA 417.

408-D:17 Rulemaking. The commissioner shall have the authority to:

I. Adopt rules pursuant to RSA 541-A, implementing this chapter;

II. Establish standards for evaluating reasonableness of payments under life settlement contracts for persons who are terminally or chronically ill. This authority includes, but is not limited to, regulation of discount rates used to determine the amount paid in exchange for assignment, transfer, sale, devise or bequest of a benefit under a life insurance policy insuring the life of a person that is chronically or terminally ill;

III. Establish appropriate licensing requirements, fees, and standards for continued licensure for life settlement providers and life settlement producers;

IV. Require a bond or other mechanism for financial accountability for life settlement providers and life settlement producers; and

V. Adopt rules governing the relationship and responsibilities of both insurers and life settlement providers and life settlement producers during the viatication of a life insurance policy or certificate.

408-D:18 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

408-D:19 Applicability. A life settlement provider or life settlement producer transacting business in this state may continue to do so pending approval or disapproval of the life settlement provider, or life settlement producer application for licensure if the application is filed with the commissioner within one month of the effective date of this chapter.

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

Amendment adopted.

Committee report adopted.

Referred to the Committee on Ways and Means.

HB 661-FN, relative to family leave insurance. **REFER FOR INTERIM STUDY.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill sought to establish the framework for family and medical leave insurance, contingent on passage of federal funding that would pay for start-up, administrative and benefits for the first 6 months of such a program. The original bill clearly outlined the eligibility and structure for benefits (approximately \$250 per week for 6 weeks of family or medical leave) under the program, which would be administered by the Department of Employment Security. Many questions remained, however, with regard to future funding at the state level: What size businesses would be affected? Would payments be mandatory? Would premiums be paid through a payroll deduction or other source? Obviously, further study is necessary to put this program on sound financial footing and enlist support from stakeholders. Vote 16-0. Committee report adopted.

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. John B. Hunt for the Majority of Commerce and Consumer Affairs: The bipartisan majority believes this bill is overkill. In 2008, the legislature passed a law that eliminated the high interest payday loan industry from New Hampshire. This bill seeks to further limit credit availability by unnecessarily eliminating the few remaining companies providing short-term loans as small lenders. Why? The fact remains that national banks and credit card companies can charge NH consumers whatever fees and interest rates they want to borrow money. NH has no control. To eliminate the last remaining NH licensed and regulated small loan companies in our state will further limit credit and leave our citizens no other option but to borrow from national banks or internet lenders. This makes no sense. The true effect of SB 193 will be to close a few more small businesses that will lay off employees and increase the unemployment numbers in our state. Vote 9-7.

Rep. Susi Nord for the Minority of Commerce and Consumer Affairs: The minority knows that the legislature already weighed in on the issue of predatory lending when we set a 36% APR cap on payday and title lending. This bill would simply apply that rate cap to all loans under \$10,000. There are still a few companies trying to find ways to charge large fees to loan money to people when they are most desperate. It is the strong opinion of the minority that predatory lending practices that continue to raise the cost of borrowing small loans to up to 100 to 500%, through charges noted as "membership fees" or "loan consultation fees", are unethical and should be subject to the cap already passed. This bill simply tightens up our existing small loan rate caps and gives the banking commissioner the support and the tools needed to stop these unfair and deceptive practices and to prosecute those businesses engaged in breaking our laws.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Nord spoke against and yielded to questions.

Reps. DeStefano and Winters spoke in favor.

Reps. McEachern and Nixon spoke against.

Rep. Kris Roberts spoke in favor and yielded to questions.

Rep. Butler requested a roll call; sufficiently seconded.

