

State of New Hampshire HOUSE RECORD

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

Vol. 34

Concord, N. H.

Wednesday, January 4, 2012

No. 7

HOUSE JOURNAL No. 1

Wednesday, January 4, 2012

This day, January 4, 2012, 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 162nd General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 2012 House of Representatives and called the session to order at 1:00 p.m.

Representative Raymond Gagnon, member from Claremont, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Beattie, Ronald Belanger, Case, Champagne, Jennifer Coffey, Coulombe, Day, Eaton, Emerson, Ferrante, Gidge, Hofemann, Karen Hutchinson, Levasseur, Major, Panek, Powers and Chip Rice, the day, illness.

Reps. Brendon Browne, DeSimone, Domingo, Lundgren, Jon Richardson, Todd Smith, Summers and Waterhouse, the day, important business.

CALL OF THE ROLL

With 238 members having answered the call, the Speaker declared a quorum present.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1126 through 1283, 1285 through 1471 and 1473 through 1709, House Concurrent Resolutions numbered 30 through 43, House Joint Resolutions numbered 20 through 22, House Resolutions numbered 20 through 27 and Constitutional Amendment Concurrent Resolutions numbered 20 through 32 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, HCRS, HJRS, HRS AND CACRS

First, second reading and referral

HB 1126, relative to nomination of candidates for United States senator. (Kingsbury, Belk 4; DeLemus, Straf 1; L. Vita, Straf 3; Davenport, Rock 12; D. McGuire, Merr 8: Election Law)

HB 1127, relative to barbering apprentices. (Gorman, Hills 23; Cote, Hills 23; Marshall Quandt, Rock 13; Matt Quandt, Rock 13; Lambert, Dist 13: Executive Departments and Administration)

HB 1128, relative to reports of failed breath tests when using an ignition interlock device. (Tholl, Coos 2; Welch, Rock 8; Almy, Graf 11: Criminal Justice and Public Safety)

HB 1129, establishing a committee to study the frequency and financial consequences of erroneously dialed 911 calls. (Tholl, Coos 2; Welch, Rock 8: Science, Technology and Energy)

HB 1130, relative to weighted voting by the Winnepesaukee River advisory board. (Tilton, Belk 4; Millham, Belk 5; Tobin, Belk 2; Palfrey, Merr 2: Public Works and Highways)

HB 1131, establishing a committee to study the revisions to laws which would be necessary if the supreme court and superior court were abolished as constitutional courts. (Davenport, Rock 12: Constitutional Review and Statutory Recodification)

HB 1132, relative to fish and game laws concerning the Blue Mountain Forest Association. (Kreis, Merr 6; Swinford, Belk 5; Warden, Hills 7: Fish and Game and Marine Resources)

HB 1133, relative to membership of the enhanced 911 commission. (Sova, Graf 10: Science, Technology and Energy)

HB 1134, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on the state house grounds. (Shurtleff, Merr 10; D. Patten, Merr 11; Bettencourt, Rock 4: Public Works and Highways)

HB 1135, establishing a civil action for certain disruptions of funerals of members or former members of the armed forces. (B. Palmer, Hills 26; Ohm, Hills 26; J. Belanger, Hills 5; Drisko, Hills 5; McClarren, Hills 21; Lambert, Dist 13: Judiciary)

HB 1136, relative to special state elections. (Horrigan, Straf 7: Election Law)

HB 1137, renaming the road to the supreme court and the administrative office of the courts from Charles Doe Drive to Noble Drive and renaming the campus of the supreme court and the administrative office of the courts from Charles Doe Place to Noble Place. (D. Patten, Merr 11: Judiciary)

HB 1138, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet. (Doherty, Hills 27; Notter, Hills 19; Bettencourt, Rock 4; Morse, Dist 22: Public Works and Highways)

HB 1139, making changes to the unique pupil identification system. (Hill, Merr 6; Boehm, Hills 27; Ingbretson, Graf 5: Education)

HB 1140, relative to the care of war memorials in Franconia Notch state park. (Swinford, Belk 5; Baldasaro, Rock 3; Taylor, Graf 2; Kreis, Merr 6; Carson, Dist 14: Resources, Recreation and Development)

HB 1141, relative to fees for the state park system. (Renzullo, Hills 27: Resources, Recreation and Development)

HB 1142, relative to the electricians' board. (Infantine, Hills 13; Gimás, Hills 12; Flanagan, Hills 5: Executive Departments and Administration)

HB 1143, relative to speed limits on certain residential ways. (Tamburello, Rock 3; Baldasaro, Rock 3: Transportation)

HB 1144, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges. (Tilton, Belk 4; Campbell, Hills 24; Cloutier, Sull 4; Graham, Hills 18: Ways and Means)

HB 1145, relative to the New Hampshire public television's affiliation with the university system of New Hampshire. (Vaillancourt, Hills 15; Bergevin, Hills 17: Education)

HB 1146, requiring pupils to stand during the pledge of allegiance. (Accornero, Belk 4; Luther, Belk 4; Kingsbury, Belk 4: Constitutional Review and Statutory Recodification)

HB 1147, proclaiming March 31 of each year as a day to remember Terri Schiavo. (Bergevin, Hills 17; Itse, Rock 9: Executive Departments and Administration)

HB 1148, requiring the teaching of evolution as a theory in public schools. (Bergevin, Hills 17: Education)

HB 1149, allowing the planning board chairperson to administer oaths and compel the attendance of witnesses. (Peckham, Rock 13: Municipal and County Government)

HB 1150, relative to examinations for licensure as a professional engineer or land surveyor. (Hawkins, Hills 18: Executive Departments and Administration)

HB 1151, relative to the default budget in official ballot towns and districts. (Umberger, Carr 1; Simard, Graf 8: Municipal and County Government)

HB 1152, establishing a committee to study high speed digital subscriber line (DSL) service. (Bergevin, Hills 17: Science, Technology and Energy)

HB 1153, relative to fire protection of floors in certain detached dwellings. (Spainhower, Straf 2: Commerce and Consumer Affairs)

HB 1154, establishing a committee to study the management structure of state government. (Bowers, Sull 3; Sheffert, Rock 15; Cox, Merr 6; Hill, Merr 6; Avard, Hills 20; Seaworth, Merr 7; Munck, Straf 2; DeJong, Hills 9; Tasker, Rock 1; Birdsell, Rock 8: Executive Departments and Administration)

HB 1155, relative to the regulation of dentists by the board of dental examiners. (B. Murphy, Rock 18: Executive Departments and Administration)

HB 1156, relative to preserving due process in all common law matters. (L. Christiansen, Hills 27; Baldasaro, Rock 3: Judiciary)

HB 1157, relative to signage at fuel service stations. (J. Johnson, Ches 6: Commerce and Consumer Affairs)

HB 1158, relative to the authority of the superintendent of a county correctional facility. (Pantelakos, Rock 16; Welch, Rock 8; Charron, Rock 7; Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1159, defining a default budget for a municipality. (Pettengill, Carr 1: Municipal and County Government)

HB 1160, establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions. (Warden, Hills 7; Manuse, Rock 5; Malone, Belk 5; Davenport, Rock 12: Municipal and County Government)

HB 1161, establishing a committee to study permitting nonresident property owners to vote in local elections. (Warden, Hills 7: Election Law)

HB 1162, establishing a committee to study the effects of compulsory school attendance on children and families. (Hoell, Merr 13: Education)

HB 1163, relative to withholding union dues from wages. (DeLemus, Straf 1; Vaillancourt, Hills 15; O'Brien, Hills 4; Groen, Straf 1; Gimas, Hills 12; Mirski, Graf 10; Sorg, Graf 3; Itse, Rock 9; Ingbertson, Graf 5; Newton, Straf 1; Luther, Dist 12: Labor, Industrial and Rehabilitative Services)

HB 1164, requiring documentation of qualifications for presidential candidates. (DeLemus, Straf 1; Rappaport, Coos 1: Election Law)

HB 1165, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge. (Greemore, Belk 3; Luther, Belk 4; Worsman, Belk 3; Baldasaro, Rock 3; Tilton, Belk 4; Kingsbury, Belk 4; Forrester, Dist 2: Public Works and Highways)

HB 1166, relative to the installation of broadband equipment on Cardigan Mountain. (Sova, Graf 10: Resources, Recreation and Development)

HB 1167, repealing the 180 day school year requirement. (Sova, Graf 10: Education)

HB 1168, requiring the removal of electronic records and information upon entry of an order of annulment. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1169, requiring the secretary of state to make a report of lands over which jurisdiction has been ceded to the federal government. (Itse, Rock 9: Executive Departments and Administration)

HB 1170, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting. (C.

McGuire, Merr 8; D. McGuire, Merr 8; Barnes, Jr., Dist 17: Municipal and County Government)

HB 1171, updating certain references in motor vehicle statutes. (Packard, Rock 3; Rausch, Dist 19: Transportation)

HB 1172, authorizing nano brewery licensees to sell their products at farmers' markets. (Schlachman, Rock 13; Pratt, Hills 7; Warden, Hills 7; Lovejoy, Rock 13; Prescott, Dist 23: Commerce and Consumer Affairs)

HB 1173, relative to complaints against psychologists. (Hinch, Hills 19; C. McGuire, Merr 8: Executive Departments and Administration)

HB 1174, relative to negotiations for contracts for county employees. (F. McCarthy, Carr 1; J. Barry, Hills 16; Pettengill, Carr 1; McConkey, Carr 3; Pellegrino, Hills 19; J. Thomas, Hills 19; Notter, Hills 19; F. Rice, Rock 15; C. Vita, Straf 3; L. Vita, Straf 3: Labor, Industrial and Rehabilitative Services)

HB 1175, relative to the membership of the cooperative school district budget committees. (Reilly, Graf 8; Simard, Graf 8; Brosseau, Graf 6; Lauer-Rago, Merr 2; Hoelzel, Rock 2; DeLemus, Straf 1; J. Thomas, Hills 19; Shackett, Graf 8; F. McCarthy, Carr 1; Forrester, Dist 2: Education)

HB 1176, relative to the amendment of warrant articles at official ballot town meetings. (Graham, Hills 18; Hawkins, Hills 18; D. McGuire, Merr 8; White, Dist 9; Barnes, Jr., Dist 17: Municipal and County Government)

HB 1177-L, relative to the limitation on appropriations under the municipal budget law. (Simard, Graf 8; Umberger, Carr 1; Ladd, Graf 5; F. McCarthy, Carr 1; Reilly, Graf 8: Municipal and County Government)

HB 1178, relative to the losing party's payment of the prevailing party's costs in tort actions. (Bowers, Sull 3; Pratt, Hills 7; Umberger, Carr 1; W. Smith, Rock 18: Judiciary)

HB 1179, imposing an extended term of imprisonment for assault against a health care worker. (White, Graf 11; Jennifer Coffey, Merr 6; Shurtleff, Merr 10; Harding, Graf 11: Criminal Justice and Public Safety)

HB 1180, relative to awards of noneconomic damages. (Bowers, Sull 3; W. Smith, Rock 18; Umberger, Carr 1: Judiciary)

HB 1181, relative to offers of judgments. (B. Murphy, Rock 18; Giuda, Merr 7; Steven Smith, Sull 5; Stiles, Dist 24; Lambert, Dist 13; Bradley, Dist 3: Judiciary)

HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire. (B. Murphy, Rock 18; Notter, Hills 19; Antosz, Rock 9; Ward, Rock 13: Commerce and Consumer Affairs)

HB 1183, relative to access to the galleries in the general court. (Horrigan, Straf 7: Legislative Administration)

HB 1184, relative to the use of videotape evidence of criminal activity. (D. McGuire, Merr 8: Criminal Justice and Public Safety)

HB 1185-FN-A, relative to the police standards and training council. (C. McGuire, Merr 8: Executive Departments and Administration)

HB 1186, relative to uniform override keys for elevators. (Coulombe, Coos 4; Goley, Hills 8; Rhodes, Hills 22; Remick, Coos 2; White, Graf 11; Larsen, Dist 15: Commerce and Consumer Affairs)

HB 1187, establishing a commission to prepare for possible action in the event of a catastrophic occurrence that renders the federal government unable to function. (P. Brown, Rock 2; Barnes, Jr., Dist 17: Executive Departments and Administration)

HB 1188, relative to civil actions for defamation. (Flanagan, Hills 5: Judiciary)

HB 1189, establishing a committee to study the privatizing of county corrections operations. (Vaillancourt, Hills 15: Municipal and County Government)

HB 1190, relative to the dental hygienists committee of the dental board. (DiPentima, Rock 16; Cebrowski, Hills 18; Reagan, Rock 1: Executive Departments and Administration)

HB 1191, relative to responsibilities of parents of certain minors. (DeLemus, Straf 1; Gidge,

Hills 24: Children and Family Law)

HB 1192-FN, establishing an E-Z Pass commuter discount. (R. Barry, Hills 19; C. Christensen, Hills 19; White, Dist 9: Transportation)

HB 1193, relative to requirements for temporary certificates of safe boating education. (Hikel, Hills 7: Transportation)

HB 1194, relative to the text of Article 73-a of Part II of the New Hampshire Constitution. (Kingsbury, Belk 4: Constitutional Review and Statutory Recodification)

HB 1195, relative to membership of the joint legislative historical committee. (Rowe, Hills 6: Executive Departments and Administration)

HB 1196, repealing the task force on state procurement policies and procedures. (Belvin, Hills 6; Manuse, Rock 5; Sanborn, Dist 7: Executive Departments and Administration)

HB 1197-FN, requiring the commissioner of the department of health and human services to apply for a state plan waiver. (Abrami, Rock 13; Ward, Rock 13; Ohm, Hills 26; Shuler, Rock 11; Peckham, Rock 13; K. Murphy, Hills 18; Prescott, Dist 23: Health, Human Services and Elderly Affairs)

HB 1198-FN-L, relative to updating voter birth information in the statewide centralized voter registration database. (Winter, Merr 3; Odell, Dist 8: Election Law)

HB 1199, relative to school district voting on school building projects. (Sova, Graf 10: Education)

HB 1200, relative to reduced spending alternatives in proposed county budgets. (Vaillancourt, Hills 15; Simard, Graf 8; Kurk, Hills 7; Weyler, Rock 8; Belvin, Hills 6: Municipal and County Government)

HB 1201, relative to the assessment of property taxes on Pinkerton Academy. (Sapareto, Rock 5; Reichard, Rock 5; Webb, Rock 5; J. O'Connor, Rock 5: Municipal and County Government)

HB 1202-FN, relative to tuition payments for chartered public school students attending out-of-district regional vocational education centers. (Lovejoy, Rock 13; Schlachman, Rock 13; Prescott, Dist 23: Education)

HB 1203, relative to the membership of the capital budget overview committee. (Graham, Hills 18; Cloutier, Sull 4; Rausch, Dist 19; Larsen, Dist 15: Public Works and Highways)

HB 1204, relative to matching funds of highway projects. (Graham, Hills 18; E. Smith, Ches 4; Campbell, Hills 24; Rausch, Dist 19; Boutin, Dist 16: Public Works and Highways)

HB 1205, relative to the duty of the long range capital planning and utilization committee. (Graham, Hills 18; Cloutier, Sull 4; Rausch, Dist 19; Barnes, Jr., Dist 17: Public Works and Highways)

HB 1206, prohibiting the state from withholding union dues from the wages of state employees. (Mauro, Rock 4: Labor, Industrial and Rehabilitative Services)

HB 1207-FN, defining the owner of timber rights for purposes of timber tax assessment. (Daugherty, Coos 1; Rappaport, Coos 1: Resources, Recreation and Development)

HB 1208, relative to restrictions on beverage manufacturers. (Warden, Hills 7; Pratt, Hills 7; Simmons, Hills 17; Greazzo, Hills 17; Maltz, Hills 27; Hikel, Hills 7; Ball, Hills 9; Lambert, Hills 27: Commerce and Consumer Affairs)

HB 1209, establishing a committee to study administration of the business profits tax and the business enterprise tax. (Stepanek, Hills 6; Bettencourt, Rock 4: Ways and Means)

HB 1210, applying the procedures of the eminent domain procedures act to cases of eminent domain concerning public utilities. (Rappaport, Coos 1; Kaen, Straf 7: Science, Technology and Energy)

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers. (Owen, Merr 4; Sad, Ches 2: Environment and Agriculture)

HB 1212, relative to resisting arrest. (Lambert, Hills 27; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 1213-L, relative to parking for legislators on official business. (Sapareto, Rock 5; Fredette, Hills 1: Legislative Administration)

HB 1214, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Campbell, Hills 24; Pastor, Graf 9; Gionet, Graf 3; Maltz, Hills 27; Bulis, Graf 1: Science, Technology and Energy)

HB 1215-L, relative to town library budgets. (Hansen, Hills 6: Municipal and County Government)

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. (Itse, Rock 9; Ingbretson, Graf 5: Judiciary)

HB 1217, relative to the form for executing advance directives for health care decisions. (Itse, Rock 9; C. McGuire, Merr 8; D. McGuire, Merr 8; Ingbretson, Graf 5: Judiciary)

HB 1218, relative to state authority to accept federal aid. (Itse, Rock 9; Sorg, Graf 3; Ingbretson, Graf 5; Mirski, Graf 10; D. McGuire, Merr 8: Executive Departments and Administration)

HB 1219, relative to the definition of wildlife for purposes of regulation by the fish and game department. (Kreis, Merr 6; M. Tremblay, Coos 4; Warden, Hills 7; Swinford, Belk 5; Okerman, Rock 4; Itse, Rock 9; Gallus, Dist 1: Environment and Agriculture)

HB 1220, repealing the criminal history record and protective order check for the sale of firearms. (D. McGuire, Merr 8: Criminal Justice and Public Safety)

HB 1221, relative to the credit for the business enterprise tax against the business profits tax. (D. McGuire, Merr 8; Bettencourt, Rock 4: Ways and Means)

HB 1222-FN, relative to protected shoreland permitting fees. (D. McGuire, Merr 8; Warden, Hills 7; Bettencourt, Rock 4; Giuda, Merr 7: Ways and Means)

HB 1223-FN, relative to remedies under the right-to-know law. (Giuda, Merr 7; Watrous, Merr 12; J. Garrity, Rock 6; Pitre, Straf 3; Notter, Hills 19; LeBrun, Hills 26; Hansen, Hills 6: Judiciary)

HB 1224, allowing municipalities to send tax, water, and sewer bills electronically and establishing a committee to study municipal functions which could be performed electronically to achieve cost savings. (Rowe, Hills 6: Municipal and County Government)

HB 1225, permitting a charter school to incur long-term debt. (Hill, Merr 6; Forsythe, Dist 4: Education)

HB 1226-FN-A, directing department of environmental services administrative fine revenue to a special fund for environmental enforcement. (Abrami, Rock 13; Peckham, Rock 13; Shuler, Rock 11; Ohm, Hills 26; Ward, Rock 13: Ways and Means)

HB 1227, relative to disqualification of certain members of the general court. (Greazzo, Hills 17: Legislative Administration)

HB 1228, prohibiting the sale of grave markers and memorial markers by funeral directors. (McClarren, Hills 21: Commerce and Consumer Affairs)

HB 1229, declaring March 30 as Welcome Home Veterans Day to honor veterans of Vietnam. (Shurtleff, Merr 10; Jennifer Coffey, Merr 6; Pantelakos, Rock 16; Swinford, Belk 5; Baldasaro, Rock 3; Bettencourt, Rock 4: State-Federal Relations and Veterans Affairs)

HB 1230-FN, requiring a listing of state real property. (Graham, Hills 18; E. Smith, Ches 4; Bouchard, Merr 11; Gallus, Dist 1; D'Allesandro, Dist 20: Executive Departments and Administration)

HB 1231, repealing the prohibition on the sale, gift, or display of certain young birds and rabbits. (Manuse, Rock 5; C. McGuire, Merr 8; Tamburello, Rock 3; Kreis, Merr 6; Simmons, Hills 17; Bowers, Sull 3; L. Jones, Straf 1; Reichard, Rock 5; Peterson, Hills 19; White, Dist 9: Commerce and Consumer Affairs)

HB 1232-FN, relative to prerecorded political messages. (Bates, Rock 4; Forsythe, Dist 4: Election Law)

HB 1233, establishing a statute of limitations on wetlands filling and dredging. (Morrow, Carr 3; Mirski, Graf 10; McConkey, Carr 3; Babson, Carr. 3: Resources, Recreation and Development)

HB 1234, establishing a department of environmental services oversight and grievance committee. (Giuda, Merr 7; LaCasse, Sull 4; Chandler, Carr 1; Kreis, Merr 6; C. McGuire,

Merr 8; McDonnell, Merr 7; Ingbertson, Graf 5; Seaworth, Merr 7; J. Richardson, Merr 8; Peterson, Hills 19; Forrester, Dist 2: Environment and Agriculture)

HB 1235, establishing a committee to study and propose a recodification of certain environment-related statutes. (Cohn, Merr 6; Peckham, Rock 13; P. Brown, Rock 2; Serlin, Rock 16; Itse, Rock 9; Krasucki, Hills 26; Davenport, Rock 12: Environment and Agriculture)

HB 1236-FN, relative to ownership and operation of liquor licensees. (Warden, Hills 7; Burt, Hills 7; Simmons, Hills 17; Greazzo, Hills 17; Maltz, Hills 27; Hikel, Hills 7; Ball, Hills 9; Lambert, Hills 27: Commerce and Consumer Affairs)

HB 1237, relative to the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations. (Gimas, Hills 12; Bates, Rock 4: Labor, Industrial and Rehabilitative Services)

HB 1238, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets. (Holden, Hills 4; Ohm, Hills 26: Science, Technology and Energy)

HB 1239, requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility. (Ladd, Graf 5; Brosseau, Graf 6; Rappaport, Coos 1; Forrester, Dist 2: Science, Technology and Energy)

HB 1240, relative to license suspensions for refusal to consent to an alcohol test. (Ingbertson, Graf 5: Criminal Justice and Public Safety)

HB 1241, relative to table wines. (Weyler, Rock 8; Allen, Rock 11; Hill, Merr 6; R. Barry, Hills 19; Winter, Merr 3: Environment and Agriculture)

HB 1242, relative to membership dues paid by towns. (Burt, Hills 7; Antosz, Rock 9; Avar, Hills 20; Warden, Hills 7; L. Jones, Straf 1; Scentsas, Hills 22; Manuse, Rock 5; G. Hopper, Hills 7; S. Tremblay, Rock 3; Cohn, Merr 6: Municipal and County Government)

HB 1243, establishing a committee to study the requirements of the deposit of certain checks. (Hawkins, Hills 18: Commerce and Consumer Affairs)

HB 1244, relative to firearms possession while trapping. (Ingbertson, Graf 5: Criminal Justice and Public Safety)

HB 1245-FN, relative to the fee for retail dealer's licenses for lobster and crab. (Babson, Carr 3: Ways and Means)

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. (Hoell, Merr 13; Cunningham, Sull 2: Criminal Justice and Public Safety)

HB 1247, relative to the duties of jurors as constitutional officers and changing the term "petit jury" to "trial jury." (Kingsbury, Belk 4: Judiciary)

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HB 1248-FN, relative to emergency management compacts. (Peterson, Hills 19; Notter, Hills 19: Executive Departments and Administration)

HB 1249, relative to the child protection reporting law. (Bergevin, Hills 17; Duarte, Rock 1; LeBrun, Hills 26; DeLemus, Straf 1; C. Soucy, Hills 17; Burt, Hills 7: Criminal Justice and Public Safety)

HB 1250, allowing designated persons to provide emergency medical treatment to another person. (Bergevin, Hills 17; Gidge, Hills 24; Marshall Quandt, Rock 13; Greazzo, Hills 17: Health, Human Services and Elderly Affairs)

HB 1251-FN, permitting off-premises licensees to sell liquor. (Hikel, Hills 7; Baldasaro, Rock 3; Swinford, Belk 5; M. McCarthy, Hills 21; Jennifer Coffey, Merr 6; D. McGuire, Merr 8; Gonzalez, Hills 17; Kappler, Rock 2; Maltz, Hills 27: Commerce and Consumer Affairs)

HB 1252, relative to required documentation of ownership in foreclosure proceedings. (L. Christiansen, Hills 27: Judiciary)

HB 1253, relative to bridge aid and highway block grants for class V roads in certain village districts. (James Coffey, Hills 3: Public Works and Highways)

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions. (Duarte, Rock 1; Tamburello, Rock 3; Tregenza, Carr 2; Renzullo, Hills 27; Rappaport, Coos 1; Cox, Merr 6: Executive Departments and Administration)

HB 1255, relative to the membership of the commission on primary care workforce issues. (Pettengill, Carr 1: Executive Departments and Administration)

HB 1256, establishing a New Hampshire state register of historic places. (Mirski, Graf 10; Bettencourt, Rock 4; Kidder, Merr 1; Watters, Straf 4; O'Brien, Hills 4; Rowe, Hills 6; Comerford, Rock 9; Carson, Dist 14: Resources, Recreation and Development)

HB 1257-FN, eliminating the tolls on the Everett turnpike in the town of Merrimack. (J. Thomas, Hills 19; H. Richardson, Coos 2; Hinch, Hills 19; Notter, Hills 19; R. Barry, Hills 19; Stroud, Hills 19; Pellegrino, Hills 19: Transportation)

HB 1258, relative to late fees charged by utilities. (Flanagan, Hills 5; Cohn, Merr 6: Science, Technology and Energy)

HB 1259-FN, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1260-FN, relative to poker games and charitable gaming. (Lambert, Hills 27; Bowers, Sull 3: Executive Departments and Administration)

HB 1261, relative to recovery of delinquent condominium fees. (Ohm, Hills 26; Seidel, Hills 20; LeBrun, Hills 26; Griffin, Rock 4; Almy, Graf 11; Butynski, Ches 4; Hamm, Merr 4; Cooney, Graf 7; B. Palmer, Hills 26; Luther, Dist 12; Lambert, Dist 13: Judiciary)

HB 1262, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction. (Sapareto, Rock 5; Manuse, Rock 5; L. Jones, Straf 1; Webb, Rock 5: Commerce and Consumer Affairs)

HB 1263, repealing the law requiring landlords of restricted residential property provide service of process information. (Giuda, Merr 7; Chandler, Carr 1; Mirski, Graf 10; Ingbretson, Graf 5; LeBrun, Hills 26; De Blois, Dist 18: Judiciary)

HB 1264, establishing a religious exemption for individuals who do not wish to provide accommodations, goods, or services for marriages. (Bergevin, Hills 17; Duarte, Rock 1; Sapareto, Rock 5: Judiciary)

HB 1265, relative to criteria for the government regulation of occupations and professions. (Bowers, Sull 3; Cohn, Merr 6; Lambert, Hills 27; Davenport, Rock 12; Forsythe, Dist 4: Executive Departments and Administration)

HB 1266, requiring the assessing standards board to recommend standards rather than guidelines. (B. Patten, Carr 4; Lockwood, Merr 6; Barnes, Jr., Dist 17: Municipal and County Government)

HB 1267, relative to adjustments to the child support guidelines based on child support expenses documented by the parties. (Oigny, Rock 8: Children and Family Law)

HB 1268-FN, requiring the department of education to reimburse the community colleges for the costs of providing remedial courses. (Sheffert, Rock 15: Education)

HB 1269, relative to immunity from civil liability for sports officials. (Hinch, Hills 19; Bettencourt, Rock 4; White, Dist 9: Judiciary)

HB 1270, requiring an employer to disclose non-compete and non-piracy agreements to a potential employee prior to making an offer of employment. (K. Murphy, Hills 18; Infantine, Hills 13; Abrami, Rock 13; White, Dist 9: Labor, Industrial and Rehabilitative Services)

HB 1271-L, relative to the penalty for violating ordinances governing hawkers and peddlers. (McClarren, Hills 21; Mirski, Graf 10: Municipal and County Government)

HB 1272, establishing a legislative oversight committee to study implementation of the recommendations of the commission on the status of men and solutions to identified problems. (Oigny, Rock 8; W. Smith, Rock 18; Mirski, Graf 10: Executive Departments and Administration)

HB 1273, relative to the termination of parental rights in cases where the child is born of rape. (Leonard, Straf 1; LeBrun, Hills 26; Lauer-Rago, Merr 2; Groen, Dist 6: Judiciary)

HB 1274-FN, abolishing the department of cultural resources. (Vaillancourt, Hills 15: Executive Departments and Administration)

HB 1275, relative to the common law rule of lenity. (Ulery, Hills 27: Criminal Justice and

Public Safety)

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities. (D. Patten, Merr 11: Legislative Administration)

HB 1277, requiring federal law enforcement agencies to notify New Hampshire law enforcement agencies prior to investigation or enforcement of federal law in New Hampshire, as all lawful police work is local. (Kingsbury, Belk 4; Notter, Hills 19: State-Federal Relations and Veterans Affairs)

HB 1278, relative to obstructions on highways. (Infantine, Hills 13: Transportation)

HB 1279-L, relative to voting rights of certain budget committee members. (Pratt, Hills 7; Hikel, Hills 7; Warden, Hills 7; Burt, Hills 7: Municipal and County Government)

HB 1280-FN, relative to the sale of E-Z Pass transponders and relative to the online New Hampshire E-Z Pass service center. (Burt, Hills 7; Comerford, Rock 9; Scontsas, Hills 22; Ball, Hills 9; S. Tremblay, Rock 3: Transportation)

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials. (Flanagan, Hills 5: Executive Departments and Administration)

HB 1282-FN-L, relative to workforce housing and the definition of community. (Flanagan, Hills 5; Mauro, Rock 4; Baldasaro, Rock 3; Kurk, Hills 7; Jasper, Hills 27; Burt, Hills 7; Forsythe, Dist 4; Carson, Dist 14: Municipal and County Government)

HB 1283-FN, relative to insurance payments for domestics. (Greemore, Belk 3; Simpson, Belk 1; Worsman, Belk 3; Brosseau, Graf 6: Commerce and Consumer Affairs)

HB 1284 – Withdrawn.