YEAS 174 NAYS 177

YEAS 174**BELKNAP**

Boyce, Laurie
Nedeau, Stephen
Swinford, Elaine

Fields, Dennis
Pilliod, James
Wendelboe, Fran

Flanders, Donald
Russell, David

Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Meador, David

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Williams, Burton

Gionet, Edmond

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Christiansen, Lars
Doherty, Shaun
Gagne, Larry
Gorman, Mary
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Long, Patrick
Ober, Lynne
Pepino, Leo
Rowe, Robert
Shaw, Kimberly
Spaulding, Jayne
Villeneuve, Moe

Beauchamp, Roger
Boisvert, Ronald
Craig, James
Drisko, Richard
Gandia, Laura
Graham, John
Hikel, John
Holden, Frank
Katsiantonis, Thomas
McCarthy, Michael
Ober, Russell III
Pratt, Calvin
Ryder, Donald
Silva, Peter
Tahir, Saghir
Willette, Robert

Beaulieu, Jane
Cebrowski, John
Daniels, Gary
Elliott, Nancy
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
Holden, Rip
L'Heureux, Robert
Mead, Robert
Palmer, Stephen
Price, Pamela
Seidel, Carl
Soucy, Connie
Ulery, Jordan
Winters, Joel

Belvin, William
Christensen, Chris
Day, Russell
Emerton, Larry
Goley, Jeffrey
Haley, Robert
Hinkle, Peyton
Infantine, William
Lisle, Carolyn
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Soucy, Timothy
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Coffey, Jennifer
Kotowski, Frank
Reed, Dennis

Blankenbeker, Lynne
DeStefano, Stephen
McGuire, Carol
Smith, Todd

Bouchard, Candace
Hess, David
Owen, Derek
Wheeler, Deborah

Boutin, David
Kidder, David
Palfrey, David

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Charron, Gene
Devine, James
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Itse, Daniel
McKinney, Betsy
Perkins, Lawrence
Sanders, Elisabeth

Bailey, Clinton
Bettencourt, David
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Howard, Doreen
Kappler, L. Mike
McMahon, Charles
Quandt, Matt
Scamman, Stella

Baldasaro, Alfred
Bridle, Russell
Crisler, Margaret
Elliott, Robert
Flanders, John Sr
Hagan, Joseph
Ingram, Russell
Katsakiores, Phyllis
Nevins, Chris
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James

Bates, David
Case, Frank
DeSimone, Debra
Emiro, Frank
Garritty, James
Headd, James
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Reagan, John
Sedensky, John
Weare, Everett

Smith, William
Welch, David

Stiles, Nancy

STRAFFORD

Berube, Roger
Lauterborn, Elaine
Vita, Carol

Bickford, David
Rollo, Michael

Brown, Julie
Sprague, Dale

Groen, Warren
Twombly, James

SULLIVAN

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 177

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lerandeau, Alfred
Richardson, Barbara
Weed, Charles

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven
Robertson, Timothy

Butcher, Suzanne
Carr, Daniel
Mitchell, Bonnie
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip
White, Andrew

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Clemons, Jane
Foster, Linda
Hardy, Valerie
Irwin, Anne-Marie
Komi, Richard
Leishman, Peter
Matarazzo, Anthony
Sr
Nixon, David
Pilotte, Maurice
Rokas, Theodoros
Walsh, Robert Jr

Beck, Catriona
Chandley, Shannon
Cote, David
Garrity, Patrick
Harvey, Suzanne
Jeudy, Jean
Kopka, Angeline
Levesque, Melanie
Messier, Irene

O'Brien, Michael Sr
Poznanski, Brian
Rosenwald, Cindy

Bergin, Peter
Chase, Claudia
Dokmo, Cynthia
Hackel, Paul
Hodges, Kevin
Knowles, John
Kurk, Neal
Mack, Ron
Moran, Edward

O'Neil, James
Ramsey, Peter
Shattuck, Gilman

Campbell, David
Chininis, Alexis
Flurey, Joan
Hammond, Jill
Hopper, Gary
Knowles, Mary Ann
LaPlante, Roland
Marshall, Seth
Movsesian, Lori