HB 1285-FN, repealing the state art fund. (D. McGuire, Merr 8: Executive Departments and Administration)

HB 1286, relative to the installation of sprinklers. (Mirski, Graf 10; Burt, Hills 7: Public Works and Highways)

HB 1287-FN, relative to nonresident vehicle registration. (Mirski, Graf 10: Transportation)

HB 1288-FN, relative to protection of private property from the use of eminent domain. (Giuda, Merr 7; Chandler, Carr 1; Bettencourt, Rock 4: Science, Technology and Energy)

HB 1289, relative to agreements between government units. (Munck, Straf 2: Municipal and County Government)

HB 1290, relative to self-storage facility liens. (J. Belanger, Hills 5; McClarren, Hills 21; LeBrun, Hills 26: Judiciary)

HB 1291, prohibiting compelled speech. (Kingsbury, Belk 4: Election Law)

HB 1292, requiring a 2/3 majority for borrowing by official ballot towns and school districts. (Kingsbury, Belk 4: Municipal and County Government)

HB 1293, establishing a rest area gas station and retail opportunities commission. (Sheffert, Rock 15: Transportation)

HB 1294, relative to applications for abatement of property taxes. (Warden, Hills 7: Municipal and County Government)

HB 1295, establishing a committee to study the potential effects of total deregulation of the telecommunications industry. (Cali-Pitts, Rock 16; Levasseur, Hills 11: Science, Technology and Energy)

HB 1296, relative to net energy metering. (Introne, Rock 3; Cali-Pitts, Rock 16; Cataldo, Straf 3: Science, Technology and Energy)

HB 1297, relative to health care exchanges. (Manuse, Rock 5; Lambert, Hills 27; Sorg, Graf 3; Itse, Rock 9; Peterson, Hills 19; Ingbreton, Graf 5; Groen, Straf 1; Jennifer Coffey, Merr 6; O'Brien, Hills 4; De Blois, Dist 18; Forsythe, Dist 4: Commerce and Consumer Affairs)

HB 1298, relative to the definition of “public use” under the eminent domain procedure act. (Ladd, Graf 5; Brosseau, Graf 6; Rappaport, Coos 1; Baldasaro, Rock 3; Forrester, Dist 2: Judiciary)

HB 1299-FN, relative to permit fee transfer credits. (Davenport, Rock 12: Transportation)

HB 1300, relative to removing public officials for cause. (B. Murphy, Rock 18; Silva, Hills 26; Itse, Rock 9: Judiciary)

HB 1301, relative to challenges to voters. (Ingbretson, Graf 5; Mirski, Graf 10: Election Law)

HB 1302-FN, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration. (Stepanek, Hills 6; Bettencourt, Rock 4: Ways and Means)

HB 1303, amending certain requirements to obtain a local vendor license. (Parison, Hills 3; Cohn, Merr 6; Mirski, Graf 10; Avard, Hills 20; Bowers, Sull 3; LeBrun, Hills 26; Forsythe, Dist 4: Municipal and County Government)

HB 1304, relative to the waiver of financial responsibility requirements for certain habitual offenders. (Ingbretson, Graf 5: Criminal Justice and Public Safety)

HB 1305, reestablishing the exemption from property taxation for telecommunications poles and conduits and establishing a committee to study how utilities are taxed by the state and municipalities. (Burt, Hills 7; Weyler, Rock 8; Kaen, Straf 7; Major, Rock 8; Stepanek, Hills 6; Bettencourt, Rock 4; Carson, Dist 14; D'Allesandro, Dist 20: Science, Technology and Energy)

HB 1306-FN-L, requiring retirement system employers to make contributions for part-time employment of retired members of the retirement system. (Hawkins, Hills 18: Special Committee on Public Employee Pensions Reform)

HB 1307, relative to agricultural plates. (Coulombe, Coos 4; Gallus, Dist 1: Transportation)

HB 1308, relative to the definition of "public body" under the right-to-know law. (Comerford, Rock 9; Cohn, Merr 6; Watrous, Merr 12; L. Jones, Straf 1; Itse, Rock 9: Judiciary)

HB 1309-FN-A, establishing a special number plate to support public elementary and secondary schools. (Suzanne Smith, Graf 7; Cooney, Graf 7; Knox, Carr 4: Transportation)

HB 1310, increasing the number of days a motorcycle learner's permit is valid. (Pantelakos, Rock 16; Shurtleff, Merr 10: Transportation)

HB 1311, changing a statutory reference to reflect the current homestead exemption amounts. (Giuda, Merr 7: Judiciary)

HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury. (Daniels, Hills 6: Criminal Justice and Public Safety)

HB 1313, allowing school districts to offer higher education scholarships to high school pupils. (Daniels, Hills 6: Education)

HB 1314, establishing a committee to study the maintenance of water and sewer infrastructure. (Foose, Merr 1; Bouchard, Merr 11: Public Works and Highways)

HB 1315, relative to the effective date of revisions to the state building code. (Infantine, Hills 13: Executive Departments and Administration)

HB 1316, relative to continuing education for licensed electricians. (Infantine, Hills 13: Executive Departments and Administration)

HB 1317, relative to certifying electricians as fire suppression equipment and alarm installers. (Gimas, Hills 12: Executive Departments and Administration)

HB 1318, relative to carrying firearms. (DeLemus, Straf 1: Criminal Justice and Public Safety)

HB 1319, limiting credit card interchange fees charged to merchants. (Hikel, Hills 7: Commerce and Consumer Affairs)

HB 1320-FN-L, relative to law enforcement responsibility for interstate highways. (R. Barry, Hills 19; C. Christensen, Hills 19; Weyler, Rock 8: Public Works and Highways)

HB 1321, establishing a committee to study the relationship between public funding of postsecondary education and workforce development. (Foose, Merr 1: Special Committee on Education Funding Reform)

HB 1322, establishing a task force to study and recommend options to provide hospitals with the capacity to fund uncompensated care over time. (Foose, Merr 1: Health, Human Services and Elderly Affairs)

HB 1323, requiring employers who offer benefits to full-time employees to offer benefits on a

pro-rated basis to part-time employees. (K. Hutchinson, Rock 3: Labor, Industrial and Rehabilitative Services)

HB 1324, establishing a committee to study the public utilities commission. (Levasseur, Hills 11; Rappaport, Coos 1; Cali-Pitts, Rock 16; Carson, Dist 14: Science, Technology and Energy)

HB 1325, relative to school attendance by children of divorced parents. (Proulx, Hills 15: Education)

HB 1326, relative to advance directives pertaining to medically administered nutrition and hydration. (Itse, Rock 9; Ingbretson, Graf 5: Health, Human Services and Elderly Affairs)

HB 1327, relative to official oppression. (Itse, Rock 9; Ingbretson, Graf 5; D. McGuire, Merr 8: Criminal Justice and Public Safety)

HB 1328, relative to vehicle operation with a stuck throttle or runaway engine. (Osgood, Sull 4; Rodeschin, Sull 2; Campbell, Hills 24; Cloutier, Sull 4; Odell, Dist 8: Transportation)

HB 1329, relative to the default budget in certain towns. (Boehm, Hills 27; Gandia, Hills 27; C. McGuire, Merr 8; Jasper, Hills 27; Baldasaro, Rock 3; Renzullo, Hills 27; Bettencourt, Rock 4: Municipal and County Government)

HB 1330, establishing a committee to study blood testing of drivers after motor vehicle fatalities. (Duarte, Rock 1; Rappaport, Coos 1; Cox, Merr 6; Tamburello, Rock 3; G. Johnsen, Ches 3; Chase, Ches 3: Criminal Justice and Public Safety)

HB 1331, relative to termination of employment for a sexual offense or an offense against a child. (Swinford, Belk 5; Baldasaro, Rock 3: Children and Family Law)

HB 1332, relative to the law enforcement authority of fish and game conservation officers. (Kreis, Merr 6; Parsons, Straf 3; Comtois, Belk 5; Okerman, Rock 4; Swinford, Belk 5; Itse, Rock 9: Fish and Game and Marine Resources)

HB 1333, relative to the revocation or suspension of a fish and game license for a conviction. (Kreis, Merr 6; Warden, Hills 7; M. Tremblay, Coos 4; Okerman, Rock 4; Swinford, Belk 5: Fish and Game and Marine Resources)

HB 1334, relative to the suspension of a fish and game license by the executive director. (Kreis, Merr 6; Warden, Hills 7; Parsons, Straf 3; M. Tremblay, Coos 4; Swinford, Belk 5; Okerman, Rock 4: Fish and Game and Marine Resources)

HB 1335, relative to the authority of the fish and game department to refuse to issue a hunting license. (Kreis, Merr 6; Warden, Hills 7; Hill, Merr 6; Okerman, Rock 4; Giuda, Merr 7; Swinford, Belk 5; M. Tremblay, Coos 4: Fish and Game and Marine Resources)

HB 1336, relative to reciprocity for nonresident trainers of hunting dogs. (Kreis, Merr 6; M. Tremblay, Coos 4; Hill, Merr 6; Parsons, Straf 3; Gallus, Dist 1: Fish and Game and Marine Resources)

HB 1337, relative to the enforcement of violations of fish and game laws, and establishing a committee to study the disposition of wildlife confiscated by the fish and game department. (L. Christiansen, Hills 27: Fish and Game and Marine Resources)

HB 1338, relative to failure to renew a professional or occupational license. (Mirski, Graf 10; D. McGuire, Merr 8; C. McGuire, Merr 8; Manuse, Rock 5; Warden, Hills 7; Winter, Merr 3; Pratt, Hills 7; Itse, Rock 9; Comerford, Rock 9; Forsythe, Dist 4; De Blois, Dist 18: Executive Departments and Administration)

HB 1339, prohibiting agreements to limit or reserve access to hunting, fishing, and trapping on private land. (Mirski, Graf 10; Duarte, Rock 1; Hopper, Hills 7: Fish and Game and Marine Resources)

HB 1340, relative to reimbursing chiropractors. (McKinney, Rock 3; Baldasaro, Rock 3: Health, Human Services and Elderly Affairs)

HB 1341, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town. (Willette, Hills 6; Villeneuve, Hills 18; Welch, Rock 8; Gagne, Hills 13; Cunningham, Sull 2; Hardwick, Hills 2; Itse, Rock 9: Criminal Justice and Public Safety)

HB 1342-FN, prohibiting state and local governments from using funds to employ a lobbyist. (Vaillancourt, Hills 15; Hoell, Merr 13: Municipal and County Government)

HB 1343, prohibiting employees of parties and political committees from running for state office. (Vaillancourt, Hills 15; Greazzo, Hills 17: Constitutional Review and Statutory Recodification)

HB 1344, prohibiting public employees from being candidates for certain offices. (Vaillancourt, Hills 15; Sova, Graf 10; DeLemus, Straf 1: Constitutional Review and Statutory Recodification)

HB 1345, prohibiting party committees from selecting candidates for office. (Vaillancourt, Hills 15; Cohn, Merr 6; Manuse, Rock 5; DeJong, Hills 9: Election Law)

HB 1346, relative to the construction of power line extensions. (Baroody, Hills 13; Chandler, Carr 1; Merrick, Coos 2: Science, Technology and Energy)

HB 1347, requiring the courts to file reports of complaints against court officers, court staff, and any other person involved in the administration of justice. (Lambert, Hills 27: Judiciary)

HB 1348, relative to playing mind sports for money. (D. McGuire, Merr 8; Renzullo, Hills 27: Commerce and Consumer Affairs)

HB 1349-L, relative to the service of town health officers. (Cunningham, Sull 2; Rodeschin, Sull 2; A. Schmidt, Sull 1; Emerson, Ches 7: Municipal and County Government)

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. (Itse, Rock 9: Legislative Administration)

HB 1351, relative to disclosure of confidential information by the board of medicine. (C. McGuire, Merr 8; Kurk, Hills 7: Executive Departments and Administration)

HB 1352, relative to citizen complaints against a police officer. (Sapareto, Rock 5; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 1353, relative to establishing an individual's status as a veteran. (Baldasaro, Rock 3; Tamburello, Rock 3; Graham, Hills 18; Shurtleff, Merr 10; Weyler, Rock 8; Griffin, Rock 4; R. Ober, Hills 27; Tucker, Rock 17; O'Brien, Hills 4; Bradley, Dist 3; Carson, Dist 14; Lambert, Dist 13: State-Federal Relations and Veterans Affairs)

HB 1354, relative to a person's residence for voting and all other legal purposes. (Bates, Rock 4; Bettencourt, Rock 4; Jasper, Hills 27; O'Brien, Hills 4; D. McGuire, Merr 8; Renzullo, Hills 27; Comerford, Rock 9; Barnes, Jr., Dist 17: Election Law)

HB 1355, relative to county budget adoption by the county convention. (Hoell, Merr 13; C. McGuire, Merr 8; Cohn, Merr 6; Keane, Merr 13; Boutin, Dist 16: Municipal and County Government)

HB 1356, classifying certain land in Litchfield as land to be retained by the state. (L. Ober, Hills 27; Renzullo, Hills 27; Haefner, Hills 27; Gandia, Hills 27; Lambert, Hills 27: Resources, Recreation and Development)

HB 1357, relative to the membership of mosquito control districts. (L. Ober, Hills 27; Lambert, Hills 27: Municipal and County Government)

HB 1358, establishing a committee to study the costs of health care. (Bowers, Sull 3; Proulx, Hills 15; Hill, Merr 6; Sheffert, Rock 15; Seaworth, Merr 7; Cox, Merr 6; Munck, Straf 2; LeBrun, Hills 26; P. Brown, Rock 2: Health, Human Services and Elderly Affairs)

HB 1359, relative to exceptions for municipal regulation of hawkers and peddlers. (Bowers, Sull 3; Cohn, Merr 6; LeBrun, Hills 26: Commerce and Consumer Affairs)

HB 1360, relative to the rulemaking authority of the state board of education. (Balboni, Hills 21; L. Ober, Hills 27: Education)

HB 1361, prohibiting generic fiscal notes on bills. (Pepino, Hills 11; Mirski, Graf 10; Itse, Rock 9; Stroud, Hills 19; Sapareto, Rock 5; K. Roberts, Ches 3; Theberge, Coos 4; Gallus, Dist 1: Constitutional Review and Statutory Recodification)

HB 1362, establishing a service animal registration commission. (Schlachman, Rock 13; Copeland, Rock 13: Executive Departments and Administration)

HB 1363, relative to banking regulations and foreclosures. (Comerford, Rock 9; Bowers, Sull 3; Hikel, Hills 7; Malone, Belk 5; Itse, Rock 9: Judiciary)

HB 1364, relative to transfers of appropriations in Carroll county. (F. McCarthy, Carr 1; Pettengill, Carr 1; Tregenza, Carr 2; Ahlgren, Carr 4; Babson, Carr 3; Bradley, Dist 3: Municipal and County Government)

HB 1365, relative to complaint investigation procedures of the guardian ad litem board. (Oigny, Rock 8; Flanagan, Hills 5; DeLemus, Straf 1; Manuse, Rock 5; Warden, Hills 7; Shuler, Rock 11; Mirski, Graf 10: Children and Family Law)

HB 1366, establishing a committee to study seasonal employment and the calculation of unemployment compensation. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 1367, relative to the issuance of administrative inspection warrants. (Manuse, Rock 5; L. Jones, Straf 1; Bowers, Sull 3; Lambert, Hills 27; Itse, Rock 9; Kurk, Hills 7; Ingbertson, Graf 5; Warden, Hills 7; D. McGuire, Merr 8: Municipal and County Government)

HB 1368, relative to real property held as a joint tenancy with rights of survivorship. (Manuse, Rock 5; Oigny, Rock 8; Lambert, Hills 27; White, Dist 9: Judiciary)

HB 1369, relative to the location of overhead tolling on the F.E. Everett turnpike. (Campbell, Hills 24; Graham, Hills 18; Seidel, Hills 20: Transportation)

HB 1370, making technical changes to the New Hampshire real estate practice act. (Baroody, Hills 13; Chandler, Carr 1: Commerce and Consumer Affairs)

HB 1371, relative to conflicts of interest of county government officials. (Bulis, Graf 1; Cebrowski, Hills 18; B. Patten, Carr 4; Gionet, Graf 3; Tholl, Coos 2; Case, Rock 1; Chandler, Carr 1; Bettencourt, Rock 4; Ladd, Graf 5; Ingbertson, Graf 5; Carson, Dist 14: Municipal and County Government)

HB 1372, requiring prisoners between 17 and 21 years of age to complete the requirements for a high school diploma or a GED certificate prior to release on probation or parole. (Gile, Merr 10; Porter, Hills 1; Gargasz, Hills 5; DeSimone, Rock 6: Criminal Justice and Public Safety)

HB 1373, relative to the definition of first-in, first-out as it applies to wastewater or public water supply projects. (Umberger, Carr 1; St. Cyr, Belk 5; Chandler, Carr 1; Gallus, Dist 1; Odell, Dist 8: Resources, Recreation and Development)

HB 1374-FN, relative to speed limits approaching toll booths. (Ulery, Hills 27; Carson, Dist 14: Transportation)

HB 1375, relative to access to firearms by persons convicted of nonviolent felonies. (Manuse, Rock 5; Cohn, Merr 6; Warden, Hills 7; Swinford, Belk 5; Rowe, Hills 6; Sorg, Graf 3; Itse, Rock 9; Lambert, Hills 27: Criminal Justice and Public Safety)

HB 1376, relative to amending warrant articles in towns that have adopted the official ballot referendum form of meeting. (Pratt, Hills 7; Hikel, Hills 7: Municipal and County Government)

HB 1377, requiring postsecondary education institutions to compile and submit reports on remedial education courses. (Hill, Merr 6; Bowers, Sull 3; Lauer-Rago, Merr 2; Cox, Merr 6: Education)

HB 1378, relative to transfer by pharmacy technicians of prescription drugs between pharmacies. (Levasseur, Hills 11: Executive Departments and Administration)

HB 1379, establishing a committee to study the regulation of pharmacy technicians by the board of pharmacy. (Levasseur, Hills 11: Executive Departments and Administration)

HB 1380, relative to the development of wetland mitigation banks. (Merrow, Carr 3; Mirski, Graf 10; Babson, Carr 3; Bradley, Dist 3: Resources, Recreation and Development)

HB 1381, exempting note finders from licensing requirements for real estate brokers and mortgage brokers. (Mirski, Graf 10; Winter, Merr 3; Cohn, Merr 6; C. McGuire, Merr 8; Warden, Hills 7; Bowers, Sull 3: Executive Departments and Administration)

HB 1382, including parents in the approval process for alternative learning plans and requiring a truant officer to obtain a warrant or permission of a parent prior to returning a child to school. (Parison, Hills 3; Mirski, Graf 10; L. Jones, Straf 1; Sova, Graf 10; Carson, Dist 14; Forsythe, Dist 4; White, Dist 9: Education)

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire. (Duarte, Rock 1; Mirski, Graf 10; Tamburello, Rock 3; Rappaport, Coos 1; Cox, Merr 6; Tregenza, Carr 2; Reagan, Rock 1: Education)

HB 1384, relative to the statute of limitations for complaints against judges. (B. Murphy, Rock 18; Sorg, Graf 3; Giuda, Merr 7: Judiciary)

HB 1385-FN-A, reducing the rate of the road toll during the 2012 Memorial Day weekend. (B. Murphy, Rock 18; Ward, Rock 13; Sanborn, Dist 7: Transportation)

HB 1386, relative to offers of judgments. (B. Murphy, Rock 18; Sorg, Graf 3; Sanborn, Dist 7; Bradley, Dist 3: Judiciary)

HB 1387, requiring United States flags purchased with state funds or displayed in state facilities to be manufactured in the United States. (Pepino, Hills 11; Welch, Rock 8; Baldasaro, Rock 3; O'Brien, Hills 4; Norelli, Rock 16; Chandler, Carr 1; Shurtleff, Merr 10; Weyler, Rock 8; Theberge, Coos 4; Barnes, Jr., Dist 17; Boutin, Dist 16; Carson, Dist 14; Gallus, Dist 1: Executive Departments and Administration)

HB 1388, relative to speeding in the compact part of cities and towns. (Ulery, Hills 27; Carson, Dist 14: Criminal Justice and Public Safety)

HB 1389, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council. (Major, Rock 8: Education)

HB 1390, relative to the regulation of incumbent local exchange carriers. (Cali-Pitts, Rock 16; Levasseur, Hills 11: Science, Technology and Energy)

HB 1391, relative to transmission and distribution utility line extension construction and relative to pole attachments. (Lambert, Hills 27: Science, Technology and Energy)

HB 1392, relative to oyster aquaculture licenses. (Schroadter, Rock 12: Fish and Game and Marine Resources)

HB 1393, relative to the valuation of property for property tax purposes and procedures for imposing sanctions against appraisers who act in bad faith or violate statutory requirements. (Weyler, Rock 8: Municipal and County Government)

HB 1394, relative to appeals of eminent domain decisions. (Rappaport, Coos 1; Brosseau, Graf 6; Remick, Coos 2; Itse, Rock 9; Tholl, Coos 2; Daugherty, Coos 1; Ladd, Graf 5; Forrester, Dist 2: Judiciary)

HB 1395, revoking amendments to supreme court rules 50 and 50-A. (Sorg, Graf 3; B. Murphy, Rock 18; Itse, Rock 9; Mirski, Graf 10; Ingbretson, Graf 5: Judiciary)

HB 1396, restoring and reinforcing the exemptions from levy, sale on execution, and liability to be encumbered or taken for the payment of debts of the homestead right. (Sorg, Graf 3; B. Murphy, Rock 18; Gallus, Dist 1: Judiciary)

HB 1397, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (DeLemus, Straf 1; L. Christiansen, Hills 27: Judiciary)

HB 1398, relative to lighting on bicycles at night. (Swinford, Belk 5: Transportation)

HB 1399, relative to state general election ballots. (Pierce, Graf 9: Election Law)

HB 1400-FN-A, allowing the department of transportation to sell naming rights for certain structures. (D. McGuire, Merr 8; W. Smith, Rock 18; Umberger, Carr 1; Sova, Graf 10: Public Works and Highways)

HB 1401, relative to site evaluations and certificates for energy facilities. (Suzanne Smith, Graf 7; Cooney, Graf 7; Townsend, Graf 10; Taylor, Graf 2; Aguiar, Graf 6; Merrill, Dist 21; Larsen, Dist 15: Science, Technology and Energy)

HB 1402, relative to the sale of homemade food. (Comtois, Belk 5; Groen, Straf 1; S. Palmer, Hills 6; Okerman, Rock 4: Environment and Agriculture)

HB 1403, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program. (Pettengill, Carr 1; Cohn, Merr 6; Cox, Merr 6; Hill, Merr 6; Kreis, Merr 6: Education)

HB 1404, relative to the election of Hillsborough county commissioners. (Seidel, Hills 20; Ohm, Hills 26; Twombly, Hills 25; LeBrun, Hills 26: Municipal and County Government)

HB 1405, relative to refugee resettlement. (Pettengill, Carr 1; DeLemus, Straf 1; W. Hutchinson, Hills 9; Tamburello, Rock 3; S. Tremblay, Rock 3: Municipal and County Government)

HB 1406, relative to goods in intrastate commerce. (Okerman, Rock 4; S. Tremblay, Rock 3: Commerce and Consumer Affairs)

HB 1407, allowing towns to establish a firefighter commission. (Theberge, Coos 4; Coulombe, Coos 4; Proulx, Hills 15; Carson, Dist 14: Municipal and County Government)

HB 1408, establishing a commission to study the judicial branch family division. (Jennifer Coffey, Merr 6; Baldasaro, Rock 3; Merrick, Coos 2; Itse, Rock 9; Oigny, Rock 8; C. McGuire, Merr 8; Carson, Dist 14: Judiciary)

HB 1409, relative to definitions under the Uniform Securities Act. (Schlachman, Rock 13; Nevins, Rock 15: Commerce and Consumer Affairs)

HB 1410, relative to securities regulation. (Gidge, Hills 24: Commerce and Consumer Affairs)

HB 1411, establishing a committee to study small brewer relationships with distributors. (Schroadter, Rock 12: Commerce and Consumer Affairs)

HB 1412, requiring the department of transportation to post signs on roads that cross the border into Massachusetts. (Jennifer Coffey, Merr 6; Mauro, Rock 4; Griffin, Rock 4; Swinford, Belk 5; Simmons, Hills 17; Carson, Dist 14: Public Works and Highways)

HB 1413-FN, directing New Hampshire to withdraw from the No Child Left Behind Act. (Weeden, Straf 6; Tregenza, Carr 2; Jasper, Hills 27; Hoell, Merr 13: Education)

HB 1414, relative to revocation or suspension of youth operators' licenses for speeding. (McConkey, Carr 3; Chandler, Carr 1; Babson, Carr 3; Merrow, Carr 3; Bradley, Dist 3: Transportation)

HB 1415, relative to exceptions for proposed sewage waste disposal systems. (Warden, Hills 7; Gallus, Dist 1; De Blois, Dist 18: Resources, Recreation and Development)

HB 1416-L, relative to the introduction of substances into the New Hampshire public water supply. (Cartwright, Ches 2; Pettengill, Carr 1; Mirski, Graf 10; Tregenza, Carr 2; Bergevin, Hills 17: Resources, Recreation and Development)

HB 1417, relative to a student's freedom of association. (Jasper, Hills 27; Bettencourt, Rock 4; Welch, Rock 8; Flanagan, Hills 5; Carson, Dist 14: Education)

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. (Sapareto, Rock 5; Weyler, Rock 8; Major, Rock 8; R. Ober, Hills 27; Bettencourt, Rock 4: Ways and Means)

HB 1419, relative to the rights of military parents. (Baldasaro, Rock 3; Tamburello, Rock 3; Graham, Hills 18; K. Roberts, Ches 3; Weyler, Rock 8; Griffin, Rock 4; R. Ober, Hills 27; O'Brien, Hills 4; Carson, Dist 14; Barnes, Jr., Dist 17; Lambert, Dist 13: Children and Family Law)

HB 1420, relative to the disposition of the remains of service members. (Baldasaro, Rock 3; Tamburello, Rock 3; Graham, Hills 18; Shurtleff, Merr 10; K. Roberts, Ches 3; Weyler, Rock 8; Griffin, Rock 4; R. Ober, Hills 27; O'Brien, Hills 4; Carson, Dist 14; Barnes, Jr., Dist 17; Lambert, Dist 13: State-Federal Relations and Veterans Affairs)

HB 1421-FN, requiring a vegetarian diet for inmates in state correctional facilities. (Kingsbury, Belk 4: Criminal Justice and Public Safety)

HB 1422, relative to the applicability of foreign law in cases before New Hampshire courts. (Birdsell, Rock 8; Pettengill, Carr 1; Burt, Hills 7; Tamburello, Rock 3; DeLemus, Straf 1; Duarte, Rock 1; Sapienza, Rock 8; Mirski, Graf 10; Carson, Dist 14: Judiciary)

HB 1423, relative to justification for use of deadly force in defense of another. (Hoell, Merr 13: Criminal Justice and Public Safety)

HB 1424-FN, relative to a parent's conscientious objection to a school, school program, or school curriculum. (Hoell, Merr 13; Warden, Hills 7: Education)

HB 1425, relative to the creation or elimination of employment positions in Hillsborough county government. (Kurk, Hills 7: Municipal and County Government)

HB 1426-L, relative to employer negotiations for health care coverage. (Kurk, Hills 7: Municipal and County Government)

HB 1427, relative to declaring that private contracting of governmental operations shall not be deemed an unfair labor practice. (Kurk, Hills 7: Labor, Industrial and Rehabilitative Services)

HB 1428, relative to public utilities commission orders concerning renewable portfolio standards. (Kurk, Hills 7: Science, Technology and Energy)

HB 1429, enabling municipalities to adopt a property tax credit based on home renovation costs. (Bergevin, Hills 17: Municipal and County Government)

HB 1430, designating the Thompson/Center Contender pistol as the official state firearm of New Hampshire. (Bergevin, Hills 17; LeBrun, Hills 26; Soucy, Hills 17: Executive Departments and Administration)

HB 1431, relative to requirements to obtain a barber license. (Bowers, Sull 3; Antosz, Rock 9; Tasker, Rock 1; Simmons, Hills 17; M. Reed, Hills 26; Hansen, Hills 6; LeBrun, Hills 26: Executive Departments and Administration)

HB 1432, relative to the release of motor vehicle registration information. (Luther, Belk 4: Transportation)

HB 1433, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases. (Balboni, Hills 21: Education)

HB 1434, relative to display of antique motor vehicle plates. (Comerford, Rock 9; Newton, Straf 1; Pepino, Hills 11; J. Belanger, Hills 5; Malone, Belk 5: Transportation)

HB 1435, establishing a committee to oversee the department of environmental services. (Renzullo, Hills 27; Rappaport, Coos 1: Environment and Agriculture)

HB 1436, establishing a committee to oversee the management of natural resources by the department of resources and economic development. (Renzullo, Hills 27: Resources, Recreation and Development)

HB 1437, relative to display of certain historical items in the state house. (Sapareto, Rock 5; Welch, Rock 8; O'Brien, Hills 4; Bettencourt, Rock 4; White, Dist 9; Carson, Dist 14; Barnes, Jr., Dist 17; Luther, Dist 12: Public Works and Highways)

HB 1438, relative to confidentiality of police personnel files. (LaCasse, Sull 4; Cohn, Merr 6; Tregenza, Carr 2; Baldasaro, Rock 3; Cunningham, Sull 2; Krasucki, Hills 26; Sorg, Graf 3; Giuda, Merr 7; McClarren, Hills 21; Odell, Dist 8: Criminal Justice and Public Safety)

HB 1439, establishing a committee to study sprinkler requirements in nightclubs. (Parsons, Straf 3: Commerce and Consumer Affairs)

HB 1440, relative to driver education. (L. Jones, Straf 1; Williams, Merr 11; Cloutier, Sull 4; C. McGuire, Merr 8; K. Jones, Straf 1; Newton, Straf 1; Sad, Ches 2; Warden, Hills 7; Hikel, Hills 7; Groen, Dist 6; Forsythe, Dist 4; Forrester, Dist 2: Transportation)

HB 1441, removing the requirement for the reporting of incidents by emergency medical services providers and units. (Proulx, Hills 15: Health, Human Services and Elderly Affairs)

HB 1442, relative to motorcycle noise emission regulation. (Peckham, Rock 13; W. Smith, Rock 18; Waddell, Rock 15; Abrami, Rock 13: Transportation)

HB 1443, relative to unemployment compensation payments. (J. Belanger, Hills 5; LeBrun, Hills 26; McClarren, Hills 21; Ohm, Hills 26: Labor, Industrial and Rehabilitative Services)

HB 1444, prohibiting certain state employees from wearing fragrances. (Peckham, Rock 13; Abrami, Rock 13: Constitutional Review and Statutory Recodification)

HB 1445, requiring refunds for returns of merchandise. (Peckham, Rock 13: Commerce and Consumer Affairs)

HB 1446, relative to the meat inspection program. (Harding, Graf 11; Haefner, Hills 27; Sad, Ches 2; Luther, Dist 12: Environment and Agriculture)

HB 1447, relative to motorcycle number plates. (Ward, Rock 13; Abrami, Rock 13; Copeland, Rock 13; Peckham, Rock 13: Transportation)

HB 1448, requiring public access to any document and Internet content which is incorporated by reference in administrative rules. (Manuse, Rock 5; S. Tremblay, Rock 3; B.

Patten, Carr 4; P. Schmidt, Straf 4; Pilotte, Hills 16; C. McGuire, Merr 8; Bowers, Sull 3; L. Jones, Straf 1; Winter, Merr 3; Groen, Dist 6; White, Dist 9; Carson, Dist 14: Executive Departments and Administration)

HB 1449, requiring a search warrant for searches of privately-owned property. (Gionet, Graf 3: Criminal Justice and Public Safety)

HB 1450, eliminating the requirement that the county attorney be a member of the New Hampshire bar. (Gionet, Graf 3: Judiciary)

HB 1451, establishing a statewide property tax credit for a resident maintaining a personal vegetable garden. (Malone, Belk 5; Cohn, Merr 6: Municipal and County Government)

HB 1452, prohibiting the establishment of sobriety checkpoints. (Malone, Belk 5; Lambert, Hills 27; Cohn, Merr 6: Criminal Justice and Public Safety)

HB 1453, relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments. (J. Belanger, Hills 5: Municipal and County Government)

HB 1454, establishing a task force to study the charging of reimbursing employers in certain situations for the purpose of calculating unemployment benefits. (K. Sullivan, Rock 15: Labor, Industrial and Rehabilitative Services)

HB 1455-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. (Hill, Merr 6; Peterson, Hills 19; Greemore, Belk 3; Avard, Hills 20: Fish and Game and Marine Resources)

HB 1456, relative to school district policies on health and sex education. (Hill, Merr 6; Ladd, Graf 5; Hoell, Merr 13; Brosseau, Graf 6: Education)

HB 1457, relative to scientific inquiry in the public schools. (G. Hopper, Hills 7; Burt, Hills 7: Education)

HB 1458, relative to the responsibilities of telecommunications companies that permit third party billing. (Hansen, Hills 6; Peckham, Rock 13; Flanagan, Hills 5; Condra, Hills 4; Burt, Hills 7; Leishman, Hills 3; Webb, Rock 5; Andolina, Straf 6; Hinch, Hills 19; Winter, Merr 3; White, Dist 9: Science, Technology and Energy)

HB 1459, relative to court proceedings in civil actions. (Kurk, Hills 7: Judiciary)

HB 1460, establishing a committee to study additional public employee pension reforms. (Kurk, Hills 7: Special Committee on Public Employee Pensions Reform)

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event. (W. Smith, Rock 18; Forsythe, Dist 4: Education)

HB 1462, relative to the eviction process. (Terrio, Hills 14: Judiciary)

HB 1463, relative to abandonment of the tenancy and relative to property abandoned by a tenant. (Terrio, Hills 14: Judiciary)

HB 1464, establishing non-unanimous juries. (Terrio, Hills 14: Judiciary)

HB 1465, relative to criminal records of juvenile offenders. (Terrio, Hills 14: Children and Family Law)

HB 1466, relative to the investigation by the state attorney general of conflicts of interest of municipal officers and employees. (LaCasse, Sull 4; Cohn, Merr 6; Tregenza, Carr 2; Baldasaro, Rock 3; Cunningham, Sull 2; Krasucki, Hills 26; Sorg, Graf 3; Giuda, Merr 7; McClarren, Hills 21; Odell, Dist 8: Municipal and County Government)

HB 1467, relative to educational requirements for teacher certification. (Peterson, Hills 19; L. Jones, Straf 1: Education)

HB 1468, relative to seizure of personal property. (Lambert, Hills 27; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 1469, relative to enforcement of parenting plans. (Lambert, Hills 27: Children and Family Law)

HB 1470, establishing a committee to study administrative orders related to parental visitation. (Lambert, Hills 27: Children and Family Law)

HB 1471, relative to authority for opticians to replace eyeglasses. (Bowers, Sull 3; Manuse,

Rock 5; Tamburello, Rock 3; Simmons, Hills 17; Ball, Hills 9; Davenport, Rock 12: Commerce and Consumer Affairs)

HB 1472 – Withdrawn.