Peterson, Andrew
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Clarke, Claire
Gile, Mary
Osborne, Jessie
Rodd, Beth
Tilton, Joy
Watrous, Rick

Davis, Frank
Hamm, Christine
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Foose, Robert
Kelly, Sally
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

French, Barbara
McMahon, Patricia
Richardson, Gary
Stetson, William
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Casey, Kimberley	Cushing, Robert
Day, Judith	DiFruscia, Anthony	DiPentima, Rich	Dowling, Patricia
Henson, John	Hutchinson, Gina	Kepner, Susan	Lyons, Melissa
Mann, Maureen	McCarthy, Barbara	McEachern, Paul	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Petterson, Don	Read, Robin Jr
Russell, Trinka	Schlachman, Donna	Splaine, James	Webber, Carolyn

STRAFFORD

Brown, Larry	Browne, Brendon	Burke, Rachel	Grassie, Anne
Hofemann, Roland	Horrigan, Timothy	Hubbard, Pamela	Keans, Sandra
Perry, Robert	Price, Susan	Rogers, Rose Marie	Ryder, Mark
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Vachon, Dennis
Wall, Janet	Ward, Kenneth	Watters, David	

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne
Harris, Sandra	Houde-Quimby, Charlotte	McClammer, Jim	Skinder, Carla

Sweeney, Cynthia
and the majority committee report failed.

Rep. Eaton moved Ought to Pass.
Reps. Kris Roberts and Vaillancourt spoke against.

Rep. Winters moved Recommit, spoke in favor and yielded to questions.
Rep. Nord spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Beaulieu moved that **SB 193**, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans, be laid on the table.
Rep. Butler requested a roll call; sufficiently seconded.

YEAS 174 NAYS 179

YEAS 174

BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
St. Cyr, Jeffrey	Swinford, Elaine	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McConkey, Mark	Patten, Betsey	Roberts, John	Scala, Dino
Stevens, Stanley	Umberger, Karen		

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Meador, David	Roberts, Kris	Sterling, Franklin Jr	

COOS

Rappaport, Laurence
Theberge, Robert

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Williams, Burton

Gionet, Edmond

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Christiansen, Lars
Doherty, Shaun
Gagne, Larry
Gorman, Mary
Hawkins, Ken
Hogan, Edith
Katsiantonis, Thomas
Mead, Robert
Ober, Russell III
Pratt, Calvin
Rowe, Robert
Silva, Peter
Sullivan, Daniel
Villeneuve, Moe

Batula, Peter
Boehm, Ralph
Craig, James
Drisko, Richard
Gandia, Laura
Graham, John
Hikel, John
Holden, Frank
L'Heureux, Robert
Messier, Irene
Palmer, Stephen
Price, Pamela
Ryder, Donald
Soucy, Connie
Tahir, Saghir
Willette, Robert

Beauchamp, Roger
Cebrowski, John
Daniels, Gary
Elliott, Nancy
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
Infantine, William
Long, Patrick
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Soucy, Timothy
Ulery, Jordan
Winters, Joel

Beaulieu, Jane
Christensen, Chris
Day, Russell
Emerton, Larry
Goley, Jeffrey
Haley, Robert
Hinkle, Peyton
Jasper, Shawn
McCarthy, Michael
Ober, Lynne
Pepino, Leo
Rokas, Theodoros
Shaw, Kimberly
Spaulding, Jayne
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeStefano, Stephen
McGuire, Carol
Wheeler, Deborah

Blankenbeker, Lynne
Hess, David
Owen, Derek

Boutin, David
Kidder, David
Reed, Dennis

Coffey, Jennifer
Kotowski, Frank
Smith, Todd

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Charron, Gene
Devine, James
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Itse, Daniel
McKinney, Betsy
Perkins, Lawrence
Sanders, Elisabeth