HB 1473-FN-L, relative to the calculation and distribution of adequate education grants. (Hess, Merr 9: Special Committee on Education Funding Reform)

HB 1474, relative to eliminating the requirement that attorneys be members of the state bar association. (Mirski, Graf 10; Ingbretson, Graf 5; Sorg, Graf 3; Balboni, Hills 21; Warden, Hills 7; Comerford, Rock 9; De Blois, Dist 18: Judiciary)

HB 1475, relative to enforcement of interstate compacts. (Mirski, Graf 10; Manuse, Rock 5; Ingbretson, Graf 5; D. McGuire, Merr 8; Davenport, Rock 12; Cohn, Merr 6; Bowers, Sull 3; Warden, Hills 7; Itse, Rock 9: Constitutional Review and Statutory Recodification)

HB 1476, prohibiting the enforcement of out-of-state laws, rules, codes, and fees not approved by the New Hampshire legislature. (Mirski, Graf 10; Itse, Rock 9; Sorg, Graf 3; Ingbretson, Graf 5; Bettencourt, Rock 4; Comerford, Rock 9; Manuse, Rock 5; D. McGuire, Merr 8: Executive Departments and Administration)

HB 1477, relative to the definition of spent materials. (Ohm, Hills 26; LeBrun, Hills 26; Krasucki, Hills 26; Seidel, Hills 20; Whitehead, Hills 26; Griffin, Rock 4; B. Palmer, Hills 26; E. Hogan, Hills 25; Twombly, Hills 25; Luther, Dist 12; Lambert, Dist 13: Science, Technology and Energy)

HB 1478, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements. (Bates, Rock 4; O'Brien, Hills 4; Bettencourt, Rock 4; Jasper, Hills 27; D. McGuire, Merr 8; Comerford, Rock 9; Renzullo, Hills 27; Barnes, Jr., Dist 17: Transportation)

HB 1479, relative to the definition of "charitable trust" for the purpose of paid solicitors. (Cusson-Cail, Hills 14; Cohn, Merr 6: Judiciary)

HB 1480, relative to requiring sprinklers in certain buildings. (Schroadter, Rock 12: Resources, Recreation and Development)

HB 1481, relative to effluent limitations with regard to nitrogen. (Schroadter, Rock 12; Stiles, Dist 24: Environment and Agriculture)

HB 1482, relative to the exemption from property taxation for hospitals. (Hawkins, Hills 18; Greazzo, Hills 17; Simmons, Hills 17; Long, Hills 10; Vaillancourt, Hills 15; W. Hutchinson, Hills 9; Gagne, Hills 13; Gimás, Hills 12: Municipal and County Government)

HB 1483-FN, repealing the retirement system special account. (Hawkins, Hills 18: Special Committee on Public Employee Pensions Reform)

HB 1484, relative to fees for state parks. (L. Ober, Hills 27; Renzullo, Hills 27; Taylor, Graf 2; Odell, Dist 8: Resources, Recreation and Development)

HB 1485-FN-L, relative to funding for chartered public schools established by the state board of education. (Ward, Rock 13; Abrami, Rock 13; Peckham, Rock 13: Education)

HB 1486, prohibiting the state from accepting federal funds that could be used to enhance the militarization or federalization of law enforcement. (L. Christiansen, Hills 27: Criminal Justice and Public Safety)

HB 1487, relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs. (Holden, Hills 4; Bettencourt, Rock 4; O'Brien, Hills 4: Science, Technology and Energy)

HB 1488, relative to the alternative budget procedure in a school administrative unit. (J. Belanger, Hills 5; Drisko, Hills 5; Flanagan, Hills 5; Gargas, Hills 5; Luther, Dist 12; Stiles, Dist 24: Education)

HB 1489-FN, repealing the decrease of the fuel oil importation fee. (C. Christensen, Hills 19; Lovett, Sull 4; Ohm, Hills 26; Barnes, Jr., Dist 17; Merrill, Dist 21: Science, Technology and Energy)

HB 1490-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Bergevin, Hills 17; Hansen, Hills 6; Pettengill, Carr 1: Science, Technology and Energy)

HB 1491-FN, relative to mileage for members of the county convention for official business. (Gionet, Graf 3; Brosseau, Graf 6; Bulis, Graf 1; Ingbretson, Graf 5; Sova, Graf 10; Simard, Graf 8; B. Patten, Carr 4; Gallus, Dist 1: Municipal and County Government)

HB 1492-FN, requiring employers to verify an employee's eligibility to work in the United States. (Duarte, Rock 1; Tamburello, Rock 3; Rappaport, Coos 1; Cox, Merr 6; Reagan, Rock 1: Labor, Industrial and Rehabilitative Services)

HB 1493-FN, relative to copayments for certain specialists. (Weyler, Rock 8; Major, Rock 8; Ward, Rock 13: Commerce and Consumer Affairs)

HB 1494-FN, relative to verification of immigration status of all persons arrested or detained by law enforcement officers. (Duarte, Rock 1; Rappaport, Coos 1; Cox, Merr 6; Tasker, Rock 1; Reagan, Rock 1; Renzullo, Hills 27; Pitre, Straf 3; Itse, Rock 9: Criminal Justice and Public Safety)

HB 1495-FN, establishing a Purple Heart Trail along U.S. Route 3 and relative to fees for state parks for members of the United States uniformed services. (Jennifer Coffey, Merr 6; Baldasaro, Rock 3; Swinford, Belk 5; T. Smith, Merr 9; Merrick, Coos 2; K. Roberts, Ches 3; Theberge, Coos 4; Shurtleff, Merr 10; Tamburello, Rock 3; C. McGuire, Merr 8; Forsythe, Dist 4; Carson, Dist 14; Lambert, Dist 13: Resources, Recreation and Development)

HB 1496-FN, relative to the certification of county correctional personnel for purposes of the New Hampshire retirement system. (J. Barry, Hills 16: Executive Departments and Administration)

HB 1497, relative to the writing of warrant articles. (Mirski, Graf 10: Municipal and County Government)

HB 1498-FN-L, repealing dog licensing requirements. (Cohn, Merr 6; DeLemus, Straf 1; S. Tremblay, Rock 3: Municipal and County Government)

HB 1499-FN, relative to criminal coercion. (L. Christiansen, Hills 27; Baldasaro, Rock 3: Criminal Justice and Public Safety)

HB 1500-FN, relative to on-premises liquor licenses. (Schroadter, Rock 12: Commerce and Consumer Affairs)

HB 1501-FN-L, establishing a fund to upgrade wastewater treatment plants. (Schroadter, Rock 12: Resources, Recreation and Development)

HB 1502-FN, relative to appeal of abatement requests to the board of tax and land appeals. (Weyler, Rock 8; K. Hutchinson, Rock 3; Baroody, Hills 13; Forrester, Dist 2: Executive Departments and Administration)

HB 1503-FN, relative to motorcycle rider education. (DeLemus, Straf 1; D. McGuire, Merr 8: Transportation)

HB 1504, reinstating the Maine-New Hampshire Interstate Bridge Authority. (Chandler, Carr 1; Campbell, Hills 24; Graham, Hills 18; Seidel, Hills 20; Bettencourt, Rock 4; Bouchard, Merr 11; Rausch, Dist 19; Morse, Dist 22: Public Works and Highways)

HB 1505-FN, relative to public employee suggestions for cost-saving measures. (Flanagan, Hills 5; Mirski, Graf 10; Weyler, Rock 8: Executive Departments and Administration)

HB 1506-FN, relative to the right-to-know exemption for public employee personnel files. (Lambert, Hills 27; Bowers, Sull 3; Manuse, Rock 5: Judiciary)

HB 1507-L, authorizing towns to enter into agreements with the state for collection of outstanding taxes. (Lambert, Hills 27; Bowers, Sull 3; Manuse, Rock 5: Municipal and County Government)

HB 1508, relative to procedures of the board of mental health practice. (C. McGuire, Merr 8; Hinch, Hills 19; P. Schmidt, Straf 4; Merrill, Dist 21: Executive Departments and Administration)

HB 1509, relative to guardianship of elderly persons. (Simard, Graf 8: Judiciary)

HB 1510-FN, relative to taxpayer standing for declaratory judgments. (Cohn, Merr 6; Watrous, Merr 12; Manuse, Rock 5: Judiciary)

HB 1511-FN, relative to felons possessing firearms. (Warden, Hills 7: Criminal Justice and Public Safety)

HB 1512-FN, relative to the authority of conservation commissions. (Hoelzel, Rock 2: Municipal and County Government)

HB 1513-FN, changing the membership of the public employee labor relations board. (Simard, Graf 8: Labor, Industrial and Rehabilitative Services)

HB 1514-FN, establishing the crime of oppressing an inhabitant's free exercise of rights. (L. Christiansen, Hills 27: Criminal Justice and Public Safety)

HB 1515-FN-L, relative to the assessment of the land use change tax and the use of land use change tax revenues. (Hansen, Hills 6; Cohn, Merr 6; LeBrun, Hills 26; Antosz, Rock 9; W. Hutchinson, Hills 9: Municipal and County Government)

HB 1516-FN-L, relative to the instruction of English and mathematics for pupils in kindergarten through grade 3. (Balboni, Hills 21: Education)

HB 1517-FN-L, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court. (Balboni, Hills 21: Education)

HB 1518-FN, relative to penalties for certain sex offenders. (Terrio, Hills 14: Criminal Justice and Public Safety)

HB 1519-FN, requiring hospitals to provide Medicaid patient outpatient services at outpatient Medicaid rates for certain hours. (Weyler, Rock 8; Kurk, Hills 7; Keane, Merr 13: Health, Human Services and Elderly Affairs)

HB 1520-FN, prohibiting law enforcement officers from failing to investigate criminal complaints against public servants. (Comerford, Rock 9; Cohn, Merr 6; Watrous, Merr 12; L. Jones, Straf 1; Itse, Rock 9: Criminal Justice and Public Safety)

HB 1521-FN, relative to retired state employees group insurance participation. (Winter, Merr 3: Executive Departments and Administration)

HB 1522-FN, reducing the penalty for violating a local vendor ordinance. (Parison, Hills 3: Criminal Justice and Public Safety)

HB 1523-FN-L, relative to the return of personal property seized by law enforcement agencies from a person charged with a crime. (Giuda, Merr 7; O'Brien, Hills 4; J. Richardson, Merr 8; Kreis, Merr 6; Tamburello, Rock 3; Forsythe, Dist 4: Criminal Justice and Public Safety)

HB 1524-FN, expanding the definition of official oppression. (L. Christiansen, Hills 27: Criminal Justice and Public Safety)

HB 1525-FN, repealing the wetlands and shorelands review fund. (Giuda, Merr 7; Hill, Merr 6; D. McGuire, Merr 8; Ingbretonson, Graf 5; Itse, Rock 9: Resources, Recreation and Development)

HB 1526-FN, decriminalizing possession of less than one ounce of marijuana. (Panek, Straf 3; Tasker, Rock 1; Watrous, Merr 12; Warden, Hills 7: Criminal Justice and Public Safety)

HB 1527-FN, exempting cultivation of marijuana from manufacturing under the controlled drug act. (Cohn, Merr 6: Criminal Justice and Public Safety)

HB 1528-FN, requiring criminal penalties for attorneys in the attorney general's office and the county attorneys' office for failing to prosecute offenses related to falsification in official matters. (Oigny, Rock 8; Krasucki, Hills 26; Itse, Rock 9; Mirski, Graf 10; Cohn, Merr 6: Criminal Justice and Public Safety)

HB 1529-FN-L, relative to the introduction of fluoride and herbicides into the drinking water of the state. (Kingsbury, Belk 4; Notter, Hills 19: Municipal and County Government)

HB 1530-FN, relative to oversight of guardians ad litem by the guardian ad litem board. (Oigny, Rock 8: Children and Family Law)

HB 1531-FN, relative to prosecution for victimless crimes. (Lambert, Hills 27; Warden, Hills 7; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 1532-FN, relative to trespass on land which is not posted. (Jasper, Hills 27; Bettencourt, Rock 4; Carson, Dist 14: Criminal Justice and Public Safety)

HB 1533, prohibiting bullying in the state house and legislative office building. (Emerson, Ches 7; Pepino, Hills 11; Rosenwald, Hills 22; Pantelakos, Rock 16; Grassie, Straf 1; A.

Perkins, Rock 14; Shurtleff, Merr 10; Weber, Ches 2; J. Brown, Straf 1; Matt Quandt, Rock 13: Constitutional Review and Statutory Recodification)

HB 1534-FN, repealing the self-funding of the department of labor. (Laware, Sull 5; Mirski, Graf 10; Twombly, Hills 25; Daniels, Hills 6; D. McGuire, Merr 8; Giuda, Merr 7; Flanagan, Hills 5; Osgood, Sull 4; Sanborn, Dist 7; Luther, Dist 12; White, Dist 9; Lambert, Dist 13: Finance)

HB 1535-FN, relative to arrest records under the right-to-know law. (Giuda, Merr 7; Chandler, Carr 1; McClarren, Hills 21; Pitre, Straf 3: Judiciary)

HB 1536, relative to the preservation of religious freedom. (S. Palmer, Hills 6; Tamburello, Rock 3; Willette, Hills 6; Groen, Straf 1: Constitutional Review and Statutory Recodification)

HB 1537-FN, prohibiting the use of certain devices that intrude on personal privacy. (Kurk, Hills 7: Constitutional Review and Statutory Recodification)

HB 1538, relative to innovative cosmetic or esthetic treatments. (Manuse, Rock 5; Bowers, Sull 3; Vaillancourt, Hills 15; Peterson, Hills 19: Executive Departments and Administration)

HB 1539-L, relative to the state building code. (Mirski, Graf 10; Seidel, Hills 20; Cebrowski, Hills 18: Executive Departments and Administration)

HB 1540-FN, relative to conservation easements on public land. (Cartwright, Ches 2; D. McGuire, Merr 8: Resources, Recreation and Development)

HB 1541, repealing the authority of officials to enter and examine the premises of an automotive recycling dealer. (Malone, Belk 5: Constitutional Review and Statutory Recodification)

HB 1542, relative to interference with state constitutional rights. (S. Tremblay, Rock 3; Manuse, Rock 5; Ingbretson, Graf 5; McClarren, Hills 21; White, Dist 9: Constitutional Review and Statutory Recodification)

HB 1543, relative to workers' compensation coverage and safety program requirements in state contracts. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 1544-FN, adding state and local government part-time and public employees to employees eligible to participate in the state group insurance coverage. (Marshall Quandt, Rock 13; Copeland, Rock 13; Matt Quandt, Rock 13: Executive Departments and Administration)

HB 1545, relative to control of land received or acquired by a conservation commission. (Mirski, Graf 10: Municipal and County Government)

HB 1546, recodifying the laws relative to religious societies. (Cohn, Merr 6; Peckham, Rock 13; P. Brown, Rock 2; Serlin, Rock 16: Constitutional Review and Statutory Recodification)

HB 1547, relative to party columns on ballots. (DeJong, Hills 9; Cohn, Merr 6: Election Law)

HB 1548, relative to access to ballots. (Cohn, Merr 6; S. Tremblay, Rock 3; Birdsell, Rock 8: Election Law)

HB 1549, prohibiting the adoption of a requirement that employers participate in the E-Verify system and the use of motor vehicle records for the E-Verify system. (Cohn, Merr 6; Maltz, Hills 27; S. Tremblay, Rock 3; Kingsbury, Belk 4; Mauro, Rock 4: Executive Departments and Administration)

HB 1550, relative to conflicts of interest. (Mirski, Graf 10; Winter, Merr 3; Newton, Straf 1: Executive Departments and Administration)

HB 1551, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood. (Chandler, Carr 1; G. Hopper, Hills 7; Bettencourt, Rock 4; Bulis, Graf 1; Newton, Straf 1; Sanborn, Dist 7; Forrester, Dist 2; D'Allesandro, Dist 20; Bradley, Dist 3: Fish and Game and Marine Resources)

HB 1552-FN, repealing or inactivating certain funds and relative to the reporting of funds. (Munck, Straf 2: Executive Departments and Administration)

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated.

(Davenport, Rock 12; Luther, Belk 4; Krasucki, Hills 26; Itse, Rock 9; Cohn, Merr 6; Bowers, Sull 3; Lambert, Hills 27: Constitutional Review and Statutory Recodification)

HB 1554, relative to fire code requirements for licensed foster homes. (Cusson-Cail, Hills 14; Lambert, Dist 13: Children and Family Law)

HB 1555, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department. (Seaworth, Merr 7; Comerford, Rock 9; Itse, Rock 9; Kreis, Merr 6; Antosz, Rock 9; Bowers, Sull 3; Proulx, Hills 15; Forsythe, Dist 4: Fish and Game and Marine Resources)

HB 1556-FN, reducing fees related to reporting of charitable trusts. (Cusson-Cail, Hills 14; J. Barry, Hills 16; Cohn, Merr 6: Executive Departments and Administration)

HB 1557, directing the department of resources and economic development to develop a “Live Free or Die Bucks Program” to increase tourism spending. (Lambert, Hills 27; Manuse, Rock 5: Resources, Recreation and Development)

HB 1558, requiring a certificate of public need for eminent domain. (Rappaport, Coos 1; Kaen, Straf 7; Forrester, Dist 2: Science, Technology and Energy)

HB 1559, relative to political committees. (Weed, Ches 3; Perry, Straf 3; Watrous, Merr 12: Election Law)

HB 1560, relative to the interstate Health Care Compact. (Bettencourt, Rock 4; Morse, Dist 22: Constitutional Review and Statutory Recodification)

HB 1561-FN, discontinuing regional planning commissions. (Kingsbury, Belk 4; D. McGuire, Merr 8: Municipal and County Government)

HB 1562-FN, establishing a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device. (Gandia, Hills 27: Criminal Justice and Public Safety)

HB 1563, relative to Greenland’s water rights. (Tucker, Rock 17: Municipal and County Government)

HB 1564, establishing a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding. (Foose, Merr 1: Special Committee on Education Funding Reform)

HB 1565, establishing a committee to study landlord-tenant law and practice. (Fleck, Carr 5; Drisko, Hills 5: Judiciary)

HB 1566, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. (Howard, Sull 2; Bowers, Sull 3; Cunningham, Sull 2; Odell, Dist 8: Education)

HB 1567, establishing a committee to study the federal Youth Corrections Act. (Gile, Merr 10; Shurtleff, Merr 10; J. Brown, Straf 1: Children and Family Law)

HB 1568, relative to imposition of consecutive sentences. (Warden, Hills 7; Cohn, Merr 6; Welch, Rock 8: Criminal Justice and Public Safety)

HB 1569-FN, relative to nomination of political organizations. (DeJong, Hills 9; Cohn, Merr 6; Pierce, Graf 9: Election Law)

HB 1570, relative to the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (Ward, Rock 13; Simmons, Hills 17; Munck, Straf 2; W. Smith, Rock 18: Labor, Industrial and Rehabilitative Services)

HB 1571, relative to educational evaluation of home schooled children. (Hoell, Merr 13: Education)

HB 1572, establishing a commission to study the labeling of genetically modified foods. (Hoell, Merr 13; Maltz, Hills 27: Environment and Agriculture)

HB 1573, establishing a committee to study the duties and responsibilities of the attorney general which are required in law. (Hoell, Merr 13: Executive Departments and Administration)

HB 1574, relative to an employee’s lunch or eating period. (Hoell, Merr 13: Labor,

Industrial and Rehabilitative Services)

HB 1575, relative to alternative course selections for certain pupils. (Hoell, Merr 13; Pitre, Straf 3: Education)

HB 1576-FN, requiring construction of a noise barrier along Interstate Route 95 in Portsmouth. (Pantelakos, Rock 16; Cali-Pitts, Rock 16; DiPentima, Rock 16; Norelli, Rock 16; Powers, Rock 16; R. Read, Rock 16; Serlin, Rock 16; Stiles, Dist 24: Public Works and Highways)

HB 1577, relative to petitions for reconsideration of court rulings in the judicial branch family division. (Lambert, Hills 27; Manuse, Rock 5: Judiciary)

HB 1578, relative to the suspension of registration of vehicles. (Malone, Belk 5: Transportation)

HB 1579, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments. (K. Sullivan, Rock 15: Labor, Industrial and Rehabilitative Services)

HB 1580, requiring a reference to the Magna Carta on certain legislation. (Kingsbury, Belk 4; Twombly, Hills 25; L. Vita, Straf 3: Constitutional Review and Statutory Recodification)

HB 1581, relative to procedures for arrest. (Itse, Rock 9; Lambert, Hills 27: Criminal Justice and Public Safety)

HB 1582, relative to medical and surgical benefits for state employees. (Marshall Quandt, Rock 13; Copeland, Rock 13; Matt Quandt, Rock 13: Labor, Industrial and Rehabilitative Services)

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor. (D. McGuire, Merr 8; Gidge, Hills 24; Oligny, Rock 8; Sorg, Graf 3; W. Smith, Rock 18; Hoell, Merr 13; Nevins, Rock 15; F. Rice, Rock 15; Lauer-Rago, Merr 2; L. Jones, Straf 1; Groen, Dist 6: Education)

HB 1584, relative to the authority of police chiefs. (D. McGuire, Merr 8; Warden, Hills 7: Criminal Justice and Public Safety)

HB 1585-FN, relative to inspections of trucks and buses. (D. McGuire, Merr 8; Warden, Hills 7: Transportation)

HB 1586, relative to the acquisition of land for conservation purposes. (Mirski, Graf 10: Municipal and County Government)

HB 1587, relative to employer safety programs. (Giuda, Merr 7; Chandler, Carr 1; K. Murphy, Hills 18; K. Sullivan, Rock 15: Labor, Industrial and Rehabilitative Services)

HB 1588, recodifying the laws relative to sheriffs, constables, and police officers. (Cohn, Merr 6; Peckham, Rock 13; P. Brown, Rock 2; Serlin, Rock 16: Municipal and County Government)

HB 1589, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15. (Cohn, Merr 6; Peckham, Rock 13; P. Brown, Rock 2; Serlin, Rock 16; Itse, Rock 9; Krasucki, Hills 26; Davenport, Rock 12: Education)

HB 1590, requiring the disclosure to patients and prospective patients of the charges for medical procedures. (Cohn, Merr 6; Maltz, Hills 27; Manuse, Rock 5; Krasucki, Hills 26; White, Dist 9: Commerce and Consumer Affairs)

HB 1591, relative to the homestead exemption amount. (Cohn, Merr 6: Municipal and County Government)

HB 1592, requiring an annual report on business taxes. (Cohn, Merr 6; Malone, Belk 5; Bates, Rock 4; C. McGuire, Merr 8: Ways and Means)

HB 1593-FN, relative to the department of information technology. (Cohn, Merr 6; Carson, Dist 14: Executive Departments and Administration)

HB 1594, abolishing assessment of damages in tort actions by joint and several liability. (Bowers, Sull 3: Judiciary)

HB 1595, relative to voting in primary elections. (Comerford, Rock 9; Sorg, Graf 3: Election Law)

HB 1596, relative to the membership of the advisory council on child care. (Cusson-Cail,

Hills 14; J. Barry, Hills 16; Lambert, Dist 13: Health, Human Services and Elderly Affairs)
HB 1597, relative to taking by eminent domain for certain purposes. (Rappaport, Coos 1; Kaen, Straf 7: Judiciary)
HB 1598, relative to the definition of “meeting” under the right-to-know law. (Vaillancourt, Hills 15: Judiciary)
HB 1599, relative to mammography. (K. Hutchinson, Rock 3; Katsakiores, Rock 5: Health, Human Services and Elderly Affairs)
HB 1600-FN, relative to collection notification practices. (Ulery, Hills 27: Commerce and Consumer Affairs)
HB 1601, relative to the notice to defendant in small claims actions. (Cohn, Merr 6; Peckham, Rock 13: Judiciary)
HB 1602, removing the exemption for janitors from pesticide applicator licensing. (Suzanne Smith, Graf 7; Cooney, Graf 7: Executive Departments and Administration)
HB 1603, relative to local spending caps. (Simmons, Hills 17; Greazzo, Hills 17: Municipal and County Government)
HB 1604-FN, relative to penalties for motor vehicle accidents involving death or serious bodily injury to a pedestrian. (Duarte, Rock 1; Mirski, Graf 10; Tamburello, Rock 3; Rappaport, Coos 1; Reagan, Rock 1; G. Johnsen, Ches 3; Cox, Merr 6; Pitre, Straf 3: Criminal Justice and Public Safety)
HB 1605-FN, relative to checking firearms at courthouse entrances. (Kreis, Merr 6; Swinford, Belk 5; Welch, Rock 8; Gagne, Hills 13: Judiciary)
HB 1606-FN, adopting the interstate compact on educational support for military children. (Daugherty, Coos 1; Stiles, Dist 24: Education)
HB 1607-FN-L, establishing an education credit against the business profits tax. (Bettencourt, Rock 4; Hill, Merr 6; W. Smith, Rock 18; D. McGuire, Merr 8; O’Brien, Hills 4; Tucker, Rock 17; Bates, Rock 4; Silva, Hills 26; Chandler, Carr 1; Forsythe, Dist 4; De Blois, Dist 18: Ways and Means)
HB 1608-FN, relative to the issuance and enforcement of domestic violence protective orders. (Reilly, Graf 8: Criminal Justice and Public Safety)
HB 1609-FN, relative to licensure of polysomnographers by the board of respiratory care practitioners. (Devine, Rock 7; Hagan, Rock 7; Sedensky, Rock 8; Sanders, Rock 7: Executive Departments and Administration)
HB 1610-FN, relative to lowering the legal drinking age to 19 for active duty members of the armed forces. (Sapareto, Rock 5; Baldasaro, Rock 3; Tamburello, Rock 3; Fredette, Hills 1: Criminal Justice and Public Safety)
HB 1611-FN, repealing certain provisions relative to the sale of pistols and revolvers. (Hoell, Merr 13: Criminal Justice and Public Safety)
HB 1612, requiring the supreme court to adopt uniform rules of evidence for the superior and circuit courts and relative to child support and guardians ad litem. (Sheffert, Rock 15; Lambert, Hills 27: Judiciary)
HB 1613, relative to protected health information. (Rosenwald, Hills 22; Kurk, Hills 7: Health, Human Services and Elderly Affairs)
HB 1614, establishing a committee to study the public health implications involved with the imposition of the energy provisions of the state building code. (Mirski, Graf 10; Bowers, Sull 3: Health, Human Services and Elderly Affairs)
HB 1615, relative to industrial hemp. (Cohn, Merr 6; Manuse, Rock 5; Maltz, Hills 27; S. Tremblay, Rock 3: Criminal Justice and Public Safety)
HB 1616, relative to procedures and standards for expert testimony. (Bowers, Sull 3: Judiciary)
HB 1617-FN, repealing the certificate of need law. (Holden, Hills 4: Health, Human Services and Elderly Affairs)
HB 1618, relative to fire safety standards for community living facilities. (Cusson-Cail, Hills 14: Health, Human Services and Elderly Affairs)

HB 1619, relative to the assessment of property taxes on the value that exceeds \$50,000. (G. Richardson, Merr 4; Weber, Ches 2: Municipal and County Government)

HB 1620, requiring employers to participate in the E-Verify system of the United States Citizenship and Immigration Services. (Terrio, Hills 14: Labor, Industrial and Rehabilitative Services)

HB 1621, repealing certain statutes. (Lambert, Hills 27: Municipal and County Government)

HB 1622, relative to the adoption of forms under the administrative procedures act by the department of insurance. (C. McGuire, Merr 8; Merrill, Dist 21: Executive Departments and Administration)

HB 1623, relative to conflicts of interest of a member of the general court. (Robbins, Hills 26: Constitutional Review and Statutory Recodification)

HB 1624, relative to the fiduciary capacity of persons collecting contributions for a nonprofit organization. (Cusson-Cail, Hills 14; J. Barry, Hills 16; Cohn, Merr 6: Judiciary)

HB 1625, relative to reports of fund raising counsel for charitable trusts. (Cusson-Cail, Hills 14; J. Barry, Hills 16; Cohn, Merr 6: Judiciary)

HB 1626, establishing a committee to study the current use taxation of farm land and farm structures in which utility lines or services are installed. (Owen, Merr 4; Haefner, Hills 27: Municipal and County Government)

HB 1627, relative to communication between federal law enforcement officers and county sheriffs. (Warden, Hills 7; Itse, Rock 9: State-Federal Relations and Veterans Affairs)

HB 1628-FN-L, relative to compliance with fire safety and state building code requirements by municipalities. (Mirski, Graf 10; Chandler, Carr 1; Merrow, Carr 3; Duarte, Rock 1; Flanagan, Hills 5; B. Patten, Carr 4; Matt Quandt, Rock 13; Reagan, Rock 1; Lambert, Hills 27; E. Smith, Ches 4; Sanborn, Dist 7; Gallus, Dist 1: Commerce and Consumer Affairs)

HB 1629-FN, relative to state photographic identification indicating veteran's status. (J. Johnson, Ches 6; A. Perkins, Rock 14: State-Federal Relations and Veterans Affairs)

HB 1630, relative to traffic control at public meetings or functions. (Simmons, Hills 17: Criminal Justice and Public Safety)

HB 1631, allowing persons licensed to provide emergency medical services to work public gatherings and events. (Panek, Straf 3; Hansen, Hills 6; Antosz, Rock 9; Proulx, Hills 15; Jennifer Coffey, Merr 6: Executive Departments and Administration)

HB 1632, establishing a committee to assess the cost savings of digitizing the general court. (Maltz, Hills 27; Cohn, Merr 6; J. O'Connor, Rock 5; Campbell, Hills 24; Mirski, Graf 10; O'Brien, Hills 4: Legislative Administration)

HB 1633, relative to a tally requirement on school district warrant articles. (Maltz, Hills 27; C. McGuire, Merr 8; Renzullo, Hills 27; Ulery, Hills 27: Election Law)

HB 1634, prohibiting the state, counties, towns, and cities from implementing programs of, expending money for, receiving funding from, or contracting with the International Council for Local Environmental Initiatives. (Cartwright, Ches 2; Pettengill, Carr 1; L. Vita, Straf 3; S. Tremblay, Rock 3: Executive Departments and Administration)

HB 1635, relative to motor vehicle inspections. (Reilly, Graf 8: Transportation)

HB 1636, relative to the extension of fill and dredge in wetlands permits. (Moran, Hills 18: Resources, Recreation and Development)

HB 1637-L, authorizing a school district which uses official ballot voting to conduct a special meeting necessitated by changes in adequate education funding. (L. Ober, Hills 27: Education)

HB 1638, establishing a commission to study and recommend standards for downshifting and cost shifting from the state to counties, cities, towns, and individuals. (Foose, Merr 1: Finance)

HB 1639, relative to employment of certain disability retirees by retirement system employers. (Tamburello, Rock 3; Manuse, Rock 5; Cohn, Merr 6; Baldasaro, Rock 3; Warden, Hills 7: Labor, Industrial and Rehabilitative Services)

HB 1640, establishing a committee to study application requirements for nursing home patients seeking respite care. (Lovett, Sull 4: Health, Human Services and Elderly Affairs)

HB 1641-FN, requiring the carry forward of certain net operating loss deductions to relate to creation of new jobs. (Kurk, Hills 7: Ways and Means)

HB 1642-FN, relative to destination cancer hospitals. (Garcia, Rock 4; Reagan, Rock 1; Stepanek, Hills 6; Azarian, Rock 4; Keane, Merr 13; O'Brien, Hills 4; Bettencourt, Rock 4; Katsakiores, Rock 5; Infantine, Hills 13: Health, Human Services and Elderly Affairs)

HB 1643, relative to county appropriations. (F. McCarthy, Carr 1; Simard, Graf 8; Reilly, Graf 8: Municipal and County Government)

HB 1644, relative to the regulation of home health care providers by the department of health and human services. (Manuse, Rock 5; C. McGuire, Merr 8; Pilotte, Hills 16; Groen, Dist 6: Health, Human Services and Elderly Affairs)

HB 1645-FN, prohibiting all public employees from participating in collective bargaining. (Lambert, Hills 27; Manuse, Rock 5: Labor, Industrial and Rehabilitative Services)

HB 1646-FN, prohibiting the taking of deer from baited areas. (Kidder, Merr 1; Simard, Graf 8: Fish and Game and Marine Resources)

HB 1647-FN, requiring the department of health and human services to license supervised visitation centers. (Oigny, Rock 8: Executive Departments and Administration)

HB 1648-FN, requiring prosecution of a law enforcement officer for failure to enforce the crime of interference with custody. (Oigny, Rock 8; Krasucki, Hills 26; Manuse, Rock 5; Flanagan, Hills 5: Criminal Justice and Public Safety)

HB 1649-FN-A-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (G. Richardson, Merr 4; Foose, Merr 1: Special Committee on Education Funding Reform)

HB 1650-FN, relative to commerce in food in New Hampshire. (Davenport, Rock 12; Manuse, Rock 5; Mauro, Rock 4; Terrio, Hills 14; Bowers, Sull 3; Forsythe, Dist 4: Environment and Agriculture)

HB 1651-FN, requiring the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras. (Simmons, Hills 17; Ball, Hills 9: Criminal Justice and Public Safety)

HB 1652-FN-A, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account. (K. Murphy, Hills 18: Ways and Means)

HB 1653-FN, relative to the rights of conscience for medical professionals. (Bergevin, Hills 17; Souza, Hills 11; Cartwright, Ches 2: Judiciary)

HB 1654-FN, relative to earned time credits for inmates participating in rehabilitative programming. (Welch, Rock 8; Villeneuve, Hills 18; Charron, Rock 7; Shurtleff, Merr 10; Pantelakos, Rock 16; Gile, Merr 10; Tholl, Coos 2; D'Allesandro, Dist 20; Stiles, Dist 24; Larsen, Dist 15: Criminal Justice and Public Safety)

HB 1655-FN, relative to the use of superior court facilities in Nashua. (Weyler, Rock 8; Garcia, Rock 4; L. Ober, Hills 27; R. Ober, Hills 27; Belvin, Hills 6: Judiciary)

HB 1656-FN, relative to compensation of jurors. (Kingsbury, Belk 4: Judiciary)

HB 1657-FN, relative to petitions for guardianship filed by parents of adult children with disabilities. (Lovett, Sull 4: Judiciary)

HB 1658-FN, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF). (Kurk, Hills 7: Finance)

HB 1659-FN, relative to the women's right to know act regarding abortion information. (Notter, Hills 19; Bergevin, Hills 17; K. Souza, Hills 11; Peterson, Hills 19; Katsakiores, Rock 5; Cartwright, Ches 2; C. Soucy, Hills 17; DeLemus, Straf 1; Birdsell, Rock 8; L. Jones, Straf 1; White, Dist 9; Groen, Dist 6; Luther, Dist 12: Judiciary)

HB 1660-FN, relative to abortions after 20 weeks. (Willette, Hills 6; DeLemus, Straf 1; Hardwick, Hills 2; K. Roberts, Ches 3; Gagne, Hills 13; Hoell, Merr 13; White, Dist 9; Groen, Dist 6: Judiciary)

HB 1661-FN-A, repealing the department of labor's workers' compensation safety program

inspection duties and the workers' compensation safety inspection fund and adopting a federal provision which allows a small business to self-certify its spill prevention countermeasure and control plan for above ground storage tanks. (Mirski, Graf 10; Seidel, Hills 20; Cebrowski, Hills 18: Labor, Industrial and Rehabilitative Services)

HB 1662-FN, relative to preparation of fiscal notes. (C. McGuire, Merr 8; Bettencourt, Rock 4; Weyler, Rock 8: Legislative Administration)

HB 1663-FN-L, relative to payment of union fees by non-members. (Lambert, Hills 27; Manuse, Rock 5: Labor, Industrial and Rehabilitative Services)

HB 1664-FN, transferring election law enforcement to the secretary of state. (Bates, Rock 4; Tucker, Rock 17; O'Brien, Hills 4; Renzullo, Hills 27; Comerford, Rock 9: Election Law)

HB 1665-FN, adopting the model drug offender accountability and treatment act. (Harding, Graf 11; Shurtleff, Merr 10; Tholl, Coos 2; Welch, Rock 8; Pantelakos, Rock 16; Rosenwald, Hills 22; Swinford, Belk 5; Houde, Dist 5; Odell, Dist 8; Larsen, Dist 15; Kelly, Dist 10: Judiciary)

HB 1666-FN, relative to state employee benefits. (Vaillancourt, Hills 15: Labor, Industrial and Rehabilitative Services)

HB 1667-FN, relative to the application of the juvenile laws to children up to the age of 18. (Gile, Merr 10; Gargas, Hills 5; Porter, Hills 1; Moran, Hills 18; J. Brown, Straf 1: Criminal Justice and Public Safety)

HB 1668-FN, relative to an individual's right to access to all state government files concerning the individual. (Ingbretson, Graf 5: Executive Departments and Administration)

HB 1669-FN-A-L, requiring the deposit of dedicated fund revenues into the general fund for the 2014 and 2015 fiscal years and requiring non-constitutionally established dedicated funds to be eliminated on June 30, 2015 unless reinstated by the legislature. (Sova, Graf 10; D. McGuire, Merr 8; Munck, Straf 2: Finance)

HB 1670, apportioning executive council districts. (Bates, Rock 4: Special Committee on Redistricting)

HB 1671, apportioning congressional districts. (Bates, Rock 4: Special Committee on Redistricting)

HB 1672, apportioning delegates to state party conventions. (Bates, Rock 4: Special Committee on Redistricting)

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HB 1673-FN, relative to complaints of election law violations. (Bates, Rock 4; Tucker, Rock 17: Election Law)

HB 1674-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. (Vaillancourt, Hills 15; L. Jones, Straf 1: Municipal and County Government)

HB 1675-FN, relative to location tracking by electronic communications devices. (Kurk, Hills 7: Criminal Justice and Public Safety)

HB 1676-FN-A, relative to campaign contributions and expenditures. (Weed, Ches 3: Election Law)

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (W. Smith, Rock 18; Bettencourt, Rock 4; Forsythe, Dist 4: Labor, Industrial and Rehabilitative Services)

HB 1678-FN-A-L, establishing video lottery and table gaming at certain locations in New Hampshire. (Terrio, Hills 14: Executive Departments and Administration)

HB 1679-FN, relative to partial-birth abortions and third trimester abortions. (Terrio, Hills 14: Judiciary)

HB 1680-FN, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. (Garcia, Rock 4; Kappler, Rock 2; Tamburello, Rock 3; Lauer-Rago, Merr 2; Itse, Rock 9; Gonzalez, Hills 17; Notter, Hills 19: Health, Human Services and Elderly Affairs)

HB 1681-FN, relative to reporting political expenditures and contributions. (Cohn, Merr 6; Pierce, Graf 9; Comerford, Rock 9; Birdsell, Rock 8: Election Law)

HB 1682-FN, relative to forfeiture of personal property. (Cohn, Merr 6; Bowers, Sull 3; D. McGuire, Merr 8: Judiciary)

HB 1683-FN, relative to political advertising by business organizations. (Weed, Ches 3: Election Law)

HB 1684-FN-A, relative to campaign contributions and expenditures. (Weed, Ches 3; Perry, Straf 3: Election Law)

HB 1685-FN-L, relative to collective bargaining under the public employee labor relations statutes. (Robbins, Hills 26: Labor, Industrial and Rehabilitative Services)

HB 1686-FN, relative to state contracts. (D. McGuire, Merr 8: Executive Departments and Administration)

HB 1687-FN, relative to state employee information available on the state transparency website. (L. Ober, Hills 27; Weyler, Rock 8; Belvin, Hills 6: Executive Departments and Administration)

HB 1688-FN, relative to exempting maple syrup and milk products produced and sold in state from federal regulation. (Hoell, Merr 13: Environment and Agriculture)

HB 1689-FN, relative to taxation of Pease development authority property. (Leonard, Straf 1; Newton, Straf 1; J. Brown, Straf 1: Municipal and County Government)

HB 1690-FN, prohibiting the use of cell phone data extraction devices by law enforcement agencies. (Kurk, Hills 7: Criminal Justice and Public Safety)

HB 1691-FN, establishing a state bank. (L. Christiansen, Hills 27; Weyler, Rock 8; Marshall Quandt, Rock 13: Commerce and Consumer Affairs)

HB 1692-FN, making changes to the administration of the university system of New Hampshire. (Parsons, Straf 3; O'Brien, Hills 4; Bettencourt, Rock 4; Weyler, Rock 8; DeLemus, Straf 1; D. McGuire, Merr 8; Hill, Merr 6; Kreis, Merr 6; Chandler, Carr 1: Education)

HB 1693-FN, relative to motor vehicle inspections. (DeLemus, Straf 1: Transportation)

HB 1694-FN, relative to driving under the influence of drugs. (Mirski, Graf 10; Sova, Graf 10: Criminal Justice and Public Safety)

HB 1695-FN, increasing certain speed limits. (Vaillancourt, Hills 15; Ohm, Hills 26; Mirski, Graf 10; K. Murphy, Hills 18; DeJong, Hills 9: Transportation)

HB 1696-FN, limiting the offense of speeding to cases resulting in property damage or personal injury to another and excluding speeding offenses from the habitual offender statute. (Lambert, Hills 27; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 1697-FN-A, establishing keno in New Hampshire. (Sapareto, Rock 5; Weyler, Rock 8; Abrami, Rock 13; Azarian, Rock 4; Daugherty, Coos 1: Commerce and Consumer Affairs)

HB 1698-FN-A, establishing keno and providing scholarship money to New Hampshire students. (Baldasaro, Rock 3; Renzullo, Hills 27; Swinford, Belk 5; Ohm, Hills 26: Commerce and Consumer Affairs)

HB 1699-FN, relative to driving under the influence of drugs. (Holden, Hills 4; O'Brien, Hills 4; White, Dist 9: Criminal Justice and Public Safety)

HB 1700-FN, repealing licensing requirements for money transmitters. (Manuse, Rock 5; Bowers, Sull 3; Lambert, Hills 27; Warden, Hills 7; Infantine, Hills 13; White, Dist 9: Commerce and Consumer Affairs)

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. (Manuse, Rock 5; Sapareto, Rock 5; Cohn, Merr 6; Bowers, Sull 3; Infantine, Hills 13; Sorg, Graf 3; Lambert, Hills 27; Itse, Rock 9; White, Dist 9: State-Federal Relations and Veterans Affairs)

HB 1702-FN, relative to materials collected during certain proceedings of the board of medicine. (B. Patten, Carr 4; Carson, Dist 14: Executive Departments and Administration)

HB 1703-FN, requiring a course in business or financial literacy as a prerequisite to high

school graduation. (Doherty, Hills 27; McGuinness, Hills 20: Education)

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees. (Doherty, Hills 27: Election Law)

HB 1705-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; Comerford, Rock 9; Warden, Hills 7: Criminal Justice and Public Safety)

HB 1706-FN, expanding the applicability of the capital murder statute. (Terrio, Hills 14; Notter, Hills 19; LeBrun, Hills 26; Peterson, Hills 19: Criminal Justice and Public Safety)

HB 1707-FN, relative to penalties for operation after revocation or suspension. (Matt Quandt, Rock 13; Marshall Quandt, Rock 13; Copeland, Rock 13; Charron, Rock 7; Welch, Rock 8; M. McCarthy, Hills 21; Hopper, Hills 7; Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1708-FN, relative to salaries of state employees. (Tamburello, Rock 3; Manuse, Rock 5; Warden, Hills 7: Executive Departments and Administration)

HB 1709-FN, establishing a criminal offense for failure to report a missing or deceased child. (Tamburello, Rock 3; Bettencourt, Rock 4; Tucker, Rock 17; Baldasaro, Rock 3; LeBrun, Hills 26; Carson, Dist 14: Criminal Justice and Public Safety)

HCR 30, congratulating the Republic of Hungary on the adoption of its first national constitution. (Katsakiores, Rock 5; Messier, Hills 17; Ferrante, Rock 5; Whitehead, Hills 26; Dowling, Rock 5; Fesh, Rock 5; Reichard, Rock 5: State-Federal Relations and Veterans Affairs)

HCR 31, commending the work of pregnancy care centers in New Hampshire and across the United States. (Lauer-Rago, Merr 2; Notter, Hills 19; Peterson, Hills 19; Tamburello, Rock 3; DeLemus, Straf 1; Cox, Merr 6; Souza, Hills 11; Avard, Hills 20; L. Jones, Straf 1; S. Tremblay, Rock 3; White, Dist 9: State-Federal Relations and Veterans Affairs)

HCR 32, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. (Tregenza, Carr 2: State-Federal Relations and Veterans Affairs)

HCR 33, honoring Charlie St. Clair for his contributions to the tourism industry in New Hampshire. (Kingsbury, Belk 4; Greemore, Belk 3: Executive Departments and Administration)

HCR 34, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. (Tregenza, Carr 2: State-Federal Relations and Veterans Affairs)

HCR 35, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New Hampshire. (Garcia, Rock 4; Griffin, Rock 4; Katsakiores, Rock 5: Executive Departments and Administration)

HCR 36, urging Congress to amend or repeal legislation expanding the constitutionally delegated powers of federal government. (Duarte, Rock 1; Mirski, Graf 10; Tamburello, Rock 3; Rappaport, Coos 1; Cox, Merr 6; Reagan, Rock 1; Tasker, Rock 1; Tregenza, Carr 2; Pitre, Straf 3: State-Federal Relations and Veterans Affairs)

HCR 37, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system. (Tregenza, Carr 2; Duarte, Rock 1; Mirski, Graf 10; Ingbretson, Graf 5; Comerford, Rock 9; Sorg, Graf 3; Forsythe, Dist 4: State-Federal Relations and Veterans Affairs)

HCR 38, urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam. (Baldasaro, Rock 3; Tamburello, Rock 3; Graham, Hills 18; Weyler, Rock 8; Griffin, Rock 4; R. Ober, Hills 27; Tucker, Rock 17; O'Brien, Hills 4; K. Roberts, Ches 3; Bradley, Dist 3; Carson, Dist 14; Barnes, Jr., Dist 17; Lambert, Dist 13: State-Federal Relations and Veterans Affairs)

HCR 39, urging Congress to privatize all aspects of social security. (Bergevin, Hills 17;

LeBrun, Hills 26; D. McGuire, Merr 8; Mauro, Rock 4: State-Federal Relations and Veterans Affairs)

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification. (Ulery, Hills 27; Carson, Dist 14: State-Federal Relations and Veterans Affairs)

HCR 41, urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void. (Itse, Rock 9; Hoell, Merr 13: Constitutional Review and Statutory Recodification)

HCR 42, supporting the preservation of the electoral college. (Itse, Rock 9: State-Federal Relations and Veterans Affairs)

HCR 43, urging the joint legislative historical committee to move the granite gates Lafayette passed through to the state house grounds. (Watters, Straf 4; Gagnon, Sull 4; Mirski, Graf 10; Welch, Rock 8; Wall, Straf 7; Rowe, Hills 6; Odell, Dist 8; Merrill, Dist 21: Executive Departments and Administration)

HJR 20, urging Congress to propose an amendment to the United States Constitution to abolish the electoral college. (Cloutier, Sull 4: State-Federal Relations and Veterans Affairs)

HJR 21, informing the United States Congress that it is the desire of the general court of New Hampshire that the New Hampshire national guard shall not serve outside the borders of New Hampshire absent a declaration of war. (Kingsbury, Belk 4: State-Federal Relations and Veterans Affairs)

HJR 22, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable. (Cali-Pitts, Rock 16; R. Read, Rock 16; Stiles, Dist 24: Science, Technology and Energy)

HR 20, urging the federal government to allow the cultivation of hemp for industrial purposes. (Owen, Merr 4: Environment and Agriculture)

HR 21, 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. (L. Vita, Straf 3; C. Vita, Straf 3: State-Federal Relations and Veterans Affairs)

HR 22, urging recognition of the facts regarding the USS Liberty. (Daugherty, Coos 1: State-Federal Relations and Veterans Affairs)

HR 23, urging the federal government to reduce the federal deficit in proportion to federal aid. (Mauro, Rock 4; Manuse, Rock 5: State-Federal Relations and Veterans Affairs)

HR 24, urging relief from the current level of federal nursing home regulation. (Almy, Graf 11; Millham, Belk 5; Sova, Graf 10; Emerton, Hills 7; Brosseau, Graf 6: State-Federal Relations and Veterans Affairs)

HR 25, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. (Itse, Rock 9; Comerford, Rock 9; Lambert, Hills 27; Pratt, Hills 7; Seidel, Hills 20; Sova, Graf 10; E. Hogan, Hills 25; Sorg, Graf 3; Tregenza, Carr 2: State-Federal Relations and Veterans Affairs)

HR 26, expressing support for admitting the District of Columbia as the fifty-first State of the United States of America. (Rosenwald, Hills 22; Shurtleff, Merr 10; Cote, Hills 23; Foose, Merr 1; G. Richardson, Merr 4; Katsakiores, Rock 5; J. Brown, Straf 1: State-Federal Relations and Veterans Affairs)

HR 27, urging New Hampshire policymakers to declare "brainpower" a state resource. (B. Murphy, Rock 18: Commerce and Consumer Affairs)

CACR 20, relating to meetings of the general court. Providing that the general court shall meet biennially. (Tregenza, Carr 2: Legislative Administration)

CACR 21, relating to referendums. Providing that voters may veto laws by referendum. (Bates, Rock 4; W. Smith, Rock 18; O'Brien, Hills 4; Tucker, Rock 17; Renzullo, Hills 27: Election Law)

CACR 22, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court. (Itse, Rock 9; Mirski, Graf 10; Ingbretson, Graf 5; Oligny, Rock 8: Judiciary)

CACR 23, relating to members of the general court. Providing that members of the general court may not vote on or deliberate on matters in which they have a pecuniary interest. (Greazzo, Hills 17: Legislative Administration)

CACR 24, relating to age limitations for judges. Providing that no person shall be eligible to be appointed a judge until such person has reached 60 years of age. (Kingsbury, Belk 4: Judiciary)

CACR 25, relating to the supreme and superior courts. Providing that the supreme and superior courts shall not be constitutionally established courts. (Davenport, Rock 12; Lambert, Hills 27; Manuse, Rock 5: Judiciary)

CACR 26, relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. (Mirski, Graf 10; Sorg, Graf 3; Ingbretson, Graf 5; Winter, Merr 3; Balboni, Hills 21; Comerford, Rock 9; Lambert, Hills 27; Weyler, Rock 8; Brownrigg, Hills 27: Judiciary)

CACR 27, relating to the membership of the house of representatives. Providing that the number of representatives shall be reduced. (Baroody, Hills 13: Legislative Administration)

CACR 28, relating to the allocation of authority between the legislative and judicial branches. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts. (Sorg, Graf 3; Mirski, Graf 10; D. McGuire, Merr 8; Manuse, Rock 5; Ingbretson, Graf 5: Judiciary)

CACR 29, relating to the attorney general. Providing that the attorney general be elected for a 2-year term. (G. Hopper, Hills 7; Manuse, Rock 5; Giuda, Merr 7; LaCasse, Sull 4: Election Law)

CACR 30, relating to limitations on impeachment judgment. Providing that judgment may include forfeiture of pension and retirement benefits. (Oligny, Rock 8; Lambert, Hills 27; Manuse, Rock 5: Judiciary)

CACR 31, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. (Itse, Rock 9; Tucker, Rock 17; Ingbretson, Graf 5; Mirski, Graf 10; Hoell, Merr 13; Cohn, Merr 6; Manuse, Rock 5: Children and Family Law)

CACR 32, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judiciary. (G. Hopper, Hills 7; Burt, Hills 7; Itse, Rock 9: Judiciary)

MOTION TO VACATE

Rep. Tucker moved that the House vacate the reference of the following bills:

HB 1192-FN, establishing an E-Z Pass commuter discount.

HB 1257-FN, eliminating the tolls on the Everett turnpike in the town of Merrimack.

HB 1280-FN, relative to the sale of E-Z Pass transponders and relative to the online New Hampshire E-Z Pass service center.

HB 1293, establishing a rest area gas station and retail opportunities commission.

HB 1369, relative to the location of overhead tolling on the F.E. Everett turnpike.

HB 1385-FN-A, reducing the rate of the road toll during the 2012 Memorial Day weekend. to the Committee on Transportation.

HB 1230-FN, requiring a listing of state real property.

to the Committee on Executive Departments and Administration.

HB 1219, relative to the definition of wildlife for purposes of regulation by the fish and game department.

to the Committee on Environment and Agriculture.

HB 1489-FN, repealing the decrease of the fuel oil importation fee.
to the Committee on Science, Technology and Energy.
Adopted.

The Speaker referred **HBs 1192-FN, 1230-FN, 1257-FN, 1280-FN, 1293, 1369** and **1385-FN-A** to the Committee on Public Works and Highways, **HB 1219** to the Committee on Fish and Game and Marine Resources, and **HB 1489-FN** to the Committee on Ways and Means.

PETITIONS

Petition #20: Representative G. Brian Seaworth of Pembroke, on behalf of Petitioner Carl E. Dow, seeks redress relative to grievances involving a Judge, a marital master and a guardian ad litem.

Petition #21: Representative Donald B. McClarren of Nashua, on behalf of Petitioner Arthur Ginsberg of Nashua, seeks redress relative to grievances involving judges of the New Hampshire Superior Court, the Professional Conduct Committee of the Supreme Court Attorney Discipline System, the Chairman of the committee, a special investigative attorney, a special investigator, a disciplinary counsel, a decision of the Supreme Court and the department of justice.

Petition #22: Representative Seth Cohn of Canterbury, on behalf of Petitioner Joseph Haas, seeks redress relative to a grievance involving the Attorney General and an Assistant Attorney General.

Petition #23: Representative Daniel C. Itse of Fremont, on behalf of Petitioners Bill and Mary Cloutier of Epping, seeks redress relative to a dispute involving property appraisal in the Town of Epping.

Petition #24: Representative Stephen Schmidt of Wolfeboro, on behalf of Petitioner William J. Donovan, III, seeks redress relative to a grievance involving a marital master.

Petition #25: Representative Kathleen Souza of Manchester, on behalf of Petitioner Community Action Group to Save CMC Again, seeks redress relative to a grievance against the Attorney General.

Petition #26: Representative Robert A. Luther of Laconia, on behalf of Petitioner Joshua Youssef, seeks redress relative to a grievance involving a guardian ad litem, two marital masters and three judges.

Petition #27: Representative Gene Charron of Chester, on behalf of Petitioner Monique Prince, seeks redress relative to a grievance involving two judges.

Petition #28: Representative John Hikel of Goffstown, on behalf of Petitioner Ghislain Breton, seeks redress relative to grievances involving the House Judiciary Committee, a former Speaker of the House, the Superintendent of the Merrimack County House of Corrections, two guardians ad litem, three judges and an attorney.

The Speaker referred the Petitions to the Committee on Redress of Grievances.

CONSENT CALENDAR – 2011 RETAINED BILLS

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

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute, removed by Rep. Hoell.

HB 587, relative to grounds for divorce for persons with minor children, removed by Rep. Gary Hopper.

HB 241, relative to insurance coverage, removed by Rep. Dan McGuire.

HB 244, restricting the collection of biometric data by state agencies and private entities, removed by Rep. Kurk.

HB 263-FN, relative to the lifetime Medicaid limit, removed by Rep. Rosenwald.

HB 324, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire, removed by Rep. Lambert.

HB 440-FN, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform, removed by Rep. Gary Richardson.

HB 445-FN, relative to the regulation of electronic tracking devices, removed by Rep. Kurk.

HB 138-FN, relative to the cold case homicide unit, removed by Rep. Hoell.

HB 574, relative to the taking of private property during a state of emergency, removed by Rep. Gary Richardson.

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled, removed by Rep. Worsman.

HCR 26, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches, removed by Rep. Lambert.

HCR 2, in support of the Arizona immigration law, removed by Rep. Rokas.

HB 354, relative to licensure requirements for retail vehicle dealers, removed by Rep. Pepino.

Consent Calendar adopted.

HB 506-FN, relative to false allegations of child abuse. **REFER FOR INTERIM STUDY.** Rep. Marjorie A. Porter for Children and Family Law: This bill directs the court to deny parental rights and responsibilities to a parent who has knowingly made a false statement of child abuse and inserts a misdemeanor criminal penalty in RSA 169-C for knowingly making a false statement of child abuse. Current law (RSA Chapter 641 falsification in official matters) provides for criminal penalties (felony and misdemeanor) for perjury, false swearing, unsworn falsification, false reports to law enforcement, witness tampering, and falsification of evidence. The committee examined and received information regarding the Citrus County, Florida, program relating to false allegations of child abuse. While the program appears successful, the committee, as well as DCYF, believes that the program raises many unanswered questions, particularly regarding the use of law enforcement in such matters. The committee also notes that Citrus County is the only county utilizing such a program and that its program did not require statutory changes to implement. The committee also considered the inclusion of a statement regarding false allegations of child abuse when a person makes a report to DCYF. Because everyone in New Hampshire is required by law to report suspected abuse and/or neglect, the committee is concerned that such a statement might have a chilling effect on people making good faith reports. However, the committee feels that such false allegations should not be made with impunity, and the committee felt that interim study would allow for review of possible practical remedies. Vote 16-0.

HB 96, relative to issuance of individual health insurance policies by health carriers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: The intention of this bill was to address a problem that the one health insurance company that sells into the individual and the group market has discovered-that younger and healthier employees who were originally signed up for group insurance were suddenly canceling their participation in the group market and were showing up in the individual market. Although the committee is very concerned about this scheming by employers, attempting to regulate this caused more problems and was just not fixable. Vote 15-0.

HB 125-FN, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Frederick C. Rice for Commerce and Consumer Affairs: The committee recommends interim study to enable an expanded analysis of the issue, to include additional testimony from industry witnesses and to ensure compliance with New Hampshire law. Vote 12-0.

HB 126-FN, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: Due to continued federal court activity with the affordable care act and the uncertainty of future federal legislation the committee felt this bill was not ready for prime time. Redundancy with other filed and open New Hampshire legislation was also a factor in this decision. Vote 12-0.

HB 171, relative to restrictions on liquor licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill prohibits the liquor commission from imposing restrictions on on-premises licenses relating to clothing or appearance of patrons or employees. This bill allows revocation of on-premises license for violations of law and/or imposition of a fine. Vote 12-0.

Amendment (2613h)

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

1 New Section; Liquor Licenses; Restrictions Prohibited. Amend RSA 178 by inserting after section 4 the following new section:

178:4-a Restrictions Prohibited. The commission shall not require, as a condition for issuing, renewing, or continuing any on-premises license, or as part of an agreement with an on-premises licensee, that the licensee impose restrictions on any clothing, sign, symbol, logo, letter, physical marking, or tattoo of any patron or employee.

2 Suspension or Revocation; Administrative Fines. Amend RSA 179:57, I to read as follows:

I. The commission shall cause frequent inspections to be made of all the premises with respect to which any license has been issued under the provisions of this title. If any licensee violates any of the provisions of law or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful purposes or knowingly designates to be in charge of the premises any person who has been convicted of a felony, unless the person has been approved by the commission pursuant to RSA 179:23, V, or otherwise fails to carry out in good faith the purposes of this title **or if the premises are regularly the site of violence** the license of such licensee may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the commission after the appropriate hearing may impose a fine of a specific sum, which shall not be less than \$100 nor more than \$5,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

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

AMENDED ANALYSIS

This bill prohibits the liquor commission from imposing restrictions on on-premises licenses relating to clothing or appearance of patrons or employees. This bill also authorizes enforcement actions by the liquor commission against licensees whose premises are regularly the site of violence.

***HB 234-FN-A*, relative to food service licensure. OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: The final version of this bill clarifies the suspension of food service licensure, and removes over burdensome regulations. The bill goes further to establish a committee to study the regulation of food service establishments and licensure requirements. The committee amended the bill to remove the establishment of a dedicated fund thereby negating the fiscal note on the original bill. Vote 16-0.

Amendment (2758h)

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

AN ACT relative to food service licensure and establishing a committee to study the regulation of food service establishments.

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

1 Food Service Licensure; Definitions. Amend RSA 143-A:3, IV to read as follows:

IV. "Food service establishment" means any fixed or mobile, attended or unattended restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial feeding establishment; ***food processing plants***; food vending operation; private or public organization or institution, whether profit or nonprofit, which routinely serves food; catering kitchen; commissary, or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating and drinking establishment or operation in which potentially hazardous food is served or provided for the public with or without charge.

2 New Paragraph; Food Service Licensure; Definition Added. Amend RSA 143-A:3 by inserting after paragraph IV the following new paragraph:

IV-a. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness.

3 Food Service Licensure; Application. Amend RSA 143-A:6, I and II to read as follows:

I. Upon receipt of an application in writing from a new food service establishment or retail food store, or a food service establishment or retail food store which has changed ownership, or a food service establishment or retail food store which has had its previous license revoked, the commissioner may issue a provisional license, valid for up to 90 days, if the commissioner determines that the applicant's plan for operation and facilities are sufficient under rules adopted under RSA 143-A:9. ~~[Any food service establishment or retail food store which has had its license revoked shall not be eligible to apply for a provisional license until it (a) presents a plan for the correction of any deficiencies which led to the specific revocation, and (b) passes a food safety class, subsequent to the revocation of the license, meeting the standards of The Conference for Food Protection. In order to fulfill the requirements of this section, the new remedial plan shall first receive the approval of the commissioner.]~~ Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.

II. Within 45 days of issuance of a provisional license issued under this section **or RSA 143-A:8**, the commissioner shall conduct an inspection. If following such inspection the commissioner determines that the applicant's operation and facilities are sufficient under rules adopted under RSA 143-A:9, the commissioner shall issue to the applicant a license valid for a time period of one year following the date of issuance of the provisional license. Notwithstanding RSA 541-A, any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.

4 Food Service Licensure; Revocation of License. Amend RSA 143-A:7 to read as follows:
143-A:7 Revocation of License.

I. If any food service establishment or retail food store licensed under this chapter repeatedly violates any legally adopted rule of the commissioner, **or any provision of RSA 143 or RSA 143-A**, or if the operation of the licensed establishment ~~[immediately endangers public health and safety]~~ **creates an imminent health hazard**, the commissioner may revoke the license. Any revocation of a license shall be executed in compliance with RSA 541-A.

II. The notice of revocation shall:

- (a) Be in writing;
- (b) Enumerate the reason or reasons for revocation;
- (c) Outline the ~~[remedial]~~ **corrective** action necessary to correct the **violations cited in the** revocation; and
- (d) Inform the owner or his **or her** agent of his **or her** rights and options for redress of grievances as enumerated in RSA 541-A.

5 Food Service Licensure; Reinstatement. Amend RSA 143-A:8 to read as follows:

143-A:8 Reinstatement. Any person whose license has been revoked may at any time make **a** written ~~[application]~~ **request** to the commissioner for a re-inspection. Re-inspection shall occur within 10 days of receipt of the ~~[re-inspection application]~~ **request**. If the commissioner or his **or her** authorized representative finds that the reasons for revocation have been corrected, ~~[the license shall be reinstated]~~ **a provisional license shall be granted** immediately.

6 Committee Established. There is established a committee to study the regulation of food service establishments.

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

- (1) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (2) Three members of the senate, appointed by the president of the senate.
- (b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. Duties. The committee shall study the regulation of food service establishments licensed pursuant to RSA 143-A. The committee shall determine if there is a minimal level of food service that may be conducted without regulation. In addition, the committee shall consider different levels of regulation for food service establishments of different sizes. Any such consideration shall ensure that appropriate protections are maintained for the health and safety of the public.

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

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

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill clarifies the food protection law. This bill also establishes a committee to study the regulation of food service establishments.

Referred to the Committee on Finance.

HB 247, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: The bill adds exemption to licensure law regarding mortgage bankers and brokers for persons who negotiate no more than three mortgages in a calendar year. It also removes duplicate requirements for licensure for those licensed under various other RSA's. The bill also eliminates conditional language included in SB 28, Chapter 212, 2011 passed earlier in this session that has been resolved by HUD issued interpretative language of the SAFE act. Vote 16-0.

Amendment (2798h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Mortgage Bankers and Brokers; Definition Added. Amend RSA 397-A:1 by inserting after paragraph I the following new paragraph:

I-a. "Affiliate" means a relationship between 2 persons if either person has the power to control the other, or a third person who controls or has the power to control both.

Affiliates shall include but not limited to:

(a) Interlocking directorates or ownership; or

(b) Identity of interests among members of a family.

Amend the bill by deleting section 2 and renumbering the original sections 3-12 to read as 2-11, respectively.

Amend the bill by replacing all after section 7 with the following:

8 Mortgage Bankers and Brokers; Exemptions. Amend RSA 387-A:4, VI to read as follows:

VI. An owner of real property who in any 12 consecutive month period makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured~~[- provided, however, that the final regulations relating to the Secure and Fair Enforcement for Mortgage Licensing Act issued by the United States Department of Housing and Urban Development shall supersede the provisions of this paragraph to the extent such regulations conflict with the provisions of this paragraph].~~

VII. A person who is not the owner of the real property in question, and any affiliate of the person who collectively make 3 or fewer mortgage loans in a 12 consecutive month period, provided that:

(a) The person or affiliate of the person does not act as an originator;

(b) All origination activities are conducted by an originator duly licensed in this state;

(c) Only the licensed mortgage banker or broker that employs or retains the originator is directly or indirectly compensated by the person or the affiliate of the person; and

(d) Only the licensed mortgage banker or broker that employs and retains the originator may directly or indirectly compensate the originator.

9 New Paragraph; Debt Adjustment Services. Amend RSA 399-D:3 by inserting after paragraph III the following new paragraph:

IV. Any person not exempt under RSA 399-D:4 that, in its own name or on behalf of another person, engages in a mortgage loan modification activity as a debt adjustment service in this state or with persons located in this state, shall be required to obtain a mortgage license from the banking department pursuant to RSA 397-A.

10 Debt Adjustment Services. Amend RSA 399-D:4, VI to read as follows:

VI. *Any person engaged in effecting a mortgage loan modification if such person is duly licensed as a mortgage banker, mortgage broker, or mortgage originator under RSA 397-A or is registered as a mortgage servicer or is licensed as a mortgage originator under RSA 397-B and such person conducts no other activity that would require a license under this chapter.*

VII. Other persons not within the intent of this chapter as the commissioner may designate by rule or order.

11 Licensing of Money Transmitters. Amend RSA 399-G:4, VI to read as follows:

VI. *A debt adjuster duly licensed pursuant to RSA 399-D that acts as a money transmitter for the sole purpose of providing a debt adjustment service to a consumer under terms of a contract issued pursuant to RSA 399-D and that has a surety bond on file with the commissioner under RSA 399-D in the amount of \$100,000.*

VII. Other persons not within the intent of this chapter as the commissioner may designate by rule or order.

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

AMENDED ANALYSIS

This bill adds exemptions to the licensure law regarding mortgage bankers and brokers for persons who negotiate no more than 3 or fewer residential mortgage loans in a calendar year.

The bill makes various changes to the laws regulating mortgage bankers and brokers and debt adjustment services.

***HB 351-FN*, relative to insurance reimbursement for doctors of naturopathic medicine. OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill expands choices for New Hampshire citizens who have an individual insurance plan, while creating a framework for small group insurance plans to also choose to expand choices for their customers.

Insurance companies recognize only medical doctors, nurse practitioners and doctors of osteopathy for reimbursement as “primary care providers,” and so naturopathic doctors are not included in these groups. This bill won’t change that, but it will encourage insurance companies to add naturopathic doctors to their groups. This bill will include coverage for naturopathic doctors in individual plans, so individuals will be able to choose a naturopathic doctor as their primary care physician. Naturopathic doctors are licensed physician-level doctors, hold pre-med bachelor’s degrees, attend four year medical schools, and receive the same primary care education and training as medical doctors and osteopathic doctors. Importantly, this bill only establishes that insurers shall recognize naturopathic doctors as primary care providers and reimburse for those primary care services that are already covered when an individual sees his or her primary care physician, nurse practitioner or doctor of osteopathy. The majority thinks that consumers in the individual market should have this choice and that insurance companies should consider adding naturopaths to their groups to extend consumer choice and potentially reduce the cost of services. Vote 16-0.

Amendment (2789h)

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

1 New Section; Coverage for Services Provided by Doctors of Naturopathic Medicine; Individual. Amend RSA 415 by inserting after section 6-q the following new section:

415:6-r Coverage for Services Provided by Doctors of Naturopathic Medicine; Individual. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance coverage for health care services provided by doctors of naturopathic medicine licensed under RSA 328-E for medical conditions that are within their scope of practice if such services are also covered by physicians licensed under RSA 329. This coverage shall include the ability to select a doctor of naturopathic medicine as a primary care provider. Services provided by licensed doctors of naturopathic medicine may be subject to reasonable deductibles, co-payments, and coinsurance amounts, fee or benefit limits, practice parameters, and utilization review consistent with rules adopted by the insurance department and pursuant to RSA 328-E; provided that the amounts, limits, and review shall not function to direct treatment in a manner which unfairly discriminates against naturopathic care, and collectively shall be no more restrictive than those applicable under the same policy for services provided by other primary care providers, but may allow for the management of the benefit consistent with variations in practice patterns and treatment modalities among different types of health care providers.

2 New Section; Coverage for Services Provided by Doctors of Naturopathic Medicine; Group. Amend RSA 415 by inserting after section 18-v the following new section:

415:18-w Coverage for Services Provided by Doctors of Naturopathic Medicine; Group. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, may provide to each group, or to the portion of each group comprised of certificate holders of such insurance coverage for health care services provided by doctors of naturopathic medicine licensed under RSA 328-E for medical conditions that are within their scope of practice if such services are also covered by physicians licensed under RSA 329. This coverage may include the ability to select a doctor of naturopathic medicine as a primary care provider. Services provided by licensed doctors of naturopathic medicine may be subject to reasonable deductibles, co-payments, and coinsurance amounts, fee or benefit limits, practice parameters, and utilization review consistent with rules adopted by the insurance department and pursuant to RSA 328-E; provided that the amounts, limits, and review may not function to direct treatment in a manner which unfairly discriminates against naturopathic care, and collectively may be no more restrictive than those applicable under the same policy for services provided by other primary care providers, but may allow for the management of the benefit consistent with variations in practice patterns and treatment modalities among different types of health care providers.

3 Health Service Corporations; Coverage Provided by Doctors of Naturopathic Medicine. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, **RSA 415:6-r**, RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, **RSA 415:18-w**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

4 Health Maintenance Corporations; Coverage Provided by Doctors of Naturopathic Medicine. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, **RSA 415:6-r**, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA

415:18-v, **RSA 415:18-w**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

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

AMENDED ANALYSIS

This bill requires health insurance reimbursement for individual coverage for doctors of naturopathic medicine if such services are also covered by licensed physicians and permits such reimbursement for group coverage.

HB 394-FN, relative to the regulation of oil heating technicians. **INEXPEDIENT TO LEGISLATE.**

Rep. Frederick C. Rice for Commerce and Consumer Affairs: ITL is recommended by the primary sponsor since a similar bill is being processed by the Executive Departments and Administration Committee. Vote 14-0.

HB 408, relative to residential mortgage loan transactions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill clarifies the exemption for attorneys from licensing requirements for mortgage brokers or bankers. It allows attorneys to provide advice to their clients so long as they are not the mortgage originator. Vote 14-1.

Amendment (2678h)

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

AN ACT clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers.

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

1 Exemptions From Licensing Requirements. RSA 397-A:4, V is repealed and reenacted to read as follows:

V.(a) Except as provided in subparagraph (b), an attorney licensed in New Hampshire performing activities that are within the definition of a loan originator, provided that such activities are:

- (1) Considered by the New Hampshire supreme court to be part of the authorized practice of law within New Hampshire;
- (2) Carried out within an attorney-client relationship; and
- (3) Accomplished by the attorney in compliance with all applicable laws, rules, ethics, and standards.

(b) If subparagraph (a) is construed by a governing federal agency to conflict with any federal law, rule, or governing federal agency interpretation promulgated under the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, the provisions of subparagraph (a) shall be superseded and no other provision of this chapter shall be effective until subparagraph (a) is amended by the general court.