Bailey, Clinton
Bettencourt, David
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Howard, Doreen
Kappler, L. Mike
McMahon, Charles
Quandt, Matt
Scamman, Stella

Baldasaro, Alfred
Bridle, Russell
Crisler, Margaret
Elliott, Robert
Flanders, John Sr
Hagan, Joseph
Ingram, Russell
Katsakiores, Phyllis
Nevins, Chris
Rausch, James
Scamman, W.
Douglas Jr

Bates, David
Case, Frank
DeSimone, Debra
Emiro, Frank
Garritty, James
Headd, James
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Reagan, John
Sedensky, John

Smith, William
Welch, David

Stiles, Nancy

Sullivan, James

Weare, Everett

STRAFFORD

Berube, Roger
Rollo, Michael

Bickford, David
Sprague, Dale

Brown, Julie
Twombly, James

Groen, Warren
Vita, Carol

SULLIVAN

Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
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NAYS 179

BELKNAP

Arsenault, Beth	Johnson, William	Merry, Liz	Miller, Kate
Reever, Judith	Stuart, Richard		

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Wiley, Susan
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CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Butynski, William	Carlson, Nancy	Carr, Daniel	Eaton, Daniel
Lerandeau, Alfred	Lindsey, Steven	Mitchell, Bonnie	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Thomas, Yvonne
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gould, Franklin	Harding, Laurie
Laliberte, Suzanne	Matheson, Robert	Mulholland, Catherine	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Preston, Philip	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Beck, Catriona	Bergin, Peter	Boisvert, Ronald	Campbell, David
Caron, June	Chandley, Shannon	Chase, Claudia	Chininis, Alexis
Clemons, Jane	Cote, David	Dokmo, Cynthia	Flurey, Joan
Foster, Linda	Garrity, Patrick	Ginsburg, Ruth	Hackel, Paul
Hammond, Jill	Hardy, Valerie	Harvey, Suzanne	Hodges, Kevin
Holden, Rip	Hopper, Gary	Irwin, Anne-Marie	Jeady, Jean
Knowles, John	Knowles, Mary Ann	Komi, Richard	Kopka, Angeline
Kurk, Neal	LaPlante, Roland	Leishman, Peter	Levesque, Melanie
Lisle, Carolyn	Mack, Ron	Marshall, Seth	Matarazzo, Anthony Sr
Moran, Edward	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
O'Neil, James	Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian
Ramsey, Peter	Rhodes, Brian	Rosenwald, Cindy	Shattuck, Gilman
Shaw, Barbara	Walsh, Robert Jr		

MERRIMACK

Bouchard, Candace	Clarke, Claire	Davis, Frank	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kelly, Sally
McMahon, Patricia	Osborne, Jessie	Palfrey, David	Porter, Margaret
Potter, Frances	Richardson, Gary	Rodd, Beth	Schuett, Dianne
Shurtleff, Stephen	Stetson, William	Tilton, Joy	Tupper, Frank

Wallner, Mary Jane
Yeaton, Charles

Walz, Mary Beth

Watrous, Rick

Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Day, Judith
Henson, John
Mann, Maureen
Nord, Susi
Russell, Trinka

Brown, C. Pennington
DiFruscia, Anthony
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

Casey, Kimberley
DiPentima, Rich
Kepner, Susan
McEachern, Paul
Petterson, Don
Splaine, James

Cushing, Robert
Dowling, Patricia
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Webber, Carolyn

STRAFFORD

Brown, Larry
Hofemann, Roland
Keans, Sandra
Rogers, Rose Marie
Spang, Judith
Watters, David

Browne, Brendon
Horrigan, Timothy
Lauterborn, Elaine
Ryder, Mark
Vachon, Dennis

Burke, Rachel
Hubbard, Pamela
Perry, Robert
Schmidt, Peter
Wall, Janet

Grassie, Anne
Kaen, Naida
Price, Susan
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia
and the motion failed.