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

AMENDED ANALYSIS

This bill clarifies an exemption from the licensing requirement for mortgage brokers or bankers for attorneys who provide legal services in connection with residential mortgage loans.

HB 578, relative to payment at time of medical services. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth N. Gidge for Commerce and Consumer Affairs: While the committee felt the intention of the bill was rational, as a practical matter it would not work. Simple medical procedures may possibly be accommodated but more complicated procedures would not. Costing of many procedures can be found on websites of the insurance department, health

and human services department and the sites of several insurance companies. This should adequately serve the health consumer in New Hampshire. Vote 16-0.

HB 619-FN, requiring the state of New Hampshire to opt out of the requirement that individuals purchase health insurance contained in the Patient Protection and Affordable Care Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill would require the commissioner of the department of health and human services to develop a plan to allow the state of New Hampshire to opt out of the Patient Protection and Affordable Care Act which would require a plan comparable, the only difference being that the state would administer it, not the federal government. Vote 12-0.

HB 633, preventing prescribing practitioners from owning pharmacies in-state and out-of-state. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was brought forward with the good intent of correcting some conflicting RSA's regarding ownership of pharmacies. The committee felt that some areas of ownership, such as the status of veterinarians, was not adequately covered and it was felt this bill was not ready to pass at this time. Vote 12-0.

HJR 2, prohibiting the implementation of the insurance department rules regarding the New Hampshire Medical Malpractice Joint Underwriting Association. **REFER FOR INTERIM STUDY.**

Rep. James F. Headd for Commerce and Consumer Affairs: Although the rules request has been withdrawn, the committee believes that there are several unresolved issues that have not been addressed and wishes to retain the bill for further review. Vote 13-0.

HB 127-FN, relative to the definition of oral communication. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill, as amended, simply clarifies the definition of "oral communication" in the wiretapping and eavesdropping statute, specifying that any expectation of privacy must be reasonable. This had bi-partisan support in response to testimony on incidents of abuse of the wiretapping law in public areas. Vote 17-0.

Amendment (2702h)

Amend the bill by replacing section 1 with the following:

1 Wiretapping and Eavesdropping; Definitions. Amend RSA 570-A:1, II to read as follows:

II. "Oral communication" means any ~~oral~~ **verbal** communication uttered by a person ~~[exhibiting an]~~ **who has a reasonable** expectation that ~~[such]~~ **the** communication is not subject to interception, under circumstances justifying such expectation.

AMENDED ANALYSIS

This bill amends the definition of "oral communication" under the wiretapping and eavesdropping statute.

HB 283-FN, relative to impaired drivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill is the result of a three year study which included HHS, Judicial Branch, law enforcement, treatment providers, victim's advocates and other interested parties. The Multiple Offender Program (MOP) was eliminated in 2010; offenders currently are referred to programs contracted by HHS. HB 283 establishes Impaired Driver Care Management Programs (IDCMP) in which offenders will complete substance use disorder evaluation, comply with a service plan developed by evaluation and complete an impaired driver education program. The offender will be

responsible for paying for IDCMP, but indigent offenders may avail themselves of publicly-available programs. Successful completion will allow the offender to seek license restoration. It is important to note that HB 283 requires HHS to approve and monitor all IDCMP's. HB 283 does NOT change underlying DWI penalties. HB 283 also includes the current ignition interlock installation requirement within the aggravated DWI penalty statute to explicitly direct courts to utilize the interlock program. HB 283 will likely save money: The department of health and human services indicates that IDCMP can be implemented with current resources and courts will benefit by receiving and disposing of DWI cases more expeditiously. County corrections facilities will benefit by offenders serving shorter sentences and offenders may receive a suspended sentence in exchange for participation in IDCMP. Vote 17-0.

Amendment (2682h)

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

1 Reference Changed. Amend RSA 6:12, I(b)(147) to read as follows:

(147) Moneys deposited in the [~~7-day multiple DWI offender intervention~~] ***impaired driver education program (IDEP) and impaired driver care management program (IDCMP)*** account under RSA 265-A:41.

2 Reference Deleted. Amend RSA 126-A:34, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, the Glenclyff home, ***and*** the Anna Philbrook center, [~~and the multiple DWI offender intervention program (M.O.P.)~~], relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

3 New Section; Alcohol or Drug Impairment; Arraignment. Amend RSA 265-A by inserting after section 3 the following new section:

265-A:3-a Arraignment. To the extent practicable, a law enforcement officer charging a person with violating RSA 265-A:2 or RSA 265-A:3 shall schedule an arraignment on such charge to take place no later than 14 business days after the date of the violation.

4 Penalties for Intoxication or Under Influence of Drugs Offenses. RSA 265-A:18 is repealed and reenacted to read as follows:

265-A:18 Penalties for Intoxication or Under Influence of Drugs Offenses.

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 265-A:2, I shall be:

(1) Guilty of a class B misdemeanor;

(2) Fined not less than \$500;

(3) Referred by the court to an IDCMP and, if a first-time offender, required to submit to an alcohol and drug abuse screening within 14 days of conviction, and, if testing demonstrates the likelihood of a substance use disorder, to submit further to a full substance use disorder evaluation within 30 days of conviction, to be administered by a service provider indicated by the IDCMP, and thereafter to follow the service plan developed from that substance use disorder evaluation by the IDCMP;

(4) Required to complete a department of health and human services approved impaired driver education program prior to the restoration of the person's driver's license or privilege to drive; provided however, that if the person has previously completed such a program within the past 5 years and provides required proof, that shall serve as fulfillment of this requirement;

(5) Required to pay all fees arising from services provided by the IDCMP and its referrals for the service plan; and

(6) Subject to the following:

(A) The person's driver's license or privilege to drive shall be revoked for not less than 9 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. The court may suspend up to 6 months of this sentence, provided that the person has been screened within 14 days and, if required, has completed the substance use disorder evaluation within 30 days with a service provider indicated by an IDCMP and is in compliance with the service plan produced thereafter, and has completed a department of health and human services approved impaired driver education program. The court may, in its discretion, require the installation of an interlock device in accordance with RSA 265-A:36 during the period of sentence reduction, and may reimpose the longer suspension period if the defendant becomes noncompliant with the treatment recommendations at any time during the suspension period;

(B) The sentencing court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate; and

(C) The court in which the person was convicted may reduce the conviction to a violation upon a motion filed by either party at least one year after the date of the conviction. In deciding whether to reduce the conviction to a violation, the court may consider the person's subsequent driving record, the recommendation of the IDCMP, the hardship that having a criminal record may cause for the person, and any other factors that the court deems relevant.

(b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3, except as provided in subparagraph (c), shall be:

(1) Guilty of a class A misdemeanor;

(2) Fined not less than \$750;

(3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 14 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 3 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

(4) Ordered to install an interlock device in accordance with RSA 265-A:36;

and

(5) Subject to the following:

(A) The person's driver's license or privilege to drive shall be revoked for not less than 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. Upon confirmation from the IDCMP that the person is in full compliance with the service plan, the court may suspend up to 6 months of this sentence, with the condition that an interlock device be installed for the period of the suspended sentence in addition to any period required in accordance with RSA 265-A:36 and provided that all fees have been paid; and

(B) The sentencing court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate.

(c) Any person who is convicted of aggravated DWI under RSA 265-A:3, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000;

(3) Sentenced to a mandatory sentence of not less than 35 consecutive days in the county correctional facility, of which 21 shall be suspended. The court shall refer the

person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 14 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

(4) Ordered to install an interlock device in accordance with RSA 265-A:36;
and

(5) Subject to the following:

(A) The person's driver's license or privilege to drive shall be revoked for not less than 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. The court may suspend up to 6 months of this sentence, provided that the person shall schedule a substance use disorder evaluation within 30 days of release, or upon release from the county correctional facility, whichever occurs later, complete the required substance use disorder evaluation within 60 days of release with a service provider indicated by an IDCMP, and the service plan produced thereafter, with the condition that an interlock device be installed for the period of the suspended sentence in addition to any period required in accordance with RSA 265-A:36 and provided that all fees have been paid; and

(B) The sentencing court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate.

II. Any person convicted of a violation of RSA 265-A:19, II shall be subject to the penalties set out in this section for a violation of RSA 265-A:3. Any person convicted of a violation of any other provision in RSA 265-A:19 or a violation of RSA 265-A:2, II shall be subject to the penalties set out in this section for a violation of RSA 265-A:2, I.

III. Any person who is convicted of an offense under RSA 265-A:2, I or RSA 630:3, II, and whose offense occurred while the person was under the age of 21, shall be sentenced according to the provisions of this section, except that in all cases the person's driver's license or privilege to drive shall be revoked for not less than one year. The person shall schedule a substance use disorder evaluation with a service provider indicated by an IDCMP within 30 days of conviction, or upon release from the correctional facility, whichever occurs later, complete the required substance use disorder evaluation within 60 days of release, comply with the service plan developed by the IDCMP, and complete an approved impaired driver education program if not previously completed within the past 5 years.

IV. Upon conviction of any offense under RSA 265-A:2, I or RSA 265-A:3, based on a complaint which alleged that the person has had one or more prior convictions under RSA 265-A:2, I or RSA 265-A:3, or RSA 630:3, II, or under reasonably equivalent offenses in an out-of-state jurisdiction, within 10 years preceding the date of the second or subsequent offense, the person shall be subject to the following penalties in addition to those provided in paragraph I:

(a) For a second offense:

(1) The person shall be guilty of a class A misdemeanor;

(2) The person shall be fined not less than \$750;

(3)(A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 60 consecutive days in the county correctional facility, of which 30 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 30 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance

use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 14 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 3 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period; and

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years. The person's driver's license or privilege to drive shall not be restored by the department until the person shall have completed the service plan developed by the IDCMP, and paid all relevant fees.

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license or privilege to drive shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to reapply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until all requirements under law are met. The person's driver's license or privilege to drive shall not be restored by the department until the person shall have completed the service plan developed by the IDCMP, and paid all relevant fees.

(2) The person shall be sentenced to a mandatory sentence of not less than 180 consecutive days of which 150 shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 30 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period. The remainder of the sentence may be deferred for a period of up to 2 years. The court may, at the satisfactory completion of any required treatment, suspend any remaining deferred sentence.

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person shall be guilty of a felony, and the person's driver's license or privilege to drive shall

be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 7 years.

(d) For a third or subsequent offense when any prior offense under this paragraph is negligent homicide under RSA 630:3, II, or reasonably equivalent offense in an out-of-state jurisdiction, the person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 10 years.

V. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than one year nor more than 3 years. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. The person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. The court may suspend up to 6 months of this sentence, conditional on completion of the required evaluation within 30 days of the court's finding, completion of the service plan developed by the IDCMP, and payment of all relevant fees.

VI. For the purposes of this section:

(a) "Revocation" or "revoked" means revocation as defined in RSA 259:90 and also includes, if the person is a nonresident, the revocation of the person's privilege as an out-of-state driver to drive on any ways of this state.

(b) "Out-of-state jurisdiction" includes any governmental entity that issues driver's licenses that are valid for operating a motor vehicle on the ways of this state as provided in RSA 263:37, and that has laws relating to driving while impaired that are reasonably equivalent to the laws of this state.

(c) "IDCMP" means an impaired driver care management program approved by the department of health and human services under RSA 265-A:40.

VII. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation and no portion of any fine imposed under this section shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by RSA title LXII or any other provision of law.

VIII. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has completed an IDCMP screening within 14 days of conviction, and if testing demonstrates the likelihood of a substance use disorder, the person shall schedule a substance use disorder evaluation within 30 days of conviction or within 30 days of release from the correctional facility, whichever occurs later, complete the required substance use disorder evaluation within 60 days of release from the correctional facility, comply with the service plan developed from the substance abuse disorder evaluation by the IDMP, and complete a department of health and human services approved impaired driver

education program prior to the restoration of the person's driver's license or privilege to drive; provided however, that if the person has previously completed such a program within the past 5 years and provides required proof, that shall serve as fulfillment of this requirement.

IX. Any conviction under RSA 265-A:2, I or RSA 265-A:3 shall be reported to the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

5 Boat Operation. Amend RSA 265-A:19, II to read as follows:

II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation was transporting a person under the age of 16 shall not operate a boat on the waters of this state until the ~~[offender has successfully completed a 7 day program at the multiple DWI offender program or an equivalent 7 day residential intervention program approved by the department of health and human services at the person's own expense]~~ **person completes a substance use disorder evaluation administered by a service provider indicated by an IDCMP, complies with the service plan developed from the substance abuse disorder evaluation, and complete a department of health and human services approved impaired driver education program; provided however, that if the person has previously completed such a program within the past 5 years and provides required proof, that shall serve as fulfillment of the impaired driver education program requirement.** Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.

6 Impaired Driver Education Programs. Amend RSA 265-A:39 to read as follows:

265-A:39 Impaired Driver ~~[Intervention]~~ **Education** Programs.

I. Except as provided in paragraph ~~[IV]~~ **III**, the commissioner of the department of health and human services shall be responsible for ~~[biennially]~~ approving the impaired driver ~~[intervention]~~ **education** programs ~~[and 7 day residential intervention programs equivalent to the multiple DWI offender intervention program (M.O.P.)]~~ which persons convicted under RSA 265-A:2 or RSA 265-A:3 shall attend in order to regain their driver's licenses or driving privileges; but the commissioner of the department of health and human services shall not approve any impaired driver ~~[intervention]~~ **education** program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph ~~[IV(g)]~~ **III(g)** of this section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for the purposes of this subdivision only.

II. ~~[Notwithstanding any other law to the contrary, the impaired driver intervention programs operated by the department of corrections shall be deemed approved programs for purposes of the attendance required at such programs for restoration of driver's licenses or driving privileges under RSA 265-A:42.]~~

~~III.]~~ An impaired driver ~~[intervention]~~ **education** program shall consist, at a minimum, of 20 hours of ~~[standardized]~~ **evidence-based** educational curriculum ~~[and an exit interview]~~. **The department of health and human services shall establish and maintain standards of instruction and monitor course content.**

~~IV.]~~ **III.** The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the impaired driver ~~[intervention]~~ **education** programs ~~[and those programs equivalent to the M.O.P. as required in RSA 265-A:18 and RSA 265-A:42]~~ with respect to:

(a) **Necessary** procedures and forms to be followed in order for drivers who have completed such programs to regain their licenses or driving privileges.

(b) Place of business and areas of the state in which approved programs may operate.

(c) Records and reports.

(d) Schedule of fees and charges.

(e) Course content and standards of instruction.

- (f) Certification and recertification of instructors.
- (g) A per client fee to be paid by program providers sufficient to cover the costs of monitoring course content, establishing and maintaining standards of instruction, data collection, and administrative support.
- (h) Program compliance.
- (i) Any other matter related to the proper administration of this section and the protection of the public.

7 Impaired Driver Care Management Programs. RSA 265-A:40 is repealed and reenacted to read as follows:

265-A:40 Impaired Driver Care Management Programs.

I. The commissioner of the department of health and human services shall publish a regularly-updated list of approved impaired driver care management programs (IDCMPs) and related treatment providers. The commissioner of the department of health and human services may approve an IDCMP upon receipt of an application that demonstrates, in a manner satisfactory to the commissioner of the department of health and human services, that the applicant has the professional capability, financial viability, pertinent experience, and potential longevity necessary to provide the services required of an IDCMP under this chapter. A treatment provider, who may also carry out substance use disorder evaluations, may be approved upon receipt of an application that demonstrates in equivalent fashion the professional capability, financial viability, pertinent experience, and potential longevity necessary to provide services. The commissioner of the department of health and human services shall monitor IDCMP services and may withdraw the approval of an IDCMP or treatment provider upon receipt of reliable evidence that the entity has failed to meet the requirements of this section or is likely to act in a manner that threatens public safety or the welfare of a client.

II. An approved impaired driver care management program (IDCMP) shall provide the following services for persons arrested for or convicted of an offense under this chapter:

- (a) Screening of first-time offenders, using a screening test approved by the department of health and human services, to determine whether they need a full evaluation for substance use disorders.
- (b) Conducting a full substance use disorder evaluation, as necessary.
- (c) Development of a service plan based on this assessment of the client, which may include referral to education and/or treatment programs.
- (d) Monitoring of the services provided to the client under the service plan.
- (e) Notifying the division of motor vehicles and the sentencing court if the client fails to comply with the service plan.
- (f) Periodic face-to-face evaluations of the client's progress.
- (g) Administration of drug and alcohol tests or other abstinence monitoring regimen required by the court or included in the service plan.
- (h) Reporting the results of monitoring or final evaluation and completion by the IDCMP, as appropriate, to the sentencing court, the division of motor vehicles, and the department of health and human services.

III. Before the service plan is finalized, the client shall provide to the program an original certified copy of the person's driver's license record. Such record shall be secured from the division of motor vehicles, or from the state in which the person holds a driver's license, if an out-of-state resident. The person shall pay for all costs involved in securing the certified copy.

IV. Persons receiving services from an impaired driver care management program and from education or treatment programs included in the service plan shall be responsible for the fees assessed by such programs, including a per-client fee paid by the program provider to the department of health and human services sufficient to cover the costs of monitoring program services, data collection, and administrative support by the department of health and human services. Persons who cannot pay for IDCMP or treatment services

may avail themselves of publicly funded programs. The department of health and human services may review the fees assessed and allow for payment plans, fee waivers, or services for indigent clients or clients that meet poverty guidelines established by the commissioner.

V. The approved impaired driver care management program (IDCMP) shall determine whether the client has complied with all requirements of the service plan. The IDCMP shall notify the client, the division, the court, and the department of health and human services when the client has complied with such requirements and paid all applicable fees.

VI. The client shall have the right to a hearing before the commissioner of safety or designee, who shall determine whether the service plan requirements are warranted and appropriate.

VII. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the impaired driver care management programs with respect to:

- (a) Approval of programs.
- (b) Procedures and forms to be followed in order to verify client completion of the program.
- (c) Place of business and areas of the state in which approved programs may operate.
- (d) Records and reports.
- (e) Schedule of fees and charges.
- (f) Certification and recertification of programs.
- (g) A per client fee to be paid by program providers sufficient to cover the costs of monitoring compliance, data collection, and administrative support.
- (h) Site reviews.
- (i) Program compliance.
- (j) Any other matter related to the proper administration of this section and the protection of the public.

VIII. For the purposes of clinical efficacy and continuity of care the IDCMP may provide substance abuse treatment services to those persons required to complete a treatment service plan if the IDCMP is also a department of health and human services approved treatment services provider and if the person elects this option. Before the person may elect this option, the IDCMP shall first provide the person with a printed list of all other department of health and human services approved providers. The person shall sign a waiver acknowledging receipt of the list that also fully explains his or her right to choose a different provider at any time. The person may elect to receive treatment services from the IDCMP by acknowledging on the waiver that he or she has chosen to obtain the required substance abuse treatment services from the IDCMP.

8 Utilization of Funds. Amend RSA 265-A:41 to read as follows:

265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of the department of health and human services under RSA 265-A:18 **and RSA 265-A:40** shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the ~~[7-day-multiple DWI-offender-intervention-program]~~ **impaired driver education program (IDEP) and impaired driver care management program (IDCMP)** account. These funds are appropriated as indicated in the operating budget as a source of funds for the ~~[7-day-multiple DWI-offender-intervention-program]~~ **the department of health and human services' responsibilities under this subdivision.** Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

9 Attendance at Impaired Driver Education Course Required. RSA 265-A:42 is repealed and reenacted to read as follows:

265-A:42 Attendance at Impaired Driver Education Course Required.

I. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265-A:2, I or 265-A:3 if the person has not completed a department of health and human services approved impaired driver education program within the past 5 years, completed an alcohol and drug abuse screening, and if testing demonstrates the likelihood of a substance use disorder, a substance use disorder evaluation, and complied with the service plan developed from the substance abuse disorder evaluation by the IDMP, furnished proof of completion of a department of health and human services approved impaired driver education, and paid all relevant program fees.

II. The impaired driver education program operating the course shall report completion of the course to the impaired driver care management program.

10 Sentences and Limitations. Amend RSA 651:2, V(h) to read as follows:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may ~~[sentence]~~ **require** such person to ~~[7 consecutive 24 hour periods to be served at the 7 day multiple DWI offender intervention program]~~ **be screened and/or evaluated for risk of substance use disorders at an impaired driver care management program (IDCMP) approved by the department of health and human services, and to comply with the treatment plan developed by the IDCMP** as established under RSA 265-A:40, if the evidence demonstrates that ~~[alcohol was]~~ **substances were** a contributing factor in the commission of the offense and ~~[provided that space is available in the program and]~~ **if** such person ~~[pays]~~ **has the ability to pay** the fees for the program in full ~~[prior to admission]~~.

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

AMENDED ANALYSIS

This bill:

I. Requires, to the extent practicable, an arraignment on a DWI charge within 14 business days of the violation.

II. Modifies treatment requirements for DWI offenders.

This bill was requested by the commission to examine driving while impaired education and intervention programs established by 2008, 256.

HB 553, relative to the law on wiretapping and eavesdropping. **REFER FOR INTERIM STUDY.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee felt that the intent of the bill, which is to update language in the wiretapping and eavesdropping statute to reflect modern technology, is good. However, we felt that other bills still in play referencing the statute should be decided first. Vote 17-0.

HB 34-FN-L, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph W. Fleck for Education: The intent of this bill was satisfied with passage of the education funding legislation during the 2011 session. Vote 13-0.

HB 179, establishing a task force to study the formula for determining adequate education grants to school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph W. Fleck for Education: The house and senate considered the formula as part of the process leading to the education funding legislation passed by both houses in the 2011 session. The committee received considerable input urging stability and predictability for school district budgeting and believes that further changes are not necessary. Vote 13-0.

HB 296, relative to procedures for juvenile delinquency petitions filed by a school district or school official. **REFER FOR INTERIM STUDY.**

Rep. Kathleen A. Lauer-Rago for Education: The committee believes that this subject needs further study. Vote 12-0.

HB 301-FN, amending the home education statutes. **INEXPEDIENT TO LEGISLATE.**
Rep. Ralph G. Boehm for Education: There were three bills dealing with home education, even though it was felt that this bill had some good points, the committee decided that HB 545 was the vehicle to use for changing the home education statute. Vote 14-0.

HB 318-FN-L, reducing a school district's liability for special education costs.
INEXPEDIENT TO LEGISLATE.

Rep. Michael A. Balboni for Education: This bill sought to change the catastrophic aid minimum threshold for reimbursement of school district special education costs from 3 ½ times to 2 times the estimated state average expenditure per pupil for the school year proceeding the year of distribution. It was hoped that by decreasing this threshold, more school districts would receive catastrophic aid. However, the committee determined this would not appreciably increase aid to school districts without a significant increase in the catastrophic aid pool. Distributing a fixed total amount to more special education students would result in even lower reimbursement percentages than we have now. Vote 14-0.

HB 545, repealing the department of education's rulemaking authority for home education programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill, as amended, gives the home education advisory council the final say for all rules for home education and allows for one time notification if you are going to home school. It prevents school districts from making policies that are inconsistent or more restrictive than the home education statute and makes the two state representatives and senator non-voting members of the council in order to keep the council fairly balanced. Vote 13-1.

Amendment (2716h)

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

AN ACT relative to the administrative rulemaking process governing home educated pupils.

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

1 Home Education; Statement of Purpose. 1990, 279:2 is repealed and reenacted to read as follows:

279:2 Statement of Purpose. It is the natural and fundamental right and duty of parents to determine and direct the education of their children. The general court acknowledges that the primary and natural educator of a child is the family, and the general court respects the inalienable right and duty of parents to provide for the education of their children. Parents shall be free to provide this education in the manner and at the location of their choosing including their homes or in private schools or in schools recognized or established by their resident school district or by the state.

2 Home Education; Rulemaking. RSA 193-A:3 is repealed and reenacted to read as follows:

193-A:3 Rulemaking. The state board of education shall propose rules, pursuant to RSA 541-A, relative to the administration of the home education program under this chapter to the home education advisory council established in RSA 193-A:10. Before establishing the text of the final proposal for rules pursuant to RSA 541-A:12, the state board of education shall submit the proposed rules to the home education advisory council for approval. No rules proposed by the state board relative to the administration of this chapter shall take effect without the approval of the home education advisory council.

3 Home Education; Notification and Other Procedural Requirements. Amend RSA 193-A:5, I to read as follows:

I. ~~(a)~~ Any parent commencing a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall notify the

commissioner of the department of education, resident district superintendent, or principal of a nonpublic school of such within 5 business days of commencing the program.

~~[(b) A parent planning to continue a home education program shall notify the commissioner of education, resident district superintendent, or principal of a nonpublic school by the first school day according to the school calendar in the child's resident school district.]~~

4 Home Education; Home Education Advisory Council. Amend RSA 193-A:10, I(a)-(b) to read as follows:

(a) Two members of the house of representatives from the house education committee, appointed by the speaker of the house of representatives, ***who shall be nonvoting members.***

(b) One member of the senate from the senate education committee, appointed by the president of the senate, ***who shall be a nonvoting member.***

5 New Section; Home Education; Authority of School District Officials. Amend RSA 193-A by inserting after section 10 the following new section:

193-A:11 Authority of School District Officials. No superintendent, school board, school principal, or other school district official shall propose, adopt, or enforce any policy or procedure governing home educated pupils that is inconsistent with or more restrictive than the provisions of this chapter and any rules adopted pursuant to RSA 193-A:3.

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

AMENDED ANALYSIS

This bill:

I. Revises the notification and rulemaking procedures for home educated pupils by giving the home education advisory council final approval authority over proposed rules.

II. Makes the legislative members of the home education advisory council nonvoting members of the council.

III. Prohibits a school district official from proposing, adopting, or enforcing any policy or procedure relative to home educated pupils that is inconsistent with or more restrictive than the provisions of the home education statute.

HB 152, relative to the definition of “party” for election purposes other than primary elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Regina M. Birdsell for Election Law: This bill modified the definition of “party” for election purposes other than primary elections. This modification would have lowered the requirement from 4% of the vote to 2% of the vote in an election for governor or U.S. senator for a party to retain ballot access. Alternatively, a party would be defined as such by submitting nomination papers. The secretary of state’s concern with this bill was that it would increase the costs of printing ballots because of a necessity to add party columns and create the potential for multiple page ballots. The committee will be reviewing a comprehensive ballot reform bill that would help to answer some of the concerns expressed by members of the committee and the secretary of state. Vote 19-0.

HB 153, relative to political organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Regina M. Birdsell for Election Law: This bill establishes alternative methods for political organizations to be recognized as parties for election purposes other than primary elections while reducing the number of names required to nominate a candidate by nomination papers. A concern expressed by the committee was that only 3,000 voters (or 4% of registered voters) registering as affiliates of a political organization would be needed to qualify as a party. A concern by the secretary of state’s office was the potential of multiple organizations attempting to register as the same name (i.e., tea party) and causing voter confusion. The committee will be reviewing a comprehensive ballot reform bill that would help to answer some of the concerns expressed by members of the committee and the secretary of state. Vote 17-0.

HB 515-FN, relative to voter registration and relative to procedures for absentee voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: There are many issues in this bill that need further consideration. Information needing attention was not brought forth. The matter of affidavits during voter registration needs further investigation because there have to be alternatives for voters who do not have picture identification. Vote 19-0.

SB 190, relative to the duties and membership of the executive branch ethics committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shaun S. Doherty for Election Law: This bill changes the number of members present needed to dismiss a complaint brought to the executive branch ethics committee from 5 to 4. This change will help eliminate potential for backlogs of complaints and help the committee better address complaints that are found to have merit. The amendment strikes language that would have removed notification to the accused that an ethics complaint was filed against them. They would only find out in the event the complaint is not dismissed. This language also would have shielded the identity of the complainant from the accused until after the committee's initial review. Vote 19-0.

Amendment (2804h)

Amend the bill by replacing section 3 with the following:

3 Executive Branch Ethics Committee; Complaints. Amend RSA 21-G:31, I(a) to read as follows:

(a) Upon first examination, if by a unanimous vote *of all members present for the meeting*, it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

AMENDED ANALYSIS

This bill:

I. Removes obsolete references to the initial staggered terms of members of the executive branch ethics committee.

II. Requires a unanimous vote of all members present at a meeting to summarily dismiss a complaint.

III. Increases the quorum from 4 to 5 in cases for which a recused member has appointed an alternate.

HB 193, relative to the Mount Washington commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T. Hansen for Executive Departments and Administration: The bill, as amended, amends the composition of the Mount Washington commission and requires the commission to submit the master plan to the governor and council every ten years on January 1. It also requires the Mount Washington commission members and the commissioner of the department of resources and economic development to reevaluate the structure and duties of the commission. There is no financial impact to this bill. Vote 17-0.

Amendment (2692h)

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

1 Mount Washington Commission; Commission Members. Amend RSA 227-B:3 to read as follows:

227-B:3 Commission Members, Appointment, Term.

I. The ~~[11 members of the]~~ commission shall ~~[be appointed as follows]~~ ***consist of the following members:***

~~[I.]~~ (a) *One member from the house of representatives, appointed by the speaker of the house of representatives.*

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

(c) ~~[Five]~~ **Three** members ~~[shall be]~~ appointed by the governor with the consent of the council ~~[one of whom shall be a member of the house of representatives and one a member of the senate].~~

~~[II.]~~ (d) One member from each of the following groups, **or a successor**, shall be appointed through the concurrence of their boards of directors: the Mount Washington Auto Road; the Mount Washington Observatory; ~~[Mount Washington TV, Inc.]~~ **Citadel Broadcasting Company**; and the Mount Washington Cog Railway.

~~[III.]~~ (e) One member shall be appointed by the supervisor of the White Mountain National Forest to represent the same ~~[ex officio].~~

~~[IV.]~~ (f) One member shall be appointed by the president of the Appalachian Mountain Club to represent said club ~~[ex officio].~~

(g) *The commissioner of the department of resources and economic development, or designee.*

~~[V.]~~ II. All such members so appointed shall serve a term of ~~[5]~~ **4** years ~~[commencing with the effective date of this chapter].~~ **The terms of the members of the legislature shall be coterminous with their terms in office.** Vacancies shall be filled for the unexpired term in the same manner and by the same body as the original appointment was made.

2 Mount Washington Commission; Officers and Compensation. Amend RSA 227-B:5 to read as follows:

227-B:5 Officers and Compensation. The commission shall annually elect one of its members as chairman, one as vice chairman, and one as secretary-treasurer. The members of the commission shall receive no compensation for their services, ~~[but their]~~ **provided that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission, and provided further that** reasonable expenses, incurred **by the members** in the performance of their duties~~[.]~~ shall be paid from the summit operation.

3 Mount Washington Commission; Powers and Duties. Amend RSA 227-B:6, II-IV to read as follows:

II. Submit the said master plan to the governor on or before January 1, ~~[1971]~~ **2010, and on January 1 every 10 years thereafter**, for approval and for enabling legislation in the ~~[1971 session of the]~~ New Hampshire legislature.

III. ~~[Collect]~~ **Monitor** all fees ~~[now]~~ being paid to the state for the use or lease of state-owned facilities on the summit, such fees to be used by the commission in its duties and for its expenses. ~~[Such accounts shall be subject to yearly audit by the commissioner of administrative services.]~~

IV. Supervise the work done on capital improvements authorized by the general court for Mount Washington. The governor and council are to authorize the expenditure of funds for final design and contract plans out of funds appropriated for that purpose when requested by the commission. The governor and council are to authorize the construction of the capital improvements to the Mount Washington summit authorized by the general court in a manner consistent with the 10-year master plan prepared by the commission ~~[when said commission can certify it has raised or accounted for \$1,752,000 or more in gifts, grants or donations from sources other than the state].~~

4 Reevaluation of Structure and Duties of the Mount Washington Commission.

I. The attorney general or designee, and the members of the Mount Washington commission shall meet jointly, and as often as may be needed, to reevaluate:

(a) The structure, membership, and duties of the Mount Washington commission.

(b) The procedures for determining payment of reasonable expenses of Mount Washington commission members in the performance of their duties.

(c) The procedures for how the Mount Washington commission solicits gifts, grants, and donations, and how such funds are used in the performance of the commission's duties.

(d) Any other issue related to the Mount Washington commission which, in the opinion of a majority of the commission members should be discussed.

II. The attorney general or designee and the members of the Mount Washington commission shall jointly prepare a report detailing the findings and any recommendations for legislative action and shall submit such report no later than October 1, 2012 to the chairpersons of the executive departments and administrative services and resources, recreation and development committees of the house of representatives and the executive departments and administration committee of the senate.

5 Applicability. The provisions of RSA 227-B:3, II as inserted by section 1 of this act shall apply to those members of the Mount Washington commission whose terms of office expire on or after the effective date of this act, or upon the occurrence of a vacancy in the commission's membership on or after the effective date of this act.

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

AMENDED ANALYSIS

This bill:

I. Amends the membership and terms of office for the members of the Mount Washington commission.

II. Requires the commission to submit the master plan to the governor and council every 10 years on January 1.

III. Requires the Mount Washington commission members and the commissioner of the department of resources and economic development to reevaluate the structure and duties of the commission.

HB 222-FN, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority. **OUGHT TO PASS WITH AMENDMENT.** Rep. Carol M. McGuire for Executive Departments and Administration: This bill was retained because its repeal of broad rule-making authority could have widespread unintended consequences, and without further analysis no-one was certain what they would be. With the help of the affected agencies and members from Constitutional Review and Statutory Recodification, 19 instances of overly broad rulemaking authority were repealed completely and 21 more replaced by specific, narrowly focused authority, including specifying fees or the parameters for allowable fees. The committee amendment also ensures that existing rules remain valid and that the programs operating under them – including Medicaid – are not affected by the change in rule-making authority. Vote 16-0.

Amendment (2809h)

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

AN ACT relative to the specificity of certain statutory provisions granting rulemaking authority.

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

1 Applicability; Rulemaking Authority. Any rule adopted pursuant to RSA 541-A under a statutory provision for rulemaking authority that is repealed by this act shall continue in force and be effective until the rule expires or is amended.