The question now being adoption of the motion to Recommit.
Reps. McEachern and DeStefano spoke against.
Rep. Butler requested a roll call; sufficiently seconded.

YEAS 177 NAYS 177

YEAS 177

BELKNAP

Bolster, Peter
Millham, Alida
St. Cyr, Jeffrey

Boyce, Laurie
Nedeau, Stephen
Swinford, Elaine

Fields, Dennis
Pilliod, James
Wendelboe, Fran

Flanders, Donald
Russell, David

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Meador, David

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Rappaport, Laurence
Theberge, Robert

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Williams, Burton

Gionet, Edmond

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Christiansen, Lars
Doherty, Shaun
Gagne, Larry
Graham, John
Hikel, John
Holden, Frank
L'Heureux, Robert
Messier, Irene
Ober, Lynne
Pepino, Leo
Rowe, Robert
Shaw, Kimberly
Spaulding, Jayne
Villeneuve, Moe

Beauchamp, Roger
Boisvert, Ronald
Craig, James
Drisko, Richard
Gandia, Laura
Haefner, Robert
Hinch, Richard
Infantine, William
Long, Patrick
Moran, Edward
Ober, Russell III
Pratt, Calvin
Ryder, Donald
Silva, Peter
Tahir, Saghir
Willette, Robert

Beaulieu, Jane
Cebrowski, John
Daniels, Gary
Elliott, Nancy
Gidge, Kenneth
Haley, Robert
Hinkle, Peyton
Jasper, Shawn
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Price, Pamela
Seidel, Carl
Soucy, Connie
Ulery, Jordan
Winters, Joel

Belvin, William
Christensen, Chris
Day, Russell
Emerton, Larry
Goley, Jeffrey
Hawkins, Ken
Hogan, Edith
Katsiantonis, Thomas
Mead, Robert
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Soucy, Timothy
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeStefano, Stephen
McGuire, Carol
Wheeler, Deborah

Blankenbeker, Lynne
Hess, David
Palfrey, David

Boutin, David
Kidder, David
Reed, Dennis

Coffey, Jennifer
Kotowski, Frank
Smith, Todd

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Charron, Gene
Devine, James
Emiro, Frank
Garrity, James
Headd, James
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Quandt, Matt
Scamman, Stella
Stiles, Nancy

Bailey, Clinton
Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Gleason, John
Hoelzel, Kathleen
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Rausch, James
Scamman, W.
Douglas Jr
Sullivan, James

Baldasaro, Alfred
Bridle, Russell
Crisler, Margaret
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Howard, Doreen
Itse, Daniel
Lyons, Melissa
Packard, Sherman
Reagan, John
Sedensky, John
Weare, Everett

Bates, David
Case, Frank
DeSimone, Debra
Dumaine, Dudley
Flanders, John Sr
Hagan, Joseph
Hutchinson, Gina
Kappler, L. Mike
McKinney, Betsy
Perkins, Lawrence
Sanders, Elisabeth
Smith, William
Welch, David

STRAFFORD

Bickford, David
Lauterborn, Elaine

Brown, Julie
Sprague, Dale

Groen, Warren
Twombly, James

Horrigan, Timothy
Vita, Carol

SULLIVAN

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lerandeau, Alfred
Richardson, Barbara
Weed, Charles

Burridge, Delmar
Carlson, Nancy
Lindsey, Steven
Robertson, Timothy

Butcher, Suzanne
Carr, Daniel
Mitchell, Bonnie
Sad, Tara

Butterworth, Timothy
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William

Mears, Lucy

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Preston, Philip
White, Andrew

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Caron, June
Clemons, Jane
Foster, Linda
Hackel, Paul
Hodges, Kevin
Jeudy, Jean
Kopka, Angeline
Levesque, Melanie
Matarazzo, Anthony Sr
Peterson, Andrew
Rhodes, Brian
Sullivan, Daniel