2 General Rulemaking; Mining and Reclamation. Amend RSA 12-E:2, VIII(g) and VIII-a to read as follows:

~~[(g) Matters deemed necessary pursuant to paragraph VIII a.]~~

VIII-a. Confer with the commissioner of the department of environmental services relative to the requirements needed to protect the environment from the effects of prospecting, mining, and reclamation activities, and, to the extent the ~~[rulemaking authority of the department of environmental services]~~ **law is *considered*** inadequate to address environmental or public health concerns ~~[that], the commissioner and the commissioner of the department of environmental services [agree are necessary to protect the environment or public health, adopt such rules]~~ **shall propose legislation addressing the concerns.**

3 Rulemaking; Wireless Service Facilities. Amend RSA 12-K:9 to read as follows:

12-K:9 Rulemaking. The director of the office of energy and planning, after holding a public hearing, shall adopt rules under RSA 541-A ~~[as necessary to implement this act and]~~ to provide sufficient information to municipalities, other state agencies, wireless companies doing business or seeking to do business in this state, and the public.

4 Rules; Equalization Standards Board. Amend RSA 21-J:14-d, V to read as follows:

V. The board shall adopt rules pursuant to RSA 541-A, with specific attention to RSA 541-A:25 prohibiting unfunded state mandates, relative to the organization of and the practices and procedures of the board~~[-, and other rules necessary to fulfill the duties of the board]~~.

5 Rulemaking; Fire Standards and Training. Amend RSA 21-P:27, I(e) to read as follows:

~~(e) [Matters necessary for the proper administration of the commission, including the]~~ ***The issuance of certificates evidencing the satisfaction of educational and training requirements, including transfer credits and reciprocity, the revocation or suspension of a certificate, the procedures for incidents involving cheating or fraud in obtaining a certificate and the release of criminal or motor vehicle records by a student for purposes of determining qualifications to be appointed as a firefighter.***

6 Rulemaking; New Hampshire Mental Health Services System. Amend RSA 135-C:61, XII to read as follows:

XII. ~~[Any other matter necessary to the administration of this chapter]~~ ***Nursing facility preadmission screening and annual resident review for persons with developmental disabilities or intellectual disabilities.***

7 Rules; Brain and Spinal Cord Injuries. Amend RSA 137-K:3, IX to read as follows:

IX. ~~[Any other matter necessary for the administration of this chapter]~~ ***The protection of the rights, dignity, autonomy, and integrity of persons who have sustained brain and spinal cord injuries, including specific procedures to protect such rights.***

8 Rulemaking; New Paragraphs Added; Food Service Licensure. Amend RSA 143-A:9, V to read as follows:

V. ~~[Any other matter necessary to the administration of this chapter]~~. ***Standards for licensing food service establishments and retail food stores, including, but not limited to sanitation, physical environment, health and safety, operational changes, and compliance with federal requirements.***

VI. Variances for licensing requirements.

VII. Suspension of licenses.

VIII. Trade secrets, complaints, and the confidentiality thereof.

IX. Requirements for bed and breakfast facilities.

X. Requirements for food processing plants.

9 Rules; New Paragraphs Added; Cold Storage. Amend RSA 145:15, V to read as follows:

V. ~~[Any other matter necessary for the administration of this chapter]~~ ***Application procedure.***

VI. Standards for licensing cold storage or refrigerating warehouses, including, but not limited to sanitation, physical environment, health and safety, and operational changes.

VII. Inspections.

VIII. Closure of an establishment.

IX. Suspension of an establishment's license.

10 Rulemaking; New Paragraphs Added; Human Service. Amend RSA 161:4-a, IX to read as follows:

~~IX. [Any other matters necessary to implement his duties under RSA 161 or any other law delegating the commissioner rulemaking authority]~~ ***The implementation of the requirements of federal discretionary grants awarded to the department of health and human services and any other awards received through a successful department of health and human services response to federal requests for applications and requests for proposals.***

X. Sections 1902 through 1946 of the Social Security Act, 42 USC section 1396, et seq. that reflect how the Title XIX program will be administered in New Hampshire in order to carry out the purposes of the Title XIX program. Such rules shall be adopted, consistent with the provisions of the Title XIX program, as are necessary for the proper and efficient administration of the Title XIX program in New Hampshire and in conformity with the specific requirements of Title XIX, federal regulations, and other official federal Health and Human Services issuances. Such rules shall include, as applicable, but not be limited to:

- (a) Recipient eligibility.***
- (b) Provider participation requirements.***
- (c) Types and ranges of services covered and non-covered.***
- (d) Service limits.***
- (e) Co-payment requirements.***
- (f) Prior authorization requirements.***
- (g) Documentation.***
- (h) Third party liability.***
- (i) Utilization review and control.***
- (j) Payment for services.***
- (k) Rate setting methodologies.***

(l) Administrative and operating procedures such as claim submission requirements, forms, payment limits and adjustments, lock-in, provider suspension and exclusion, board composition, board functions and responsibilities, appeals, dispensing limitations, prescription certifications, documentation retention policies, and informing requirements.

(m) Any other item necessary for proper operation of the title XIX program consistent with efficiency, economy, and quality of care.

11 Rulemaking; Nuclear Decommissioning Financing Committee. Amend RSA 162-F:15-a to read as follows:

162-F:15-a Rulemaking. The committee shall adopt rules under RSA 541-A relative to the conduct of hearings under RSA 162-F:21 ~~[and such other matters necessary to provide assurance of adequate funding for decommissioning as provided under this chapter].~~

12 Rules; New Paragraphs Added; Agency Liquor Stores. Amend RSA 177:10, VII to read as follows:

~~VII. [Any other matter necessary for the proper administration of this subdivision.]~~
The definition of terms used in rulemaking for agency liquor stores.

VIII. Operation of agency liquor stores.

IX. Discount and compensation.

X. Closure and vacancy of agency liquor stores.

XI. Advertising and promotion.

XII. Pricing of liquor.

XIII. Selection of agency liquor stores.

XIV. Selection of applicant for agency liquor stores.

XV. Renewal of agency liquor stores.

XVI. Industry interest.

XVII. Applicants, stores and employees.

XVIII. Special seasonal agency liquor stores.

13 Motor Vehicle Equipment Rules. Amend RSA 266:18-d, VI to read as follows:

VI. The commissioner or his designee may revoke or suspend any additional registration granted pursuant to paragraph V of any vehicle or vehicles which are being driven in violation of the limits established by RSA 266:18-b or any other provision of law as evidenced by a record of such violations. The commissioner shall adopt rules pursuant to RSA 541-A pertaining to the procedures for such revocation or suspension and ~~[any other matter necessary to properly administer this section]~~ **the application, certification, and inspection process for additional truck weights, as well as procedures to become certified as a vehicle inspector for additional weights.**

14 Rules; New Subparagraphs Added; Workers Compensation. Amend RSA 281-A:60, I(s) as follows:

~~(s) [Any other matter necessary to the enforcement or administration of this chapter.]~~ **(s) Pre-approval of medical care benefits under RSA 281-A:23.**

(t) Adjusted total disability benefits under RSA 281-A:29.

(u) Temporary partial disability benefits at a diminished earning capacity under RSA 281-A:31.

(v) Applications to the special fund under RSA 281-A:30 and RSA 281-A:54.

(w) Claims adjusters under RSA 281-A:63.

(x) Employee incarceration under RSA 281-A:3-a.

(y) Medical examinations under RSA 281-A:38.

(z) Vocational rehabilitation under RSA 281-A:25.

(aa) Lump sum and third-party settlements under RSA 281-A:37 and RSA 281-A:13.

15 Definition; Electrolysis. Amend RSA 314:1, IV to read as follows:

IV. "Electrology" **or "electrolysis"** means the process by which hair is removed from the normal skin by the application of an electronic current to the hair root by means of a needle or needles, whether the process employs direct electric current or shortwave alternating electric current.

16 Rules; Electrologists. Amend RSA 314:8 as follows:

314:8 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The license application form and content, and the license application procedures.

II. The qualifications of applicants for licensure under RSA 314:3.

III. The content and conduct of ~~[a]~~ **written and practical** competency examinations.

IV. The application form, content and procedure for a renewal or reinstatement of a license to practice electrology, in accordance with RSA 314:5.

V. Reciprocity.

VI. A schedule of fees, in accordance with RSA 314:10.

VII. Ethical and professional standards required to be met by licensees.

VIII. Offices, including structures, equipment, and sanitation **including required testing.**

IX. The conduct of investigations, in accordance with RSA 314:9.

X. A schedule of administrative fines pursuant to RSA 314:13 for the violation of the provisions of this chapter or rules adopted pursuant to this chapter.

XI. Procedures for notice and hearing prior to denial, suspension or revocation of a license, and the imposition of administrative fines.

XII. Procedures for the handling of complaints.

XIII. Procedures for the approval or denial of an application.

XIV. Procedures for suspension or revocation of a license.

XV. Procedures for appeal of decisions of the commissioner made pursuant to the provisions of this subdivision and rules adopted pursuant to this subdivision.

XVI. Approval of schools of electrology, ***to include curriculum, equipment, and instructor qualifications.***

XVII. ~~[Any other matter necessary to the proper administration of this chapter.]~~

The appointment, qualifications, responsibilities, and requirements of the electrology advisory committee.

XVIII. Office inspections for new licensees.

XIX. Waivers of applicable rules.

17 Rulemaking; Ophthalmic Dispensers. RSA 327-A:12 is repealed and reenacted to read as follows:

327-A:12 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The registration application form and content, and the license application procedures.

II. The application form, content, and procedure for a renewal or reinstatement of a registration to practice ophthalmic dispensing, in accordance with RSA 327-A:3.

III. A schedule of fees, in accordance with RSA 327-A:7.

IV. Ethical and professional standards required to be met by registrants.

V. The conduct of investigations, in accordance with RSA 327-A:11.

VI. A schedule of administrative fines pursuant to RSA 327-A:17 for the violation of the provisions of this chapter or rules adopted pursuant to this chapter.

VII. Procedures for notice and hearing prior to denial, suspension or revocation of a registration, and the imposition of administrative fines.

VIII. Procedures for the handling of complaints.

IX. Procedures for the approval or denial of an application.

X. Procedures for suspension or revocation of a registration.

XI. Procedures for appeal of decisions of the commissioner made pursuant to the provisions of this subdivision and rules adopted pursuant to this subdivision.

XII. Waivers of applicable rules.

XIII. Ophthalmic dispensing to young children, as necessary.

18 Fees; Ophthalmic Dispensers, Amend RSA 372-A:7 as follows:

327-A:7 Application and Registration Fees. Every application for a certificate of registration for ophthalmic dispensing shall be accompanied by a non-refundable registration fee ~~[as determined by the commissioner]~~ ***of \$100.*** Upon approval of the application by the commissioner, the applicant shall be issued a certificate of registration for ophthalmic dispensing to be valid for 2 years. The fee for renewal of any certificate of registration shall be ~~[determined by the commissioner]~~ ***\$100.***

19 Rules; Acupuncture Practice. Amend RSA 328-G:7, XIII to read as follows:

XIII. ~~[Other matters necessary for the proper administration of this chapter.]~~

Requirements relative to student observers and office assistants.

20 Rules; Livestock Events. Amend RSA 436:90, II to read as follows:

II. ~~[Any other matter necessary to the administration of this subdivision.]~~ ***The drugs, stimulants, or appliances that are prohibited in a livestock event.***

21 Rules; New Paragraphs Added; Imported Equines. Amend RSA 436:113, IV to read as follows:

IV. ~~[Other matters necessary to the administration of this subdivision.]~~ ***The application procedure to establish a quarantine facility.***

V. Standards and criteria for an equine quarantine facility.

VI. The application procedure to receive equines that require quarantine.

22 Rules Animal Population Control. Amend RSA 437-A:4, I to read as follows:

I. Any veterinarian licensed in this state may participate in the program established under this chapter. A veterinarian shall file with the commissioner an application on which such veterinarian shall supply, in addition to any other information requested by the commissioner, a fee schedule listing the fees charged for animal sterilization, examination, and the presurgical immunizations specified in RSA 437-A:4, II(b) in the normal course of business. The animal sterilization fee may vary with the animal's weight, sex and species. The commissioner may, however, disqualify from participation in the program any veterinarian whose fees are deemed unreasonable. ***A fee shall be determined unreasonable if the fee is more than 20 percent greater than the average fee of all those who have applied to participate in the program for the following calendar year. Any application submitted after January 1 will be judged against the existing average for that calendar year.***

23 Rules; Prewrapped Sandwiches. Amend RSA 438:26-b to read as follows:
438:26-b Dating Prewrapped Sandwiches; ***Rulemaking.***

I. It shall be unlawful for any person, otherwise subject to inspection under this chapter, to make for sale, sell, offer to sell, or procure to be sold any type of prewrapped sandwich, unless each such sandwich is enclosed in a wrapper bearing an expiration date beyond which the sandwich shall not be sold. This section shall not apply to sandwiches intended or expected to be consumed within 36 hours after wrapping.

II. The commissioner shall adopt rules under RSA 541-A relative to:

(a) The form of the expiration date [~~and any other matter necessary for the proper administration of this section~~].

(b) ***Definitions, purpose, and scope.***

(c) ***Conduct of inspections of stores and other locations where sandwiches are sold.***

(d) ***Issuance of orders, including stop-removal orders.***

(e) ***Fines for non-compliance not to exceed \$600.***

(f) ***Clarity and visibility of label date.***

(g) ***Guidelines on manufacturing date and labeling.***

(h) ***Process for handling complaints.***

(i) ***Establishment of expiration dates and sell by dates.***

(j) ***Establishing waiver procedures from rules requirements.***

24 Medical Utilization Review. RSA 420-E:7, XII is repealed and reenacted to read as follows:

XII. Additional standards for licensure of medical utilization review entities under RSA 420-E:3, II.

25 Rules; Wolf Hybrids. Amend RSA 466-A:5-a to read as follows:

466-A:5-a Rulemaking Authority. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, relative to standards for confinement and control under RSA 466-A:5 [~~and any other matter necessary for the administration of this chapter~~].

26 Repeal. The following rulemaking provisions granting general rulemaking authority are repealed:

I. RSA 10-B:3, I(c) and III(d), relative to rules on clean indoor air in state buildings.

II. RSA 126-I:4, relative to rules for the osteoporosis prevention and education program.

III. RSA 131:5-a, III, relative to the laboratory of hygiene.

IV. RSA 141-A:5-a, V, relative to rules on reporting critical health problems.

V. RSA 141-B:8, IV, relative to rules on chronic disease prevention.

VI. RSA 143:6, II(g), relative to rules on sanitary production and distribution of food.

VII. RSA 161-F:63, III, relative to rules on homemaker services.

VIII. RSA 161-F:75, V, relative to rules on adult in-home care.

IX. RSA 165:35, III, relative to rules for support of assisted persons.

X. RSA 167:83, II(p), relative to rules on employment and family assistance programs.

XI. RSA 270-E:12, XII, relative to rules on vessel registration.

XII. RSA 318:52-c, I(d)(2), relative to rules on sales of hypodermic needles.

XIII. RSA 318-B:24, I(f), relative to rules on controlled drugs.

XIV. RSA 328-A:4, VII, relative to rules on physical therapy practice.

XV. RSA 329:9, XVI, relative to rules on the physicians' examining board.

XVI. RSA 331-A:22-a, IV(f), relative to rules on cooperative real estate broker agreements.

XVII. RSA 361-D:28, III, relative to rules on motor vehicle leasing.

XVIII. RSA 402:30-a, V, relative to rules on insurance company investments.

XIX. RSA 402-F:11, V, relative to rules on reinsurance intermediaries.

XX. RSA 436:115, II(c), relative to rules on testing of domestic animals.

XXI. RSA 437-A:5, III, relative to rules on animal population control.

25 Repeal. RSA 433-B, relative to ginseng production and sale, is repealed.

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

AMENDED ANALYSIS

This bill replaces various statutory provisions containing general rulemaking authority with specific requirements, and repeals the law on ginseng production and sale.

HB 260, relative to the state fire code and the appeal process for decisions of the state fire marshal. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: The contents of this bill have been incorporated into HB 137 making HB 260 unnecessary. Vote 12-0.

HB 310-FN, relative to the use of open data formats and the adoption of a statewide policy regarding open government data standards. **INEXPEDIENT TO LEGISLATE.**

Rep. Randall A. Whitehead for Executive Departments and Administration: This bill is not needed because its content is included in HB 418 which is going through and is presently active in the Senate ED&A Committee. Thus, HB 310 should be killed. Vote 15-0.

HB 332-FN, relative to an electronic controlled drug prescription monitoring program.

REFER FOR INTERIM STUDY.

Rep. John Sytek for Executive Departments and Administration: The sponsors of this bill testified that there is a growing problem of prescription drug abuse. Persons are known to travel from doctor to doctor or to hospitals seeking prescription painkillers. This bill would set up a monitoring program which would set up and keep a database (as exists in neighboring states) gathering information from pharmacies whenever prescription painkillers are dispensed. However, there are issues of privacy, determining the extent of the problem, which drugs would be monitored and paying for the program. So regardless of the merits of the bill the committee felt that further study was needed to craft a bill that both accomplishes the goals and meets the concerns. Vote 16-0.

HB 350-FN, updating laws relative to the fiscal committee of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill was introduced at the request of the fiscal committee of the general court to streamline the responsibilities of that committee. The amendment (1) reflects changes made in HB 2 in regard to the dissolution of the postsecondary education commission, (2) reflects changes made in SB 65 transferring the involvement of the fiscal committee in negotiations for court facilities to the department of administrative services, (3) deletes reference to the aid for veterans programs to reflect the fact that any changes made to this program always involve proposed legislation, (4) adds language to ensure that when the supreme court recommends

changing part-time status to full-time status for either district court justices or probate judges, "Prior to making its request, there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional judge." The amendment also removes fiscal committee oversight of the Pease Development Authority, and rule-making authority relative to the setting and collecting of fees, because current statutes already specify the parameters for setting the fees. Vote 12-0.

Amendment (2710h)

Amend the bill by replacing section 7 with the following:

7 Pease Development Authority; Report Requirement. Amend the introductory paragraph of RSA 12-G:42, XI to read as follows:

XI. Adopt rules, after obtaining prior approval by the ~~[fiscal committee of the general court and the]~~ board, relative to the setting and collecting of fees authorized under RSA 12-G:38, relating to foreign trade zones; RSA 12-G:42, IV and V, relating to wharfage, dockage, and other marine terminal operations; RSA 12-G:42, VI, relating to moorings, state-owned slips, and wait lists; RSA 12-G:42, IX, relating to state-owned commercial piers and associated facilities; RSA 12-G:49-a, relating to pilotage; and any other matter necessary for the proper administration of the division with respect to the setting and collecting of fees. The rules adopted under this paragraph shall not be subject to the provisions of RSA 541-A, so as to provide the authority with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Fees established pursuant to this paragraph shall be consistent with the following criteria:

Amend the bill by replacing all after section 14 with the following:

15 Workforce Investment Act Funds. Amend RSA 124:13-c to read as follows:

124:13-c Workforce Investment Act Funds. The administrative entity for the federal Workforce Investment Act funds shall submit ~~[a quarterly]~~ **annually 60 days after the close of each fiscal year a** written report to the ~~[legislative]~~ fiscal committee **of the general court**, senate president, and speaker of the house of representatives. The entity shall make an oral presentation to the ~~[legislative]~~ fiscal committee **of the general court** on a semi-annual basis.

16 Family Planning Waiver. Amend RSA 126-A:4-c to read as follows:

126-A:4-c Family Planning Waiver. The department shall develop a Medicaid waiver to support the extension of Medicaid-allowable family planning services, as defined in the state's Medicaid plan, to Medicaid-eligible clients. The department shall present the proposed waiver design, including proposed coverage groups and budget neutrality calculation, to the ~~[legislative]~~ fiscal committee **of the general court** prior to submission of a final concept paper to the Centers for Medicare and Medicaid Services (CMS) for federal approval. The department shall provide periodic reports to the ~~[legislative]~~ fiscal committee **of the general court and the standing committees of the house of representatives and state senate with authority over health and human services issues** throughout the waiver development, approval, and implementation processes. The department shall seek input from health care providers and the public in the course of developing the waiver. The department shall ensure that the state realizes the enhanced 90 percent federal Medicaid match available for these services and ensure that budget neutrality is maintained or exceeded through the 5-year life of the waiver. The department may contract with an independent third party on an annual basis for the life of the waiver to evaluate the clinical and financial outcomes of the waiver. A report shall be made to the ~~[legislative]~~ fiscal committee **of the general court and the standing committees** within 6 months of the end of the first full year of waiver implementation and subsequently on an annual basis.

17 Gasoline Remediation and Elimination of Ethers Fund. Amend RSA 146-G:4, I to read as follows:

I. There is hereby established the gasoline remediation and elimination of ethers fund which shall be administered by the board. This nonlapsing, revolving fund shall be

used to pay the costs to implement the provisions of this chapter which include, but are not limited to, the salaries and expenses of personnel, ~~[as approved by the fiscal committee]~~ to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, testing and monitoring activities, and other costs of treatment or removal or corrective measures deemed necessary by the board as a result of an actual or potential discharge of gasoline ethers into or onto the surface water or groundwater of the state. Moneys from the fund shall be used to mitigate the adverse affects of gasoline ether discharges including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the board, the establishment of an acceptable source of potable water to injured parties. Not more than \$150,000 shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such gasoline ether discharges. Income derived from the fund shall only be used for those administrative costs needed to implement this chapter.

18 Economic Revitalization Zone Tax Credits; Reports. Amend RSA 162-N:9 to read as follows:

162-N:9 Reports. The commissioner of resources and economic development shall file an annual report **60 days after the close of each fiscal year** with the governor, the senate president, the speaker of the house of representatives, and the fiscal committee **of the general court**. The report shall describe the results of the economic revitalization zone tax credit program and shall include any recommendations for further legislation regarding the economic revitalization zone tax credit program.

19 Aid to the Permanently and Totally Disabled; Report. Amend RSA 167:3-j, III to read as follows:

III. If the department of health and human services adopts a 12-month standard in accordance with this section, the department may apply any net savings realized from implementing this standard to meet required appropriation reductions for the department contained in the state's operating budget for the biennium ending June 30, 2011. The department shall estimate net savings based on expenditures for aid to the permanently and totally disabled grants as compared to amounts budgeted in fiscal year 2010 and 2011 for this purpose, net of any increases in Medicaid medical assistance and prescription costs resulting from this change. The department shall provide ~~[quarterly]~~ **semi-annual** reports to the fiscal committee of the general court relative to any net savings realized from the implementation of this section.

20 Liquor Commission; Funds; Report Requirement. Amend RSA 176:16, V to read as follows:

V. The commission may transfer funds totaling up to 5 percent of the operating budget in any fiscal year for any specific purposes to funds for other purposes within and among the appropriations for the operation of the commission. The commission shall report ~~[on a semi-annual basis]~~ **annually 60 days after the close of each fiscal year** to the fiscal committee of the general court all transfers accomplished under the provisions of this section. The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

21 Closing of State Liquor Stores; Report Required. Amend RSA 177:2, I to read as follows:

I. The commission may close any state liquor store to improve profitability and efficiency. In determining net operating profit or loss, the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall include an allocation for indirect costs. All information regarding a decision to close any state liquor store shall be made available, by the commission, to the public upon request. The commission shall provide public notice 30 days prior to closing any state liquor store. The commission shall submit a ~~[quarterly]~~ **semi-annual** report of state liquor store closings to the fiscal committee of the general court.

22 State College and University System; Authority of Trustees; Report Requirement Deleted. Amend RSA 187-A:16, XV to read as follows:

XV. Transfer funds among the institutions of the university system, and their divisions and departments, when such action shall appear necessary and in the best interests of the state and the institutions of the university system. ~~[The university system shall report the amount and purpose of all transfers of funds from one program appropriation unit of the budget to a different program appropriation unit to the legislative fiscal committee of the general court by November 1 of each year. Copies of such reports shall be sent to the house education committee and the senate education committee.]~~

23 Local Education Improvement and Assessment Plan; Local Education Improvement Fund. Amend RSA 193-C:9, II(b) to read as follows:

(b) For the biennium beginning July 1, 2003, and every biennium thereafter, appropriations from the fund shall be authorized by the ~~[legislative fiscal committee and the]~~ governor and council.

24 Unique Pupil Identification. Amend RSA 193-E:5, III to read as follows:

III. Any contracts or agreements necessary to implement the provisions of this section shall be approved by the governor with the consent of the executive council ~~[-and the fiscal committee established in RSA 14:30 a].~~

25 Resident Ski Rates; Reduced Rates; Requirement for Report to Fiscal Committee Deleted. Amend RSA 227:14 to read as follows:

227:14 Reduced Rates. All season passes, including those for different age groups or military service, established by the department for the specific use of the winter facilities at Cannon Mountain aerial tramway and ski area shall be made available to any resident of this state at a 25 percent discount. For the purposes of this section, "resident of this state" means a person whose domicile is in this state. To qualify for the discount, a resident shall provide proof of residency and purchase the pass prior to December 15 of the year in which the pass becomes effective. Proof of residency shall include a state issued driver's license; a state issued I.D. card with a photograph or information including name, sex, date of birth, height, weight and color of eyes; a United States passport; an affidavit certifying residency from the municipal clerk of the purchasers' town or city of residence; or, for a person less than 18 years of age, proof of a parent's or guardian's residency provided by the resident parent or guardian. The commissioner of the department of resources and economic development shall make quarterly reports on season passes issued under this section to the ~~[fiscal committee of the general court, the]~~ senate president, the speaker of the house of representatives, and the governor and council.

26 Waiver in Lieu of Court Appearance; Default; Requirement for Report Changed. Amend RSA 262:44, VIII to read as follows:

VIII. The commissioner of the department of safety shall make an annual report **60 days after the close of each fiscal year** to the ~~[legislative]~~ fiscal committee **of the general court** on fines and fines in default, paid and unpaid, for each year beginning with 1993.

27 Lottery; Disbursements; Requirement for Report Changed. Amend RSA 284:21-f to read as follows:

284:21-f Disbursements. The compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the commission, including suitable furniture, equipment, supplies and office expense shall be charged to and paid out of the funds received under the provisions of this subdivision, provided that no payment shall be made until sufficient money has been received under the provisions of this subdivision to cover said payments. The state lottery commission shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. The commission shall submit its budget in the same format and at the same time as other state agencies. However, the commission is authorized to transfer funds between line items within and among any budgetary unit. ~~[By October 31 of each fiscal year,]~~ The commission shall submit reports **annually 60 days after the close of each**

fiscal year to the fiscal committee of the general court detailing all transfers made during the last fiscal year and the reasons for them.

28 Pari-Mutuel Pools; Tax; Requirement for Report From Licensees Changed. Amend RSA 284:23, VI to read as follows:

VI. During each calendar year, by March 31, each licensee shall make a report to the commission with regard to such licensee's efforts to enhance live racing at such licensee's race track. Such report shall include, but not be limited to, licensee's enhancement of purses, capital improvements, promotion, advertising, and other activities determined by the licensee to enhance live racing. The report shall be in writing and shall be in sufficient detail as determined by the commission. The report shall be distributed to the commission and ~~[each member of]~~ the fiscal committee **of the general court**.

29 Drug Forfeiture Fund; Requirement for Report Changed. Amend RSA 318-B:17-c, II to read as follows:

II. Law enforcement agencies may apply to the department of justice for grants from the forfeiture fund. Such grants shall be utilized exclusively for meeting expenses associated with drug related investigations. The attorney general shall report ~~[on or before December 31 of each calendar]~~ **60 days after the close of each fiscal year** to the governor and council and to the fiscal committee **of the general court** a summary of the grants provided to law enforcement agencies under this paragraph for the preceding fiscal year.

30 Aquatic Resources Compensatory Mitigation Fund: Requirement for Report Changed. Amend RSA 482-A:33 to read as follows:

482-A:33 Report. The department shall submit an annual report ~~[by October 1 beginning with fiscal year 2006]~~ **60 days after the close of each fiscal year**, to the fiscal committee **of the general court**, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate environment and wildlife committee summarizing all receipts and disbursements of the aquatic resource compensatory mitigation fund, including a description of all projects undertaken and the status of the administrative assessment account. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

31 Court Personnel and Compensation System; Fiscal Committee Approval Deleted. Amend RSA 490:26-b, I to read as follows:

I. The supreme court shall establish a uniform personnel classification and compensation system and salary and grievance procedures for all nonjudicial court personnel not covered by a collective bargaining agreement under RSA 273-A. The compensation system shall be approved by the legislature prior to becoming effective ~~[if the legislature is meeting in regular session. If the legislature is not meeting in regular session, the compensation system shall be approved by the legislative fiscal committee prior to becoming effective]~~. The salary and grievance procedures for employees not covered by a collective bargaining agreement under RSA 273-A shall be established by administrative order of the supreme court.

32 Judicial Branch Information Technology Fund; Requirement for Report Changed. Amend RSA 490:26-h, IV to read as follows:

IV. ~~[On or before September 1 of each year,]~~ The judicial branch shall submit a written report **60 days after the close of each fiscal year** of the income and expenditures of the judicial branch information technology fund to the fiscal committee of the general court and the state treasurer. If such report is not submitted, any balance in the fund shall lapse to the general fund and the percentage of each entry fee which is designated for the judicial branch information technology fund under paragraph I shall be deposited in the general fund.

33 District Court Justices; Salaries; Requirements for Approval of Weighted Case Values Changed. Amend RSA 491-A:3, I to read as follows:

I. For purposes of calculating the annual salaries of part-time district court justices appointed after July 1, 1987, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the ~~[fiscal committee]~~ **legislature**. The number of weighted case units shall be calculated by the administrative office of the courts in October of each year, using caseload statistics for the preceding 12-month period. Said weighted case units shall serve as the basis for determining the salary of part-time justices for the next calendar year.

34 District Court Justices; Salaries; Approval by Fiscal Committee Deleted. Amend RSA 491-A:3, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria may request the governor and council to designate a sitting part-time justice as a full-time justice. The court may recommend certain justices; however, the governor and council shall not be bound by that recommendation. Upon designation, that justice shall become full-time. Prior to making its request, ~~[the supreme court shall receive the approval of the fiscal committee and]~~ there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time district court justice.

35 Probate Judges; Salaries; Requirements for Approval of Weighted Case Values Changed. Amend RSA 491-A:4, I to read as follows:

I. For purposes of calculating the annual salaries of part-time judges appointed after October 3, 1986, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the ~~[fiscal committee]~~ **legislature**. The number of weighted case units, as calculated annually by the administrative office of the courts, shall serve as the basis for determining the salary of part-time justices.

36 Probate Court Judges; Salaries; Approval by Fiscal Committee Deleted. Amend RSA 491-A:4, IV to read as follows:

IV. The supreme court, after reviewing population, caseload, judicial time and efficiency, available judicial resources, the needs of the judicial branch family division, and other relevant criteria, may request the governor and council to designate a sitting part-time probate judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, ~~[the supreme court shall receive the approval of the fiscal committee and]~~ there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time probate judge.

37 Administrative Procedure Act; Notice of Rulemaking Proceedings; Notice to Fiscal Committee Deleted. Amend RSA 541-A:6, III to read as follows:

III. The agency shall send notice to the director of legislative services, to all persons regulated by the proposed rules who hold occupational licenses issued by the agency, and to all persons who have made timely request for advance notice of rulemaking proceedings. Upon request the agency shall send notice to the president of the senate, to the speaker of the house of representatives, ~~[to the chairperson of the fiscal committee,]~~ and to the chairpersons of the legislative committees having jurisdiction over the subject matter. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11, I. Notice to occupational licensees shall be by U.S. Mail, electronically, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner that is reasonably calculated to inform such licensees of

the proposed rulemaking. The committee may identify additional methods of notifying occupational licensees that are deemed sufficient.

38 Repeal. The following are repealed:

- I. RSA 21-G:9, IV, relative to fiscal committee approval of grants to departments.
- II. RSA 21-H:8, IV, relative to fiscal committee approval of grants to the department of corrections.
- III. RSA 170-G:4, IX, relative to fiscal committee approval of grants received by the department of health and human services for services for children, youth, and families.
- IV. RSA 187-A:22, II, relative to copies of financial reports provided to the fiscal committee by the state college and university system trustees.

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

HB 449-FN, expanding the information available on the state transparency website.
OUGHT TO PASS WITH AMENDMENT.

Rep. Peter T. Hansen for Executive Departments and Administration: This bill insures transparency within the departments and clearly allows the public access to many matters within the state government. The initial intent of this bill was to expand the information available on the state's transparency website. The committee determined that the bill contained elements that were not applicable to NH and that the sheer volume of information proposed to be included in the transparency site was prohibitive. The amendment charges the existing legislative oversight committee to monitor compliance with the requirements of RSA 9-F:1, the state transparency website. The committee will report annually its findings and recommendations for additional needed legislation. In addition, it will expand content, insure usefulness of the information, protect privacy and control the costs. Vote 12-0.

Amendment (2580h)

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

AN ACT relative to reports on information available on the state website.

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

1 Legislative Oversight Committee. Amend RSA 9-F:2, I to read as follows:

I. There is established a legislative oversight committee to monitor compliance with the requirements for online access to budget information and reports under RSA 9-F:1. ***The committee shall be known as the state transparency website oversight committee.***

2 Reports. Amend RSA 9-F:2, V to read as follows:

V. The legislative oversight committee shall submit ~~[interim reports]~~ ***an annual report*** of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, ***the chairpersons of the house and senate finance and executive departments and administration committees***, the house clerk, the senate clerk, the governor, and the state library on or before November 1 ~~[, 2010 and November 1, 2011, and shall submit a final report on or before November 1, 2012].~~

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

AMENDED ANALYSIS

This bill changes the reporting requirements of the oversight committee established in RSA 9-F:2.

HB 458-FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill establishes a "sunset law" for state of New Hampshire executive agency and judicial programs that are not exempt. It creates a joint legislative committee to review those programs, oversee the "sunset" process, and conduct an ongoing review of legislative oversight procedures. The sunset committee is required to submit a termination schedule for all executive agency and

judicial programs by January 1, 2013. Every program is scheduled for review every 8 years.
Vote 15-1.

Amendment (2765h)

Amend RSA 17-R:5 as inserted by section 1 of the bill by replacing it with the following:

17-R:5 Committee Sunset. The committee itself shall terminate on July 1, 2026, and shall be subject to review by the appropriate standing legislative committee every 8 years thereafter. This review shall, however, in no way preclude the ongoing review, by the committee, of the sunset process between the effective date of this chapter and July 1, 2021.
Amend RSA 17-S:3 as inserted by section 1 of the bill by replacing it with the following:

17-S:3 Review Dates Established. The first review date for an executive agency or judicial program is the termination date set forth in accordance with RSA 17-S:5, and each subsequent review date for a program is the date 8 years following the preceding review date, except for those agencies or programs designated in RSA 17-S:4.