Beck, Catriona
Chandley, Shannon
Cote, David
Garrity, Patrick
Hammond, Jill
Holden, Rip
Knowles, John
Kurk, Neal
Lisle, Carolyn
Movsesian, Lori
Pilotte, Maurice
Rokas, Theodoros
Walsh, Robert Jr

Bergin, Peter
Chase, Claudia
Dokmo, Cynthia
Ginsburg, Ruth
Hardy, Valerie
Hopper, Gary
Knowles, Mary Ann
LaPlante, Roland
Mack, Ron
Nixon, David

Poznanski, Brian
Rosenwald, Cindy

Campbell, David
Chininis, Alexis
Flurey, Joan
Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
Komi, Richard
Leishman, Peter
Marshall, Seth
O'Brien, Michael Sr

Ramsey, Peter
Shattuck, Gilman

MERRIMACK

Bouchard, Candace
French, Barbara
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Clarke, Claire
Gile, Mary
Osborne, Jessie
Richardson, Gary
Stetson, William
Walz, Mary Beth

Davis, Frank
Hamm, Christine
Owen, Derek
Rodd, Beth
Tilton, Joy
Watrous, Rick

Foose, Robert
Kelly, Sally
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Day, Judith
Kepner, Susan
Moody, Marcia
Pettersen, Don
Splaine, James

Brown, C. Pennington
DiPentima, Rich
Mann, Maureen
Nord, Susi
Read, Robin Jr
Webber, Carolyn

Casey, Kimberley
Elliott, Robert
McCarthy, Barbara
Norelli, Terie
Russell, Trinka

Cushing, Robert
Henson, John
McEachern, Paul
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Rollo, Michael
Spang, Judith
Watters, David

Brown, Larry
Hofemann, Roland
Perry, Robert
Ryder, Mark
Vachon, Dennis

Browne, Brendon
Hubbard, Pamela
Price, Susan
Schmidt, Peter
Wall, Janet

Burke, Rachel
Kaen, Naida
Rogers, Rose Marie
Smith, Marjorie
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

CLERK'S NOTE

The original vote was 177-176. Pursuant to House Rule 5, the Speaker voted "Nay" which created a tie vote. The motion therefore failed.

The question now being adoption of the minority committee report of Ought to Pass.

MOTION TO DEFINITELY POSTPONE

Rep. Itse moved that **SB 193**, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans, be postponed definitely until the next session day as the first order of business.

Rep. Butler moved to amend the motion to definitely postpone to the 2nd session date as the first order of business.

Adopted.

The question now being adoption of the motion to definitely postpone.

Rep. Butler spoke against and yielded to questions.

Reps. Kris Roberts and Lynne Ober spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 180 NAYS 172

YEAS 180

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Fields, Dennis
Pilliod, James

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Roberts, John
Wiley, Susan

Knox, J. David
Scala, Dino

CHESHIRE

Emerson, Susan
Mead, David

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Rappaport, Laurence
Theberge, Robert

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Ladd, Rick Jr

Gionet, Edmond
White, Andrew

Gould, Franklin
Williams, Burton

Ingbretson, Paul

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Craig, James
Drisko, Richard
Gandia, Laura
Graham, John
Hinch, Richard
Infantine, William
L'Heureux, Robert
Messier, Irene
Ober, Lynne
Pepino, Leo
Rowe, Robert
Silva, Peter
Tahir, Saghir
Willette, Robert

Beauchamp, Roger
Boisvert, Ronald
Daniels, Gary
Elliott, Nancy
Gidge, Kenneth
Haefner, Robert
Hinkle, Peyton
Jasper, Shawn
Long, Patrick
Moran, Edward
Ober, Russell III
Pratt, Calvin
Ryder, Donald
Soucy, Connie
Ulery, Jordan
Winters, Joel

Beaulieu, Jane
Cebrowski, John
Day, Russell
Emerton, Larry
Ginsburg, Ruth
Hawkins, Ken
Hogan, Edith
Katsiantonis, Thomas
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Price, Pamela
Seidel, Carl
Soucy, Timothy
Vaillancourt, Steve

Belvin, William
Christensen, Chris
Doherty, Shaun
Gagne, Larry
Goley, Jeffrey
Hikel, John
Holden, Frank
Komi, Richard
Mead, Robert
O'Neil, James
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Spaulding, Jayne
Villeneuve, Moe

MERRIMACK

Anderson, Eric
DeStefano, Stephen
Lockwood, Priscilla
Rodd, Beth
Yeaton, Charles

Blankenbeker, Lynne
Hess, David
McGuire, Carol
Smith, Todd

Boutin, David
Kidder, David
Palfrey, David
Stetson, William

Coffey, Jennifer
Kotowski, Frank
Reed, Dennis
Wheeler, Deborah

ROCKINGHAM

Bailey, Clinton
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Ferrante, Beverly
Griffin, Mary
Howard, Doreen
Introne, Robert
Kolodziej, Walter
Packard, Sherman

Baldasaro, Alfred
Bridle, Russell
Crisler, Margaret
Dumaine, Dudley
Flanders, John Sr
Hagan, Joseph
Hutchinson, Gina
Itse, Daniel
Lyons, Melissa
Perkins, Lawrence

Bates, David
Case, Frank
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Hutchinson, Karen
Kappler, L. Mike
McMahon, Charles
Quandt, Matt

Belanger, Ronald
Charron, Gene
Devine, James
Emiro, Frank
Gleason, John
Hoelzel, Kathleen
Ingram, Russell
Katsakiores, Phyllis
Nevins, Chris
Rausch, James

Reagan, John	Sanders, Elisabeth	Scamman, Stella	Scamman, W. Douglas Jr
Sedensky, John Weare, Everett	Smith, William Welch, David	Stiles, Nancy	Sullivan, James

STRAFFORD

Bickford, David Lauterborn, Elaine	Brown, Julie Sprague, Dale	Groen, Warren Twombly, James	Horrigan, Timothy Vita, Carol
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SULLIVAN

Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
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NAYS 172

BELKNAP

Arsenault, Beth Reever, Judith	Johnson, William Russell, David	Merry, Liz Stuart, Richard	Miller, Kate
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward
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CHESHIRE

Allen, Peter Butynski, William Lerandeau, Alfred Richardson, Barbara Weed, Charles	Burridge, Delmar Carlson, Nancy Lindsey, Steven Robertson, Timothy	Butcher, Suzanne Carr, Daniel Mitchell, Bonnie Sad, Tara	Butterworth, Timothy Eaton, Daniel Parkhurst, Henry Weber, Lucy
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COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Thomas, Yvonne
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GRAFTON

Aguiar, James Ford, Susan Matheson, Robert Pierce, David Townsend, Charles	Almy, Susan Friedrich, Carol Mulholland, Catherine Preston, Philip	Benn, Bernard Harding, Laurie Nordgren, Sharon Smith, Suzanne	Cooney, Mary Laliberte, Suzanne Pastor, Beatriz Taylor, Kathleen
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HILLSBOROUGH

Baroody, Benjamin Caron, June Clemons, Jane Foster, Linda Haley, Robert Hodges, Kevin Jeudy, Jean Kurk, Neal Lisle, Carolyn	Beck, Catriona Chandley, Shannon Cote, David Garritty, Patrick Hammond, Jill Holden, Rip Knowles, John LaPlante, Roland Mack, Ron	Bergin, Peter Chase, Claudia Dokmo, Cynthia Gorman, Mary Hardy, Valerie Hopper, Gary Knowles, Mary Ann Leishman, Peter Marshall, Seth	Campbell, David Chininis, Alexis Flurey, Joan Hackel, Paul Harvey, Suzanne Irwin, Anne-Marie Kopka, Angeline Levesque, Melanie Matarazzo, Anthony Sr Peterson, Andrew Rhodes, Brian
Movsesian, Lori Pilotte, Maurice	Nixon, David Poznanski, Brian	O'Brien, Michael Sr Ramsey, Peter	