Amend RSA 17-S:5 and RSA 17-S:6 as inserted by section 1 of the bill by replacing them with the following:

17-S:5 Termination Schedule. Except as provided in RSA 17-S:4, all executive agency and judicial programs shall be terminated no later than July 1, 2020. No later than January 1, 2013, the committee shall submit legislation establishing a termination schedule for all agency and judicial programs leading up to the deadline. The legislation shall utilize agency program names as defined under this chapter.

17-S:6 Committee Jurisdiction for Review. On or before July 1, 2013, the sunset committee shall submit to the house and senate, for each program to be reviewed under RSA 17-S:5, a report setting forth the committee of each house which has legislative jurisdiction over that agency or judicial program.

Amend RSA 17-S:8, III as inserted by section 1 of the bill by replacing it with the following:

III. No later than 15 business days from receipt of the sunset committee's report, the standing committee of the house to which it was referred shall hold a public hearing at which the agency or the judiciary shall testify whether or not the programs under review should be eliminated. Not later than 14 calendar days after the hearing the committee shall report to the house its recommendations as to the programs. Such report shall include a statement of whether the program has sufficient funding to accomplish its objectives, and the recommendation of the committee with respect to the elimination of the program. If the committee recommends renewal of the program it shall do so in the form of a bill which shall extend the life of the program for 8 years, commencing with the next termination date.

Amend the bill by replacing sections 4 and 5 with the following:

4 Appropriation. The sum of \$1 is hereby appropriated to the joint legislative committee on review of executive agency and judicial programs for the fiscal year ending June 30, 2013, for the purposes of this act. The sum hereby appropriated is continuing and shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill establishes a "sunset law" for state of New Hampshire executive agency and judicial programs. It creates a joint legislative committee to review those programs, oversee the "sunset" process, and conduct an ongoing review of legislative oversight procedures.

The sunset committee is required to submit a termination schedule for all executive agency and judicial programs by January 1, 2013. Every program is scheduled for review every 8 years.

The bill also makes an appropriation for the start-up costs of the committee.

HB 480-FN, establishing a state renovation, repair, and painting (RRP) rule program relative to lead-safe practices. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: This bill would create a lead paint program run by the state but effectively under the control of the EPA. The committee recommended ITL because 1) it duplicated the federal program with a state level program; 2) it cost money with no apparent benefit; 3) the industry opposed the bill because most players had already obtained EPA licenses; 4) even the agency seemed less than enthusiastic about the program. Vote 12-0.

HB 517-FN*, repealing provisions concerning licensure of fuel gas fitters. **OUGHT TO PASS WITH AMENDMENT.*

Rep. John Sytek for Executive Departments and Administration: This bill merges the plumbers and the gas fitters boards and updates the administrative procedures of both boards. Licenses will be granted by sub-specialty; rule making, definitions, inspections, and fee structure will be made consistent. This bill was crafted with the cooperation of the fire marshal, the department of safety and industry representatives. Vote 14-0.

Amendment (2757h)

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

AN ACT relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

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

1 State Fire Marshal; Duties. Amend RSA 21-P:12, VII to read as follows:

VII. Administration, supervision, and enforcement of RSA ~~[153:27-37 regulating fuel gas fitters]~~ **153:27-38. *There is hereby established within the department of safety a bureau of building safety and construction under the supervision of the state fire marshal, which shall include the mechanical safety staff.***

2 New Paragraph; Rulemaking. Amend RSA 21-P:14 by inserting after paragraph IX the following new paragraph:

X. The commissioner of safety shall have authority to approve rules prior to adoption by the mechanical licensing board, as provided in RSA 153:16-b and 153:27-38.

3 Voluntary Certification; Heating Equipment Personnel. Amend RSA 153:16-b to read as follows:

153:16-b Certification of Heating Equipment Installers and Heating Equipment Service Personnel; Penalty.

I. The ~~[state fire marshal]~~ ***mechanical licensing board established in RSA 153:27-a*** shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and non-residential heating equipment systems, water heating systems, or appliances using heating oil.

(b) Individuals involved in the servicing and repair of heating equipment, water heating systems, or appliances using heating oil.

II. The ~~[commissioner of the department of safety]~~ ***mechanical licensing board with the approval of the commissioner*** shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum education and training standards for voluntarily certified heating equipment installers and heating equipment service personnel.

III. The ~~[commissioner of the department of safety]~~ ***mechanical licensing board with the approval of the commissioner*** shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees ***collected*** shall be deposited in the ~~[fire standards and training and emergency medical services fund, established in RSA 21-P:12-d]~~ ***general fund.***

IV. Whoever falsely claims to be certified under this section through advertising, signage, or verbal representation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

4 Subdivision Heading; Mechanical Licensing. Amend the subdivision heading preceding RSA 153:27 to read as follows:

~~[Fuel Gas Fitters]~~ ***Mechanical Licensing***

5 Definitions. RSA 153:27 is repealed and reenacted to read as follows:

153:27 Definitions. In this subdivision:

I. "Board" means the mechanical licensing board established in RSA 153:27-a.

II. "Domestic appliance technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas domestic appliances designed specifically for residential use, limited to residential clothes dryers and their venting systems, domestic stove tops, cook stoves and ranges and their venting systems, or outdoor cooking equipment and pool heaters.

III. "Fuel gas fitter" means a hearth system installation and service technician, a fuel gas technician, a fuel gas service technician, or a piping installer regulated by this subdivision.

IV. "Fuel gas fitting" means the installation, repair, alteration, service, demolition or removal of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas or propane for residential or non-residential use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation.

V. "Fuel gas installation technician" means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VI. "Fuel gas piping installer" means any person engaged in the installation of liquefied propane gas or natural gas piping or who is a New Hampshire licensed plumber, approved by the board through affidavit, experience, education or training in the use of NFPA 54, national fuel gas code as adopted pursuant to RSA 153:5 in the state fire code.

VII. "Fuel gas service technician" means any person engaged in the servicing and repair of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VIII. "Fuel gas trainee" means any person engaged in the process of meeting the licensing requirements of this subdivision, who shall work under the supervision of a licensed fuel gas fitter in the repair or installation of inside and outside piping from a gas meter or second stage regulator, and the repair or installation of residential and nonresidential heating equipment systems, hot water heating systems, or hearth equipment systems utilizing liquefied propane gas or natural gas.

IX. "Hearth system installation and service technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting systems.

X. "Journeyman plumber" means any person who customarily performs the work of installing plumbing and drainage under the direction of a master plumber.

XI. "License" means any license issued pursuant to this subdivision.

XII. "Master plumber" means any person, firm, corporation, or limited liability company that, as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person, does that work as a principal business or as auxiliary to a principal business for its own account.

XIII. "Person" means an individual, natural person.

XIV. "Plumbing" means the practice, materials, and fixtures used in the installing, maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and

plumbing appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water systems. For the purposes of this subdivision, the term “plumbing” shall not apply beyond the first fitting beyond the foundation wall of the building or 5 feet of pipe from the building.

XV. “Plumbing apprentice” means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the state apprenticeship advisory council established in RSA 278.

XVI. “Water treatment system” means any apparatus for treating or processing water to modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard, and the pipes, fittings, and other components servicing such apparatus.

XVII. “Water treatment technician” means any person who installs, maintains, or repairs water treatment systems.

XVIII. “Water treatment trainee” means any person who is engaged in learning about and assisting in installing, maintaining, or repairing water treatment systems under the direct supervision of a water treatment technician certified under this subdivision.

6 New Section; Mechanical Licensing Board. Amend RSA 153 by inserting after section 27 the following new section:

153:27-a Mechanical Licensing Board. There is hereby established as a unit within the division of fire safety a mechanical licensing board. The term of office for the members appointed to the board shall be 3 years and until a successor is appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. No member of the board shall be appointed to more than 2 consecutive terms. A member of the board shall serve as the board secretary.

I.(a) No member of the board may be associated with the formal education for licensing, and/or be provider or an employee of a provider for continuing education for any profession or trade licensed under this subdivision.

(b) A public member of the board shall be a person who is not, and never was, a member of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of plumbing and/or fuel gas services or an activity directly related to plumbing and/or fuel gas, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

II. The board shall:

(a) Adopt rules as provided for in this subdivision.

(b) Implement the licensing program under this subdivision.

(c) Review and approve educational programs and providers.

(d) Conduct hearings for disciplinary actions.

(e) Review and recommend adoptions, exceptions, or omissions to technical standards as adopted under RSA 153:28.

(6) Develop and recommend for the legislature future changes to this subdivision.

III. The members of the board shall be appointed by the governor and council as follows:

(a) Two licensed journeymen or master plumbers, who are actively working in the trade as plumbers.

(b) Two licensed fuel gas fitters, who are actively working in the trade as fuel gas fitters.

(c) One licensed master plumber who is also a licensed fuel gas fitter and actively working in the trade as a plumber and fuel gas fitter.

(d) Two public members.

IV. The board shall hold at least 8 regular meetings each year, and may hold special meetings at such times as the business of the board may require. Notice of all meetings shall

be given in such a manner as rules adopted by the board may provide and in accordance with New Hampshire state law. A quorum of the board shall consist of 4 members.

V. The board shall annually elect a chairman and a vice-chairman from among its members.

7 Rulemaking Mechanical Licensing Board. RSA 153:28 is repealed and reenacted to read as follows:

153:28 Rulemaking.

I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall adopt rules, pursuant to under RSA 541-A, necessary for the proper implementation of the licensure requirements established in this subdivision, which shall include the following:

(a) Standards regarding education or its equivalent, experience requirements, and testing requirements for applicants for initial licensure for the following specialty licenses:

- (1) Hearth system installation and service technician.
- (2) Fuel gas installation technician.
- (3) Fuel gas service technician.
- (4) Fuel gas piping installer.
- (5) Fuel gas trainee.
- (6) Domestic appliance technician.
- (7) Master plumber.
- (8) Journeyman plumber.
- (9) Apprentice plumber.

(b) Standards for license renewal and continuing education requirements.

Continuing education requirements may be fulfilled in full or in part by training programs approved by the board. The rules shall address the number of hours of continuing education for each specialty license, and education applicable to holders of multiple specialty licenses.

(c) The implementation of reciprocity agreements entered into pursuant to paragraph V.

II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall establish application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified copies and reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure and certification, and for transcribing and transferring records and other services. The fee for examination by third parties shall be separate from the fees established by the board. Fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the general fund.

III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall adopt technical standards for fuel gas fitting by rule under RSA 541-A. The board shall use applicable codes as adopted by the state of New Hampshire.

IV. The state fire marshal shall assist and support the board in administering and enforcing the provisions of this subdivision.

V. The board may enter into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from states which have a mutual mechanical licensing reciprocity agreement with this state, for all mechanical licenses listed in paragraph I(a) provided the board, in consultation with the state fire marshal, determines that the

requirements for licensure in that state are equivalent to, or greater than, those established by this subdivision.

8 Fuel Gas Fitter and Plumber Licensing. Amend RSA 153:29 through RSA 153:37 to read as follows:

153:29 Examinations; Licenses.

I. ***Notwithstanding RSA 21-G:9***, the ~~[commissioner]~~ **board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety**, shall establish, through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses ***and plumbers licenses***. The scope of such examinations and the methods of procedure shall be prescribed by the ~~[commissioner]~~ **board**. This may include an outside organization approved by the ~~[commissioner]~~ **board**.

II. Each license issued by the ~~[commissioner]~~ **board** shall identify which of the following special licenses ~~[applies]~~ **or license endorsements apply** to the licensee:

- (a) Hearth system installation and service technician.
- (b) ~~[Liquefied propane]~~ **Fuel gas** installation technician.
- (c) ~~[Liquefied propane]~~ **Fuel gas** service technician.
- (d) ~~[Natural gas installation technician]~~.
- (e) ~~Natural gas service technician~~.
- ~~(f)~~ **Fuel gas** piping installer.
- ~~(g)~~ **(e) Fuel gas** trainee.
- (f) Domestic appliance technician.**
- (g) Master plumber.**
- (h) Journeyman plumber.**
- (i) Apprentice plumber.**

III. No licensee shall engage in any activity not covered by his or her specialty license.

IV. The licensee shall have in his or her possession a current biennial license issued by the ~~[commissioner]~~ **board**. The license shall be available for inspection on request. The ~~[commissioner]~~ **board** shall issue ~~[both a wall license and]~~ a license suitable to be carried by the individual licensee.

153:29-a ~~[Fuel Gas Fitter]~~ **Mechanical** License; Business Entities.

I. The ~~[commissioner]~~ **board** may issue a business entity a ~~[gas fitter]~~ license without examination or continuing education requirements to corporations, partnerships, or limited liability companies engaged in fuel gas fitting ***and/or plumbing***, provided one or more officers of the corporation, or designee, or one or more members of the partnership, or designee, or one or more managing members of the limited liability company, or designee, hold an active and current license as a ~~[liquefied propane service technician or natural]~~ **fuel gas service technician or master plumber for the appropriate mechanical business entity license, or any combination thereof, provided that the licensee of record is properly licensed for each of the business entities listed by the applicant** under this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership, or designee, or one or more managing members of the limited liability company, or designee, the licensed person, corporation, partnership, or limited liability company shall give notice thereof to the commissioner and, if no other officer, partner, manager or designee, is licensed as a ~~[liquefied propane service technician or natural]~~ **fuel gas service technician or master plumber**, the corporation, or partnership, or limited liability company shall not act as a fuel gas fitter ***or plumber*** until some other officer, member, or designee, has obtained a license as a ~~[liquefied propane service technician or natural]~~ **fuel gas service technician or master plumber**. Notwithstanding any other provision of law, the ~~[commissioner]~~ **board** shall not require a fee for a ~~[corporation]~~ **business entity** engaged in fuel gas fitting ***and/or plumbing*** where a licensed ~~[liquefied propane service technician or natural]~~ **fuel gas service technician or**

master plumber is the sole ~~[shareholder]~~ **individual holding the license** of the ~~[corporation]~~ **business entity**.

II. All licenses issued under this section shall expire every 2 years on the last day of December. The ~~[commissioner]~~ **board** shall renew a valid license issued under this section on receipt of an application for renewal and the required fee before the expiration date of the license.

III. **Notwithstanding RSA 21-G:9, the ~~[commissioner]~~ board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety,** shall adopt rules, pursuant to RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in addition to those in this subdivision for a fuel gas fitter license **or plumber** for business entities issued pursuant to this section.

IV. **The board shall establish a fee structure for mechanical business entities by providing the following:**

(a) **Fees not to exceed \$250 for a business entity which employs no less than one additional licensee and not more than 5 employees required to be licensed under this subdivision.**

(b) **Fees not to exceed \$400 for a business entity employing not more than 20 employees required to be licensed under this subdivision.**

(c) **Fees not to exceed \$600 for a business employing 21 or more employees required to be licensed under this subdivision.**

(d) **Application, renewal, late renewal and re-instatement fees.**

153:30 Expiration and Renewal.

I. Licenses shall be renewed as follows:

(a) Except for licenses issued pursuant to RSA 153:29-a, all licenses shall expire every 2 years on the last day of the month of the holders birth. The ~~[commissioner]~~ **board** shall renew a valid license issued under this subdivision on receipt of an application for renewal and the required fee before the expiration date of the license.

(b) If a person or business entity fails to renew a license prior to expiration, the person or business entity may have the license reinstated within ~~[90]~~ **365** days of its expiration by paying the late fee in addition to the renewal fee. A late fee is not required during the first 30 days of expiration.

(c) Except for licenses issued pursuant to RSA 153:29-a, any application received ~~[90]~~ **365** days or more after the expiration of the license shall be rejected unless accompanied by proof of successful completion of the examination required under RSA 153:29 subsequent to its expiration.

(d) Except for applications received pursuant to RSA 153:29-a, applicants for license renewal shall provide to the ~~[commissioner]~~ **board** evidence of completion of continuing education within the previous 24-month period.

II. Upon the request of a licensed fuel gas fitter **or licensed plumber** who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the ~~[commissioner]~~ **board** shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

III. The ~~[commissioner]~~ **board** shall assess a reinstatement fee for any individual or business entity license upon completion of a suspension or revocation period resulting from disciplinary action pursuant to RSA 153:32, IV.

153:31 Emergencies. The commissioner **of the department of safety** is authorized, at his or her discretion, to waive the requirements of this subdivision for the purpose of restoring service during an emergency, **as declared by the commissioner**.

153:32 Disciplinary Action.

I. The ~~[commissioner]~~ **board** may undertake disciplinary proceedings:

(a) Upon ~~his or her~~ **its** own initiative; or
(b) Upon written complaint of any person which charges that a person licensed by the ~~commissioner~~ **board** has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this subdivision shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision;
- (b) Conviction of any criminal offense involving injury to a victim or the risk of such injury or any criminal offense involving dishonesty;
- (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession, or such conduct that poses risk to public health, safety, or welfare to individuals affected by the practices or actions of the licensee;
- (d) Unfitness or incompetence by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee;
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this subdivision;
- (f) Mental or physical incompetence to practice under this subdivision;
- (g) Willful or repeated violation of the provisions of this subdivision; or
- (h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

III. The ~~commissioner~~ **board** may take disciplinary action in any one or more of the following ways:

- (a) By reprimand;
- (b) By suspension, limitation, or restriction of license for a period of up to 5 years after hearing before the ~~commissioner or his or her designee~~ **board** pursuant to RSA 541-A, unless waived by the licensee;
- (c) By revocation of license after hearing before the ~~commissioner or his or her designee~~ **board** pursuant to RSA 541-A, unless waived by the licensee;
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient; or
- (e) By immediate suspension pursuant to RSA 541-A:30.

IV. The ~~commissioner~~ **board** shall assess a reinstatement fee for all suspended or revoked licenses of license holders seeking restoration of the license after the prescribed disciplinary time period.

153:33 Appeals **From Board Decisions.** ~~[Any person or business entity affected by a final decision of the commissioner may appeal such final decision pursuant to RSA 541.]~~

I.(a) A party to the proceedings shall have the right to file a petition with the superior court or the department of safety bureau of hearings to request a review of the final order of the board within 30 days of the date of the final order.

(b) For appeals through the bureau of hearings, the bureau of hearings shall review the record as developed before the board, together with any written legal argument presented to the bureau at the earliest practical time. Based on that review, the bureau may affirm or reverse the decision of the board or order that oral argument be held. As justice may require, the bureau may remand the case to the board for further findings and rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the board shall not be raised before the bureau of hearings. The burden of proof shall be on the appellant to show that the decision of the board was unreasonable or unlawful.

(c) No new or additional evidence shall be introduced in the bureau of hearings, but the case shall be determined upon the record and evidence

transferred, except that in any case, if justice requires the review of evidence which by reason of accident, mistake, or misfortune could not have been offered before the board, the bureau of hearings shall remand the case to the board to receive and consider such additional evidence.

II.(a) A party to the proceeding shall have the right to file a petition in the superior court of the county in which the licensee resides to review the final order of the board or the bureau of hearings within 30 days of the date of the final order.

(b) At the earliest practical time, the court shall review the record as developed before the board and/or the bureau of hearings, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the board or order that oral argument be held. As justice may require, the court may remand the case to the board for further findings and rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the board shall not be raised before the superior court. The burden of proof shall be on the appellant to show that the decision of the board was unreasonable or unlawful.

(c) No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if justice requires the review of evidence which by reason of accident, mistake, or misfortune could not have been offered before the board, the superior court shall remand the case to the board to receive and consider such additional evidence.

153:34 Inspectors.

I. The ~~[commissioner]~~ **state fire marshal with the approval of the board and the commissioner of safety** shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with practices consistent with the public safety and welfare. ***Any person so employed shall be under the administration and supervisory direction of the state fire marshal.***

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter ***or plumber*** subject to regulation is performing, or has completed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative inspection warrant under RSA 595-B.

III. An inspector appointed under this subdivision may order the removal or correction of any violation of this subdivision.

IV. Whenever an inspector orders the removal or correction of a violation under paragraph III, he or she shall immediately notify the local building inspection department or administrative authority of the town where the violation is located, and further order that all the work in violation be corrected prior to continuance. The local building authority shall approve the continuation of work upon being satisfied that violations have been corrected and shall notify the inspector of such approval.

153:35 Local Enforcement. The rules adopted ***by the mechanical licensing board*** pursuant to RSA 153:28, may be enforced by the building inspection department or by any officer designated by the administrative authority of the city or town; provided, however, that a city or town may adopt and enforce ordinances more stringent than the rules adopted under this subdivision.

153:36 Exceptions.

I. The license requirements of this subdivision shall not apply to anyone who performs fuel gas fitting ***or plumbing*** within an existing single family, stand alone structure owned and occupied by the person who performs the fuel gas fitting work, ***or plumbing***, and such structure is used as the individual's primary residence. Notwithstanding any provision to the contrary, any person who is exempt under this

paragraph shall perform fuel gas fitting work, **or plumbing** in accordance with applicable technical standards, and comply with any applicable code, application, and inspection requirements that may apply to the fuel gas fitting work, **or plumbing** performed.

II. The license requirements of this subdivision shall not apply to persons performing tasks covered by federal and state regulation of public utilities pursuant to 49 C.F.R. part 192 and rules of the New Hampshire public utilities commission for gas service.

III. The license requirements of this subdivision shall not apply to any plumbing installations in residential buildings performed by students enrolled in a high school vocational plumbing program approved by the department of education or an approved postsecondary vocational plumbing program, provided such work is performed under the supervision of either a teacher holding a plumber's license or by a licensed plumber who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the mechanical licensing board. Any person nominated by the board shall hold a master's plumbers license issued by the board.

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment.

V. The license requirements of this subdivision shall not apply to any welder who shall hold a current and valid certification for welding as authorized by the American Society of Mechanical Engineers (ASME), who is employed under a licensed fuel gas fitter or master plumber, for the sole purpose of joining pipe and pipe fittings, through the appropriate certified welding processes, to piping systems, under the direct supervision of the licensed fuel gas fitter or master plumber.

VI. The license requirements of this subdivision shall not apply to any member of the New Hampshire National Guard while in a unit training assembly status and enrolled in a plumbing program as part of their military training. Such training shall only be provided under the supervision of an instructor who holds a current plumber's license under this subdivision.

153:37 Penalties.

I. Any person or business entity who performs fuel gas fitting **or plumbing** without first having obtained a license, shall be guilty of a misdemeanor.

II. Any person or business entity who violates any rule adopted under RSA 153:28 or whoever violates any ordinance or bylaw enacted pursuant to the provisions of RSA 153:35 shall be guilty of a misdemeanor.

III. Any person or business entity which procures any license based upon inaccurate information contained on an application, or procures any license by fraud, shall be guilty of a misdemeanor.

IV. Any person who performs fuel gas fitting **or plumbing** without first having obtained a license, or who violates any rule adopted pursuant to this subdivision, and such performance of fuel gas fitting **or plumbing** results in serious bodily injury or death, shall be guilty of a felony.

IV-a. Any person or business entity employing a person to perform fuel gas fitting **or plumbing** when the employed person is not in training and does not have a current valid fuel gas fitting **or plumbing** license issued pursuant to this subdivision or rules adopted pursuant to this subdivision, shall be guilty of a misdemeanor.

~~[V. The penalties in this subdivision shall not apply until after one calendar year following the effective date of rules first adopted under this subdivision.]~~

9 New Section; Voluntary Certification of Water Treatment Technicians. Amend RSA 153 by inserting after section 37 the following new section:

153:38 Voluntary Certification of Water Treatment Technicians; Examinations.

I. Any person who has acted as a water treatment trainee for a period of not less than one year shall, upon payment of the fees established by the board, be entitled to examination and, upon achieving the passing score on the examination, be certified as a water treatment technician. A certificate issued under this section shall be carried on the person and displayed at any time upon request. Any person failing to achieve the passing score on the examination may be examined as often as he or she may desire.

II. The title "certified water treatment technician" shall be used only by persons and business entities certified under this section. No person shall continue to represent himself or herself and no business entity shall continue to represent itself as a certified water treatment technician after certification has been revoked or nonrenewed under this section.

III. The board may issue, upon payment of the required fees, certification without examination to a corporation, partnership, limited liability company, or other business entity that installs, maintains, or repairs water treatment systems, provided the entity designates one employee certified under this chapter who is responsible for the entity's compliance with this subdivision and the rules adopted by the board. Within 30 days after termination of employment of such employee by such entity, he or she shall give notice thereof to the board and, if no other employee is certified under this section, the entity shall not represent itself as employing certified water treatment technicians until some other employee has obtained certification. The board shall not require an additional fee for an entity that installs, maintains, or repairs water treatment systems where the person certified under this section is the sole owner of the entity.

IV. The board may issue certification without examination to those water treatment technicians who provide adequate documentation of having operated in the capacity of a water treatment technician for a period of at least one year prior to January 1, 2004 and who pay the required fees.

V. The board, with the approval of the commissioner, shall adopt rules pursuant to RSA 541-A to implement the certification requirements established in this section, including the application procedure and any eligibility requirements in addition to those in this section for certification as a certified water treatment technician or water treatment trainee, the renewal of certification and reinstatement of certification, and to establish the fees for certification of water treatment technicians and water treatment trainees.

10 Reference To Plumbers Board; State Building Code Review Board. Amend RSA 155-A:10, I(l) to read as follows:

(l) One master plumber licensed in this state for a minimum of 5 years, nominated by the ~~[state board for the licensing and regulation of plumbers established in RSA 329-A]~~ **mechanical licensing board established in RSA 153:27-a.**

11 Appeals of Decisions Removed; State Building Code Review Board. Amend RSA 155-A:11-a to read as follows:

155-A:11-a Appeal of Decisions of the Electricians' Board and the ~~[State] Board [for the Licensing and Regulation of Plumbers]~~ **of Home Inspectors.**

I. The board shall hear appeals of final decisions of the board established under RSA 319-C:4~~[- the board established under RSA 329-A:3,]~~ and the board established under RSA 310-A:186.

II. The board shall hold a hearing within 40 days of the receipt of an appeal, unless an extension of time has been granted by the board at the written request of one of the parties and shall render a decision within 30 days of the conclusion of the hearing.

12 General Administration; Reference to Appeals Removed. Amend RSA 332-G:5 to read as follows:

332-G:5 Certain Appeals. Notwithstanding any other provision of law to the contrary, any person affected by the final decision of the electricians' board, established under RSA 319-C:4~~[- or the state board for the licensing and regulation of plumbers, established under~~

~~RSA 329-A:3,~~] may appeal such final decision to the state building code review board established under RSA 155-A:10.

13 Water Well Board; Reference to Plumbers. Amend RSA 482-B:7 to read as follows:

482-B:7 Plumbers Exempted. This chapter shall not restrict a plumber from engaging in the trade for which the plumber has been licensed if such plumber holds a pump installer's license. No examination shall be required for a person who is a plumber licensed ~~[under RSA 329-A]~~ **under RSA 153:27-a** and holds a valid pump installer's license on the effective date of this section.

14 Application of Act; Transition.

I. Plumbers licensed by the board, established in RSA 329-A, prior to repeal by this act shall continue to be validly licensed until expiration, suspension, or revocation of the license by the mechanical licensing board according to RSA 153:27-37 as amended by this act.

II. Rules of the plumbers board adopted under the provisions of RSA 329-A shall continue to be effective until amended, replaced, superseded, or repealed by the mechanical licensing board pursuant to RSA 153:28.

III. Water treatment technicians certified by the plumbers board prior to the repeal by this act shall continue to be validly certified until expiration, suspension, or revocation of the certification by the mechanical licensing board according to RSA 153:38 as inserted by this act.

15 Repeals. The following are repealed:

I. RSA 329-A, relative to the regulation of plumbers by the plumbers board.

II. RSA 6:12, I(b)(202) relative to designation of moneys deposited in the plumbers board account.

III. RSA 21-P:14, II(ee), relative to rulemaking authority of the commissioner of safety on licensing fuel gas fitters.

IV. RSA 153:16-c, II, relative to the duties of the heating system certification advisory committee.

16 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill establishes the mechanical licensing board within the division of fire safety, department of safety, for the regulation of fuel gas fitters, plumbers, and the voluntary certification of heating equipment personnel and water treatment technicians. The bill repeals the state board for the licensing and regulation of plumbers.

HB 624, relative to the rulemaking authority of state agencies to establish or increase fees and costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill changes the administrative rules process to prohibit accepting any fee that does not have specific authorization in statute. Since at this time there is no database of fees set in rules, the committee was unwilling to implement it without knowing which fees would be disallowed. A preliminary search found almost 400 statutes that authorize setting fees in rules, and Dartmouth Public Policy Research has accepted the challenge of researching all the rules that set fees. The committee amendment creates a study committee to use this research, analyze the statutes and rules that set fees, consider the process of setting fees in statutes, and develop legislative recommendations for next session, specifying in statute the necessary fees now set in rules. The effective date of the process change is moved to July, 2013 to allow the study committee's recommendations to become law. Vote 16-0.

Amendment (2775h)

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

AN ACT relative to the rulemaking authority of state agencies to establish fees and costs and establishing a committee to study the rulemaking authority of state agencies to establish fees.

Amend the bill by replacing section 1 with the following:

1 Committee Established.

I. There is established a committee to study the rulemaking authority of state agencies to establish fees.

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

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

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

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

III. The committee shall:

(a) Review statutes that authorize fees to be set in administrative rules.

(b) Review the frequency of changes to fees established by state agencies and boards.

(c) Examine whether establishing statutory or other parameters would positively impact fee changes.

(d) Evaluate the process of setting fees to cover agency expenses or budgets.

(e) Review and recommend policy changes resulting from the study committee.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 15 days of the effective date of this section. Five members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, and the senate clerk on or before October 20, 2012.

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 10, 2013.

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study the rulemaking authority of state agencies to establish fees.

II. Limits the rulemaking authority of state agencies to establish or increase fees, or establish or modify an agency program or responsibility in a manner that increases costs to persons affected by the rule.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration: This bill is necessary to bring state statutes into conformity with the requirements of the federal Dodd-Frank Reform Act. Without this bill, New Hampshire residents would not be able to get mortgages from federally insured institutions after January 1, 2014. The major change accomplished by this bill is the registration of real estate companies. There are several other minor changes such as license terms, reciprocity and updating the organization whose industry standards are to be used. The committee also amended the bill to make the complaint procedures parallel to those of similar professions. Vote 16-0.

Amendment (2725h)

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

1 Real Estate Appraisers; Definitions; Federal Financial Institutions Regulatory Agencies. Amend RSA 310-B:2, X to read as follows:

X. "Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance ~~[Corporations]~~ **Corporation**, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.

2 New Paragraphs; Definitions. Amend RSA 310-B:2 by inserting after paragraph XV the following new paragraphs:

XVI. "Appraisal" means the practice of developing an opinion of the value of real property in conformance with the Uniform Standards for Professional Appraisal Practice as developed by the Appraisal Foundation.

XVII. "Appraisal management company" means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any external third party authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of, or other principal in, the secondary mortgage markets:

- (a) To recruit, select, and retain appraisers;
- (b) To contract with licensed and certified appraisers to perform appraisal assignments;
- (c) To manage the process of having an appraisal performed, including providing administrative duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed; or
- (d) To review and verify the work of appraisers.

XVIII. "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment, except that a Quality control examination of an appraisal report shall not be an appraisal review.

XIX. "Appraiser" means an individual who holds a license or certification as an appraiser and is expected to perform valuation services competently and in a manner that is independent, impartial, and objective.

XX "Appraiser panel" means a group of licensed or certified independent appraisers that have been selected to perform appraisal services for a third party.

XXI. "Controlling person" means:

- (a) An officer director, or owner of greater than a 10 percent interest, of a corporation, partnership or other business entity, seeking to act as an appraisal management company in this state; or
- (b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of services requiring registration as an appraisal management company and has the authority to enter into agreements with appraisers for the performance of appraisals; or
- (c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

XXII. "Person" means an individual, firm, partnership, limited partnership, limited liability company, association, corporation, or other group engaged in joint business activities, however organized.

XXIII. "Quality control examination" means an examination of an appraisal report for compliance and completeness including grammatical, typographical, or other similar errors.

XXIV. "Uniform Standards of Professional Appraisal Practice" (USPAP) means the current standards of the appraisal profession, developed for appraisers and users of appraisal services by the Appraisal Standards Board of the Appraisal Foundation.

3 Licensure, Certification Fees. Amend RSA 310-B:5, II to read as follows:

II. Appropriate fees, as fixed by the board under rules established pursuant to RSA 541-A, shall accompany all applications for original license, certification, renewal license, renewal certification, ~~and examination~~, **reciprocal license, and reciprocal certification**. An annual federal registration fee shall be collected by the board for transmittal to the federal government under Title XI.

4 Classes of Licensure or Certification. Amend RSA 310-B:6 to read as follows:

310-B:6 Classes of Licensure or Certification.

I. There shall be the following classifications of real estate appraisers which shall meet the criteria as the board shall require by rules adopted under RSA 541-A:

(a) Apprentice. The apprentice real estate appraiser classification shall consist of those persons who do not meet the requirements under subparagraph (b), (c), or (d), but are in the process of completing the requirements for one of the classifications of a real estate appraiser. Apprentice real estate appraisers shall be required to work under the supervision of a New Hampshire certified appraiser **who has been certified for at least 2 years**, until the requirements for licensure or certification have been met.

(b) Licensed residential real estate appraiser.

(c) Certified residential real estate appraiser.

(d) Certified general real estate appraiser.

II. The application for original licensure or certification, or renewal licensure or certification ~~and examination~~ shall specify the classification of licensure or certification being applied for or previously granted.

5 Experience Requirements. Amend RSA 310-B:9 to read as follows:

310-B:9 Experience Requirements.

I. An applicant for original licensure or certification as a licensed or certified real estate appraiser shall possess such experience as the board shall require by rules adopted under RSA 541-A. Such rules shall be based upon the criteria established by the Appraisal ~~[Subcommittee of the Federal Financial Institutions Examination Council]~~ **Qualifications Board of the Appraisal Foundation** at the time of the application.

II. Each applicant for license or certification shall furnish ~~under oath~~ a **signed**, detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the board for examination a sample of appraisal reports which the applicant has prepared in the course of his **or her** appraisal practice.