Rokas, Theodoros
Sullivan, Daniel

Rosenwald, Cindy
Walsh, Robert Jr

Shattuck, Gilman

Shaw, Kimberly

MERRIMACK

Bouchard, Candace
French, Barbara
McMahon, Patricia
Potter, Frances
Tilton, Joy
Watrous, Rick

Clarke, Claire
Gile, Mary
Osborne, Jessie
Richardson, Gary
Tupper, Frank
Webb, Leigh

Davis, Frank
Hamm, Christine
Owen, Derek
Schuett, Dianne
Wallner, Mary Jane

Foose, Robert
Kelly, Sally
Porter, Margaret
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Day, Judith
Henson, John
McEachern, Paul
Pantelakos, Laura
Schlachman, Donna

Brown, C. Pennington
DiFruscia, Anthony
Kepner, Susan
McKinney, Betsy
Pettersen, Don
Splaine, James

Casey, Kimberley
DiPentima, Rich
Mann, Maureen
Moody, Marcia
Read, Robin Jr
Webber, Carolyn

Cushing, Robert
Fesh, Robert
McCarthy, Barbara
Nord, Susi
Russell, Trinkia

STRAFFORD

Berube, Roger
Grassie, Anne
Perry, Robert
Ryder, Mark
Vachon, Dennis

Brown, Larry
Hofemann, Roland
Price, Susan
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hubbard, Pamela
Rogers, Rose Marie
Smith, Marjorie
Ward, Kenneth

Burke, Rachel
Keans, Sandra
Rollo, Michael
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

and the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 47-FN, establishing a board to evaluate a sexual offender's likelihood of reoffending.
INEXPEDIENT TO LEGISLATE.

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: On reviewing this bill, it was determined that there was some merit to individual classification of sex offenders.

However, the fiscal impact, given the current economy, makes the bill not feasible at this time. Vote 15-1.

Committee report adopted.

HB 111, exempting tier I offenders from inclusion in the department of safety's public list of registered offenders. **REFER FOR INTERIM STUDY.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: The committee recognizes that there are issues with the current classification system of sexual offenders. However, current law has only been in effect for less than a year. Interim study will allow the committee to monitor and study the current law. Vote 16-0.

Committee report adopted.

SPECIAL ORDERED

Without objection, the Speaker ordered the remainder of the bills on today's calendar to be

made Special Orders for the next session day in their Regular Calendar order.

RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 13, 2010 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 286-FN, relative to life insurance form disapproval.

HB 138, revising certain provisions of the sexually violent predators statute.

HB 615, relative to organization, reorganization, or withdrawal from a school administrative unit.

SB 123, relative to agricultural restricted grants.

HB 510, relative to the position of director of vital records administration.

HB 577-FN, relative to recovery of public assistance and third party liability.

HB 53, relative to the definition of "public body" under the right-to-know law.

HB 325, establishing standards for adequate service of process and establishing a commission to study service of process by laypersons.

HB 564-FN, relative to ramp/lift equipped van parking spaces.

HB 546-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

HB 561-FN, relative to insurance coverage for persons having deafness and hearing loss.

HB 299, prohibiting banks from requiring fingerprints in order to complete a banking transaction.

HB 366, relative to retail vehicle dealers.

HB 478-FN, relative to remotely readable devices and relative to the illegal use of a payment card scanning device or reencoder.

HB 569-FN, clarifying insurance coverage for diagnosis and treatment of pervasive developmental disorder or autism.

UNANIMOUS CONSENT

Reps. Marjorie Smith, Coffey and Vaillancourt addressed the House.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 5:05 p.m.

RECESS