6 Terms of Licensure and Certification. Amend RSA 310-B:10 to read as follows:

310-B:10 Term of Licensure or Certification. **All initial licenses or certificates issued by the board shall expire on the last day of the month of the holder's birth in the year 2 years following the year of issuance.** The **renewal** term of a license or certificate issued under the authority of this chapter shall be 2 years from the date of issuance, **and shall expire on the last day of the month of the license or certificate holder's birth.** The expiration date of the license or certificate shall appear on the license or certificate and notice of its expiration shall be given to its holder. ~~[The board shall stagger the terms of licenses or certificates issued on or before January 1, 2007, so that 1/2 of such licenses or certificates shall expire in one year and the remaining 1/2 shall expire the following year.]~~

7 New Sections; Registration of Appraisal Management Companies. Amend RSA 310-B by inserting after section 12-a the following new sections:

310-B:12-b Registration of Appraisal Management Companies.

I. It is unlawful for a person to directly or indirectly engage in or attempt to engage in business as an appraisal management company or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the board under the provisions of this chapter.

(a) An applicant for registration as an appraisal management company in this state shall submit to the board an application on a form or forms prescribed by the board.

(b) In the event a registration process is unavailable upon the effective date of this chapter, an appraisal management company already conducting business in this state may continue to conduct business in accordance with this chapter until the 120th day after a registration process becomes available.

II. An application for the registration required by paragraph I of this section shall include the following information:

(a) Name of the person seeking registration and the fictitious name or names (if any) under which it does business in any state;

(b) Business address of the person seeking registration;

(c) Phone contact information of the person seeking registration;

(d) If the person is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;

(e) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns 10 percent or more of the appraisal management company;

(f) The name, address, and contact information for one controlling person designated as the main contact for all communication between the appraisal management company and the board;

(g) A certification that the person has a system and process in place to verify that an individual being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under this chapter if a license or certification is required to perform appraisals;

(h) A certification that the person requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) including the requirements for geographic and product competence;

(i) A certification that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

(j) A certification that the person has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

(k) A certification that the person maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the appraisal management company;

(l) An irrevocable uniform consent to service of process, pursuant to RSA 310-B:12-d.

(m) Any other information required by the board which is reasonably necessary to implement this chapter.

III. An application for the renewal of a registration shall include substantially similar information required for the initial registration as noted in paragraph II, as determined by the board.

IV. A registration granted by the board pursuant to this chapter shall be valid for one year from the date on which it is issued.

310-B:12-c Appraisal Management Company Exemptions.

I. The provisions of this chapter shall not apply to an appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institutions regulatory agency.

II. The provisions of this chapter shall not apply to a business entity that exclusively engages real estate appraisers on an employer and employee basis or on a subcontractor

basis for the performance of all real property appraisal services in the normal course of its business, except to the extent federal law or regulation requires such entities to register with and be subject to supervision by a state appraiser certifying and licensing agency.

310-B:12-d Appraisal Management Company Consent to Service of Process. Each person applying for a registration as an appraisal management company that is not domiciled in this state shall complete an irrevocable uniform consent to service of process, as prescribed by the board.

310-B:12-e Appraisal Management Company Fee.

I. The board shall establish by rule or regulation a processing fee to be paid by each appraisal management company seeking registration under this chapter that is sufficient for the administration of the registration process.

II. A similar processing fee, may be charged by the board in connection with the renewal of any registrations.

310-B:12-f Appraisal Management Company Owner Requirements.

I. An appraisal management company applying for registration in this state shall not:

(a) Be owned by any person who has had an appraiser license or certificate in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked, unless such license or certificate was subsequently granted or reinstated;

(b) Be more than 10 percent owned by a person who is not of good moral character, which for purposes of this section shall require that such person has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of appraisal, banking, mortgage lending or the provision of financial services, or any crime involving fraud, misrepresentation or moral turpitude.

II. For purposes of subparagraph I(b), each owner of more than 10 percent of an appraisal management company shall submit to a background investigation to be carried out by a law enforcement agency or other entity authorized by the board.

310-B:12-g Appraisal Management Company Designated Contact. Each appraisal management company applying to the board for registration in this state shall designate one controlling person who is an employee of the appraisal management company that will be the designated contact for all communication between the board and the appraisal management company.

310-B:12-h Appraisal Management Company Appraiser Credentials.

I. An appraisal management company that applies to the board for a registration to do business in this state as an appraisal management company shall not:

(a) Knowingly employ any individual to perform appraisal services, who has had a license or certificate to act as an appraiser in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked, unless such license or certificate was subsequently granted or reinstated;

(b) Knowingly enter into any independent contractor arrangement for the performance of appraisal services, in verbal, written, or other form, with any individual who has had a license or certificate to act as an appraiser in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked, unless such license or certificate was subsequently granted or reinstated.

II. Prior to assigning appraisal orders, an appraisal management company shall have a system in place to verify that a person being added to the appraiser panel holds the appropriate appraiser credential in good standing.

III. Each appraisal management company seeking to be registered in this state shall certify to the board on an annual basis on a form prescribed by the board that the appraisal management company has systems in place to verify that:

(a) An individual on the appraiser panel has not had a license or certification as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending

revocation in the previous 12 months, unless such license or certificate was subsequently granted or reinstated; and

(b) Only licensed or certified appraisers are used to complete appraisal assignments in connection with federally related transactions.

310-B:12-i Appraisal Management Company; Appraisal Review. Any employee of, or independent contractor to, an appraisal management company that performs a USPAP Standard 3 review of an appraisal report on property located in this state shall be an appraiser with the proper level of licensure issued by the board. Quality control examinations are exempt from this requirement as they are not considered a Standard 3 review.

310-B:12-j Appraisal Management Company; Adherence to Standards.

I. Each appraisal management company seeking to be registered in this state shall certify to the board on an annual basis that it requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice including the requirements for geographic and product competence.

II. Each appraisal management company seeking to be registered in this state shall certify to the board on an annual basis that it has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

III. An appraisal management company shall not prohibit an appraiser from reporting the fee paid to the appraiser in the body of the appraisal report, however an appraisal management company may require an appraiser to present any such disclosure in a specified format and location.

310-B:12-k Appraisal Management Company; Recordkeeping. Each appraisal management company seeking to be registered in this state shall certify to the board on an annual basis that it maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal for the appraisal management company. Such records must be retained for a period of at least 5 years after an appraisal is completed or 2 years after final disposition of a judicial proceeding related to the assignment, whichever period expires later.

310-B:12-l Appraisal Management Company; Appraisal Reports.

I. An appraisal management company may not alter, modify, or otherwise change a completed appraisal report submitted by an appraiser without the appraiser's written consent, except as necessary to comply with regulatory mandates or legal requirements.

II. An appraisal management company may not use an appraisal report submitted by an independent appraiser, or any of the data or information contained therein, for any purpose other than its intended use without the appraiser's or the intended end user's written consent.

310-B:12-m Appraisal Management Company; Registration Number.

I. The board shall issue a unique registration number to each appraisal management company registered in this state pursuant to this chapter.

II. The board shall maintain a list of the appraisal management companies registered in this state and the registration numbers assigned to such persons.

III. An appraisal management company registered in this state shall disclose the registration number provided to it by the board on the engagement documents presented to an appraiser.

310-B:12-n Appraisal Management Company; Unlawful Acts.

I. It shall be a violation of this chapter for any employee, partner, director, officer, or agent of an appraisal management company to:

(a) Influence or attempt to influence the development, reporting, result, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery or in any other manner, including but not limited to:

(1) Withholding or threatening to withhold timely payment or partial payment for an appraisal with the exception of a substandard or noncompliant appraisal;

(2) Withholding or threatening to withhold future business from an appraiser, or demoting, terminating or threatening to demote or terminate an appraiser;

(3) Promising or implying that an appraiser may be given opportunities for future business, promotions, or increased compensation;

(4) Conditioning an assignment of an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(5) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

(6) Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided; and

(7) Requiring an appraiser to prepare an appraisal report if the appraiser has indicated to the appraisal management company that he or she does not have the necessary expertise for the specific geographic area.

(b) Require an appraiser to indemnify the appraisal management company against liability, damages, losses, or claims other than those liabilities, damages, losses or claims arising out of the services performed by the appraiser, including performance or non-performance of the appraiser's duties and obligations, whether as a result of negligence or willful misconduct.

(c) Submit or attempt to submit false, misleading, or inaccurate information in any application for registration or renewal;

(d) Fail to timely respond to any subpoena or any other legally-binding request for information;

(e) Fail to timely obey a lawful administrative order of the board; or

(f) Fail to fully cooperate in any board investigation.

II. Notwithstanding any other provision in this chapter, an appraisal management company shall not be prohibited from requesting that an appraiser:

(a) Consider additional appropriate property information;

(b) Provide additional information concerning the basis for an evaluation; or

(c) Correct objective factual errors in an appraisal report.

310-B:12-o Appraisal Management Company; Mandatory Reporting. An appraisal management company that has a reasonable basis to believe an appraiser has failed to comply with applicable laws, the Uniform Standards of Professional Appraisal Practice or other ethical or professional requirements in connection with a consumer credit transaction secured by a consumer's principal dwelling, shall refer the matter to the board if the failure to comply is material. For purposes of this section, a failure to comply is material if it is likely to significantly affect the value assigned to the consumer's principal dwelling.

8 Lapsed Licenses. Amend RSA 310-B:13-a, IV to read as follows:

IV. The rights of the licensee under such expired or lapsed license shall be terminated. It shall be unlawful to act or attempt or offer to act in any matter as a real estate appraiser apprentice ***completing the requirements for licensure or certification***, or ***as a*** licensed or certified appraiser, under an expired or lapsed license.

9 Continuing Education; Criteria. Amend RSA 310-B:14, II to read as follows:

II. The basic continuing education requirement for renewal of licensure or certification shall be the completion by the applicant, during the immediately preceding term

of licensure or certification, of those courses and programs required by the board by rules adopted under RSA 541-A. In adopting such rules, the board shall base its requirements on the criteria established by the Appraisal [Subcommittee of the Federal Financial Institutions Examination Council] **Qualifications Board of the Appraisal Foundation.**

10 Notification; Electronic Address. Amend RSA 310-B:15, III to read as follows:

III. Every licensed or certified real estate appraiser shall notify the board of his **or her** current residence address **and electronic address**. Residence addresses **and electronic addresses** on file with the board are exempt from disclosure as public records.

11 New Section; Appraisal Management Companies; Registration; Requirements. Amend RSA 310-B by inserting after section 16 the following new section:

310-B:16-a Appraisal Management Companies.

I. The board shall adopt rules under RSA 541-A which shall establish minimum requirements for the annual registration of appraisal management companies. Such minimum requirements shall include that such companies:

(a) Register with the board by each January 1 and be subject to supervision by the New Hampshire real estate appraiser board;

(b) Verify that only licensed or certified appraisers are used for federally related transactions;

(c) Comply with the Uniform Standards of Professional Appraisal Practice in coordinating appraisals; and

(4) Conduct appraisals independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the federal Truth in Lending Act.

II. An appraisal management company shall not be registered by the board or included on the national registry if such company, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any state. Additionally, each person that owns more than 10 percent of an appraisal management company shall be of good moral character, as determined by the board, and shall submit to a background investigation carried out by the board.

III. The board shall adhere to regulations for the reporting of the activities of appraisal management companies to the Appraisal Subcommittee in determining the payment of the annual registry fee.

IV. The requirements of this section shall take effect to appraisal management companies beginning the later of:

(a) January 1, 2013; or

(b) 120 days after the first date on which all rules, forms and policies necessary to implement this chapter have been finalized and made available by the board. No unregistered appraisal management company may perform services related to a federally related transaction in the New Hampshire after January 1, 2013.

12 Disciplinary Proceedings. RSA 310-B:18 is repealed and reenacted to read as follows:
310-B:18 Disciplinary Proceedings.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed or certified by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) Procuring or attempting to procure a license or certificate pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for license or certification or through any form of fraud or misrepresentation.

- (b) Failing to meet the minimum qualifications established by this chapter.
- (c) Paying compensation, including money or any other thing of value, other than as provided for by this chapter, to any member of or employee of the board to procure a license or certificate under this chapter.
- (d) A conviction of a crime which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others.
- (e) An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the license or certificate holder or another person or with the intent to substantially injure another person.
- (f) Violation of any of the standards for the development or communication of real estate appraisals as provided in this chapter.
- (g) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal.
- (h) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal, as determined by the board.
- (i) Disregarding or violating any of the provisions of this chapter or the rules adopted by the board for the administration and enforcement of this chapter.
- (j) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment.
- (k) Violating the confidential nature of governmental records to which he or she gained access through employment or engagement as an appraiser by a governmental agency.

III. The board, upon making an affirmative finding under paragraph II, may take disciplinary action in any one or more of the following ways:

- (a) By written reprimand.
- (b) By suspension, refusal to renew, limitation or restriction of a license or certification, or probation for a period of time determined to be reasonable by the board.
- (c) By revocation of a license or certificate.
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.
- (e) By requiring the person to practice under the direct supervision of a licensed appraiser for a period of time specified by the board.
- (f) By assessing a fine of not more than \$2,000 per violation or, in the case of a continuing violation, \$100 for each day the violation continues, whichever would be greater.
- (g) By taking any combination of the preceding actions, relating to any real estate appraiser, in accordance with the provisions of this chapter.

IV. The board may dismiss a complaint if the investigation shows the allegations to be without basis in law or fact or if the undisputed allegations do not warrant disciplinary proceedings.

13 New Section; Reissuance of License or Certification. Amend RSA 310-B by inserting after section 18-a the following new section:

310-B:18-b Reissuance of License or Certification. The board, for reasons it deems sufficient, may reissue a license or certification to any person whose license or certification has been suspended or revoked, provided 4 or more members of the board vote in favor of such reissuance. A new license or certification may be issued, subject to the rules of the board, and a fee shall be assessed for such issuance.

14 Hearings. Amend RSA 310-B:19 to read as follows:

310-B:19 Hearings; *Investigations. The board may undertake investigations of allegations of misconduct. The form of an investigation is a matter of discretion of the board.* The board shall take no disciplinary action without a hearing. At least 14 days

prior to hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints ~~[received]~~ **not dismissed** by the board within 90 days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted within 90 days of receipt of the complaint before at least ~~[5]~~ **4** members of the board. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance. Orders of the board shall be subject to the contested case provisions of RSA 541-A.

15 Fees. Amend RSA 310-B:20 to read as follows:

310-B:20 Fees. The board shall establish fees for application, ~~[for examination of applicants,]~~ for apprentices, and renewals of apprentice status for licensure or certification, for renewal of licensure or certification under this chapter, **for registration and renewal of registration of appraisal management companies**, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year, and sufficient to provide for periodic payments to reimburse the general fund for money appropriated for the purposes of this chapter.

16 Receipts and Disbursements. Amend RSA 310-B:21 to read as follows:

310-B:21 Receipts and Disbursements.

I. ~~[There shall be a]~~ **The** board ~~[secretary who]~~ shall receive and account for all moneys derived under the provisions of this chapter. At least monthly, the receipts shall be turned over to the state treasurer, who shall keep such moneys in a separate fund to be known as the real estate appraisers fund. Such fund shall be kept separate and apart from all moneys in the treasury, and shall be disbursed only for purposes of this chapter. Under no circumstances shall the total amount of payments exceed the fees collected under this chapter.

I-a. All moneys collected as administrative penalties through enforcement actions or settlements under this chapter shall be credited to the real estate appraisers fund and disbursed by the board for the investigation of complaints and activities that violate this chapter or rules adopted by the board.

II. The board shall reimburse the general fund for moneys appropriated for the purposes of this chapter as soon as such funds are available. ~~[A schedule for making periodic payments for reimbursement of advanced funds shall be acted upon at the board's first meeting.]~~

III. Revenues in excess of budget estimates may be expended with the prior approval of the legislative fiscal committee and the governor and council.

17 Roster. Amend RSA 310-B:22 to read as follows:

310-B:22 Roster. A roster showing the names, classification and place of business of all real estate appraisers licensed or certified under this chapter, who have paid their annual federal registry fee to the board, shall be submitted annually with the moneys collected to the federal Appraisal Subcommittee. A copy of the roster shall be ~~[placed on file with the secretary of state]~~ **furnished upon request at a fee established by the board which reflects the direct and incidental costs of making copies.**

18 Investigations. Amend RSA 310-B:23-a, I to read as follows:

I. The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any ~~[grievance,]~~ complaint[-] or disciplinary proceeding before the board.

19 Rulemaking; Appraisal Management Companies Added. Amend RSA 310-B:24 to read as follows:

310-B:24 Rulemaking Authority. The board shall adopt rules pursuant to RSA 541-A, relative to:

I. The application procedure ***and eligibility requirements for the issuance of any initial license or certificate issued under this chapter, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.***

I-a. The application procedure and eligibility requirements for the issuance of any temporary practice permit issued under this chapter.

II. Design and content of all forms required under this chapter.

III. How an applicant shall be examined.

IV. How a license or certificate shall be renewed.

V. Ethical standards required to be met by each holder of a license or certificate issued under this chapter and how such license or certificate may be revoked for violation of these standards.

VI. Establishing all fees required under this chapter, subject to RSA 332-G.

VII. Standards for appraisal education programs and the issuance of evidence indicating satisfactory completion of such program.

VII-a. The registration and supervision of appraisal management companies under RSA 310-B:16-a, including the establishment of fees for annual registration and for renewal of registration.

VIII. ***The conduct of investigations and*** procedures for the conduct of hearings consistent with the requirements of RSA 541-A.

VIII-a. Establishing continuing education and experience requirements which comport with criteria set forth by the board.

IX. ~~[The procedure of any other matter related to the proper administration of this chapter.]~~ ***The requirements for public requests for information.***

X. The conditions and requirements for granting a waiver to any rule adopted by the board.

20 Repeal. The following are repealed:

I. RSA 310-B:17-a, relative to grievances.

II. RSA 310-B:17-b, relative to complaints.

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

Referred to the Committee on Ways and Means.

HB 294, relative to the distance from highways for the taking of moose. **INEXPEDIENT TO LEGISLATE.**

Rep. Elisabeth N. Sanders for Fish and Game and Marine Resources: The committee felt that the issue of a few hunters who mistakenly shot a moose less than the lawful 300 feet from the roadway does not warrant any change to existing law. All moose hunters chosen in the lottery system are required to take a special moose hunter course and then they have the opportunity to ask any questions that they may have, including the 300 foot distance requirement. The existing distance should not be reduced as it allows for a balance between the hunting of moose and the observation of moose in the wild. The moose season is only 9 days long in mid-October. Vote 10-0.

HB 493-FN, relative to the certification of integrated residential communities. **REFER FOR INTERIM STUDY.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: Integrated residential communities offer a residential choice for individuals with developmental disabilities, mental illness or traumatic brain injuries that are certified and recognized by the department of health and human services as a service delivery alternative to community living facilities and day programs certified under RSA 126-A and residential care facilities licensed under RSA 151. The law and rules as currently constructed do not quite fit this

residential classification. It was felt, by the committee, that there is merit in continuing to work on the proposal to be sure there are adequate protections for both the communities and the residents. Vote 17-0.

HB 151, relative to appointments and reappointments of marital masters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian J. X. Murphy for Judiciary: Last session the House passed HB 609 (Chapter 88, Laws of 2011) establishing a NH circuit court. This became law on July 1. The family court division is now a part of the circuit court. In light of this reorganization, HB 151 clarifies the roles and responsibilities of judicial officers presiding over family law matters. The bill specifically provides that no new marital master contracts shall be entered into by the state and no existing marital contracts shall be renewed by the state on or after the date this bill becomes law. Vote 15-1.

Amendment (2586h)

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

AN ACT repealing the laws relative to marital masters.

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

1 Board of Family Mediator Certification; Marital Master Deleted. Amend RSA 328-C:4, I(b) to read as follows:

(b) One full-time ~~[marital master]~~ **justice**, appointed by the administrative judge of the judicial branch family division.

2 Performance of Notarial Acts; Marital Master Deleted. Amend RSA 456-B:3, I(b) to read as follows:

(b) A judge, ~~[marital master]~~ clerk, deputy clerk, register of probate, or deputy register of probate of any court of this state; or

3 Judicial Branch Family Division; Marital Masters Deleted. Amend RSA 490-D:1 to read as follows:

490-D:1 Judicial Branch Family Division Established. The general court hereby organizes, constitutes, and establishes the judicial branch family division. The goals of the family division are the respectful treatment of all citizens by justices~~[-marital master]~~ and other family division staff, the prompt and fair resolution of family issues by justices ~~[and marital masters specially selected and trained to deal effectively with such issues]~~, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice ~~[or marital master]~~ located in a family division court that is geographically accessible to the family.

4 Judicial Branch Justices and Marital Masters Expenses; Marital Masters Deleted. Amend RSA 491:6-a to read as follows:

491:6-a Superior Court Justices ~~[and Marital Masters]~~; Expenses. The justices ~~[and marital masters]~~ shall be entitled to receive their actual personal expenses when absent from their assigned court in the performance of their official duties. The justices ~~[and marital masters]~~ shall not be reimbursed for mileage to commute from the justice's ~~[or marital master's]~~ residence to their assigned court except for any mileage in excess of 50 miles each way.

5 Arbitration of Domestic Relations Cases; Marital Masters Deleted. Amend RSA 542:11, VI to read as follows:

VI. The arbitrator's decision and findings shall be submitted to the superior court ~~[and shall have the same effect as the report of a marital master]~~.

6 Harm or Threats to Certain Government Officials; Marital Masters Deleted. Amend RSA 631:4-a, I-II to read as follows:

I. A person is guilty of a class A felony if he or she causes bodily injury to, or commits any other crime against, a sitting member of the general court, an executive

councilor, a past or present governor, member of the judiciary, ~~[marital master,]~~ or member of their immediate family, for the purpose of influencing such official's action or in retaliation for action taken as a part of an official's government duties.

II. A person is guilty of a class B felony if he or she threatens bodily injury or threatens to commit any other crime against a sitting member of the general court, an executive councilor, a past or present governor, member of the judiciary, ~~[marital master,]~~ or member of their immediate family, for the purpose of influencing such official's action or in retaliation for action taken as a part of an official's government duties.

7 Repeal. RSA 490-D:7 through 490-D:9, relative to marital masters, are repealed.

8 Marital Master Contracts. No new marital master contracts shall be entered into by the state and no existing marital master contracts shall be renewed by the state on or after the effective date of this section.

9 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect April 5, 2016.

AMENDED ANALYSIS

This bill repeals the laws relative to marital masters on April 5, 2016, which is the date on which the last current marital master contracts expire. The bill also clarifies that no marital master contracts shall be entered into or renewed by the state on or after the effective date of this act.

HB 315, relative to appointment of attorneys by judges, marital masters, and judicial officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for Judiciary: This bill purported to address abuses in the manner in which judicial officers appoint attorneys to represent indigent parties or otherwise unrepresented interests. While the committee appreciated the general concept of the bill it was unable to conclude that there were abuses in the area of appointments such that passing additional legislation was necessary. Vote 16-0.

HB 344-FN, establishing a judicial performance review commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Rowe for Judiciary: This bill was filed to establish an independent commission to evaluate the performance of judges. However, as filed, it would result in an additional and costly independent commission. The committee believed that a more prudent approach would be to improve the current judicial performance evaluation program, making it more effective. As such, the bill has been amended to expand and change the current judicial branch evaluation program by adding non-judicial branch members to the current system, and expanding and enhancing the scope of the performance review survey methods so that a greater citizen response will be obtained. Further, the amendment authorizes the naming of judges who perform poorly. Vote 16-0.

Amendment (2713h)

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

AN ACT relative to judicial performance evaluations.

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

1 Judicial Performance Evaluations. Amend RSA 490:32 to read as follows:

490:32 Judicial Performance Evaluations.

I. The chief justice and a majority of the supreme court, in consultation with the administrative judges of the superior~~[-district]~~ and ~~[probate]~~ **circuit** courts **and other nonjudicial branch officers as established by court rule**, shall design and implement by court rule, a program for performance evaluation of judges. The sole purpose of this program shall be the improvement of the performance of individual judges and of the

judiciary as a whole. Notwithstanding any law to the contrary, all information compiled through this program shall be confidential, except as otherwise provided in this section.

II. The program for performance evaluation shall ***be as inclusive as practicable and shall*** include, but shall not be limited to, a questionnaire, to be designed by the supreme court, and a self-evaluation form to be completed by the judge. The supreme court shall strive to achieve uniformity among court evaluation questionnaires, recognizing that the questionnaires for each court may differ due to the jurisdiction of the courts. Questionnaires shall be ~~[distributed]~~ ***available*** to ~~[a representative sample of]~~ attorneys, parties, witnesses, jurors, court personnel, and others who have appeared before a judge during the evaluation period, for the purpose of evaluating the performance of the judge. The questionnaire shall include, but shall not be limited to, questions relative to the judge's performance, temperament and demeanor, judicial management skills, legal knowledge, attentiveness, bias and objectivity, and degree of preparedness. Completed forms shall be returned to the administrative judge, unsigned, within 30 days of issuance. All responses shall remain confidential.

III. The program for performance evaluation shall ensure that each judge is evaluated a minimum of once every 3 years. ***If a judge fails to achieve an overall satisfactory judicial evaluation, a follow-up evaluation shall be conducted in 18 months.***

IV. The chief justice of the supreme court shall evaluate the administrative judges of the superior~~[-, district]~~ and ~~[probate]~~ ***circuit*** courts.

V.(a) The chief justice and a majority of the supreme court, in consultation with the administrative judges of the superior~~[-, district]~~ and ~~[probate]~~ ***circuit*** courts, shall establish judicial evaluation standards, and shall design or determine appropriate programs for judges who need improvement in achieving the judicial evaluation standards. The supreme court shall establish disciplinary rules and may initiate disciplinary action when appropriate. If a judge fails to achieve ***an overall satisfactory*** judicial evaluation ~~[standards after]~~ ***in the second of 2*** consecutive evaluations, or purposely fails to complete assigned programs, the judge's right to confidentiality shall be waived.

(b) Upon consideration of nomination for another judicial appointment, a judge's evaluations shall be made available to the governor upon request. Upon nomination, such evaluations shall be made available to the executive council upon request. The contents of such evaluations shall be kept in strict confidence by the governor and executive council ***except as otherwise provided in this section.***

(c) Judicial performance evaluations shall be retained by the judicial branch for the duration of the judge's tenure.

VI. The supreme court shall prepare a report on the implementation of the performance evaluation program described in this section within one year of the effective date of this section and submit such report to the governor, the speaker of the house, the president of the senate, and the chairpersons of the house and senate judiciary committees. Such report shall be made available to the public. ~~[Beginning in 2001,]~~ The supreme court shall annually file a report on the evaluation process, including, but not limited to, the number of evaluations performed by each court, the percentage of responses received, and, ~~[without identifying individual judges,]~~ a summary of the overall evaluation results ***for each judge evaluated*** and all actions taken to correct inadequacies and deficiencies. The annual report shall be submitted on or before June 30 of each year to the governor, the speaker of the house, the president of the senate, and the chairpersons of the house and senate judiciary committees. Such report shall be made available to the public.

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

AMENDED ANALYSIS

This bill changes certain procedures for judicial performance evaluations.

HB 527, relative to tort reform. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would impose limits in awards of non-economic damages, contingent attorney's fees, liability for civil damages of providers of emergency care, and damages for wrongful death. It is a well-meaning tort reform proposal crafted after the successful Texas tort reform. It must be stated that our state has never been noted as awarding excessive jury verdicts, just the opposite. The committee has had numerous occasions over recent years to note that New Hampshire does not have the problems noted in other states of frivolous personal injury litigation and excessive verdicts. Moreover, the reforms sought by this bill, which take the form of limitations on plaintiff recoveries, appear to the committee to conflict with Part I, Article 14 of the New Hampshire Constitution, which entitles every person to "a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character...completely, and without any denial..." Vote 16-0.

HB 599, relative to appointments and reappointments of marital masters. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for Judiciary: This bill sought to create renewable terms for marital masters. Based on the creation of the New Hampshire circuit court, and pursuant to the clarifications regarding marital masters in HB 151, there is no longer a need to legislate on the appointments and re-appointments of marital masters. Vote 16-0.

HB 236, relative to workers' compensation for illegal aliens. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The title of the bill sounds simple. However, a standing New Hampshire Supreme Court decision combined with a myriad of other issues makes this bill too difficult to write in the time frame given. It was the request of the sponsor to amend the bill to establish a study committee on the issue. The report of the committee is due on 11/1/12. Vote 13-0.

Amendment (2759h)

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

AN ACT establishing a committee to study workers' compensation benefits for illegal aliens.

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

1 Committee Established. There is established a committee to study workers' compensation benefits for illegal aliens.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall study workers' compensation benefits for illegal aliens. The committee's study shall include, but not be limited to, the following:

(a) A review of the worker's compensation benefits which should be provided to illegal aliens injured in the course of employment.

(b) Penalties for employers who hire illegal aliens.

I A review of the requirements of employers to verify the identification of illegal aliens.

II. The committee may solicit information from any source the committee deems relevant to its study.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study workers' compensation benefits for illegal aliens.

HB 420-FN, relative to voluntary registration for independent contractors under workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill consolidates the original 12 item criteria established five years ago to a seven item criteria. The change combines some criteria and removes others in an effort to more clearly define which individuals may be clarified as employees and which individuals may be clarified as independent contractors. Vote 15-0.

Amendment (2754h)

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

AN ACT relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

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

1 Protective Legislation; Definition of "Employee." Amend RSA 275:4, II (e)-(l) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself **and the person has continuing or recurring business liabilities or obligations.**

~~[(f) The person has continuing or recurring business liabilities or obligations.~~

~~(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.~~

~~(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.~~

~~(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.~~

~~(j)~~ **(f)** The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

~~[(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.~~

~~(l)~~ **(g)** The person is not required to work exclusively for the employer.

2 Protective Legislation; Payment of Wages. Amend RSA 275:42, II (e)-(l) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself **and the person has continuing or recurring business liabilities or obligations.**

~~[(f) The person has continuing or recurring business liabilities or obligations.~~

~~(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.~~

~~(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.~~

~~(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.~~

~~(j)~~ **(f)** The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

~~[(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.~~

~~(4)~~ **(g)** The person is not required to work exclusively for the employer.

3 Whistleblowers' Protection Act; Definition of "Employee." Amend RSA 275-E:1, I(e)-(l) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself **and the person has continuing or recurring business liabilities or obligations.**

~~[(f) The person has continuing or recurring business liabilities or obligations.~~

~~(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.~~

~~(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.~~

~~(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.~~

~~(j)~~ **(f)** The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

~~[(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.~~

~~(4)~~ **(g)** The person is not required to work exclusively for the employer.

4 Minimum Wage Law; Definition of "Employee." Amend RSA 279:1, X(e)-(l) to read as follows:

(e) The person holds himself or herself out to be in business for himself or herself **and the person has continuing or recurring business liabilities or obligations.**

~~[(f) The person has continuing or recurring business liabilities or obligations.~~

~~(g) The success or failure of the person's business depends on the relationship of business receipts to expenditures.~~

~~(h) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.~~

~~(i) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.~~

~~(j)~~ **(f)** The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

~~[(k) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.~~

~~(4)~~ **(g)** The person is not required to work exclusively for the employer.

5 Workers' Compensation; Definition of Employee. Amend RSA 281-A:2, VI(b)(1)(E)-(L) to read as follows:

(E) The person holds himself or herself out to be in business for himself or herself **and the person has continuing or recurring business liabilities or obligations.**

~~[(F) The person has continuing or recurring business liabilities or obligations.~~

~~(G) The success or failure of the person's business depends on the relationship of business receipts to expenditures.~~

~~(H) The person receives compensation for work or services performed and remuneration is not determined unilaterally by the hiring party.~~

~~(I) The person is responsible in the first instance for the main expenses related to the service or work performed. However, this shall not prohibit the employer or person offering work from providing the supplies or materials necessary to perform the work.~~

~~(J)~~ **(F)** The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.

~~[(K) The person supplies the principal tools and instrumentalities used in the work, except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises.~~

~~(L)~~ **(G)** The person is not required to work exclusively for the employer.

6 Workers' Compensation; Reference Change. Amend RSA 281-A:2, VI(c) to read as follows:

(c) A written agreement signed by the employer and the person providing services, on or about the date such person was engaged, which describes the services to be performed and affirms that such services are to be performed in accordance with each of the criteria in subparagraphs (b)(1)(A)-~~[(L)]~~ **(G)** is prima facie evidence that the criteria have been met. Nothing in this subparagraph shall require such an agreement to establish that the criteria have been met.

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

AMENDED ANALYSIS

This bill clarifies the definition of employee and the criteria for exempting workers from employee status.

SB 49, relative to tip pooling arrangements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The bill revises the current tip pooling law, creates a new section on tip sharing and defines employer coercion. The original legislative intent that tips are wages and the property of the employees was left intact. In addition, business owners can now offer advice and mediate disputes at the employees' request regarding tip pooling or tip sharing. Vote 13-0.

Amendment (2810h)

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

1 New Paragraphs; Minimum Wage Law; Definitions; Tip Pooling; Tip Sharing; Coercion. Amend RSA 279:1 by inserting after paragraph XII the following new paragraphs:

XIII. "Tip pooling" means the voluntary practice by which the tip earnings of directly tipped employees within the same job category are intermingled in a common pool and then redistributed among participating employees.

XIV. "Tip sharing" means the practice by which a directly tipped employee gives a portion of his or her tips to another worker who participated in providing service to customers.

XV. "Coercion" means the threat of or a direct action which results in an adverse effect on an employee's economic or employment status.

2 Tip Pools. RSA 279:26-b is repealed and reenacted to read as follows:

279:26-b Tip Pooling and Sharing.

I. Tips are wages and shall be the property of the employee receiving the tip and shall be retained by the employee, unless the employee voluntarily and without coercion from his or her employer agrees to participate in a tip pooling or tip sharing arrangement.

II. No employer is precluded from administering a valid tip pooling or tip sharing arrangement at the request of the employee, including suggesting reasonable and customary

practices, and mediating disputes between employees regarding a valid tip pooling or tip sharing arrangement.

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

AMENDED ANALYSIS

This bill requires tip pooling and tip sharing arrangements to be voluntary.

HB 357-FN, suspending the payment of travel expenses for legislators and staff.
INEXPEDIENT TO LEGISLATE.

Rep. David H. Kidder for Legislative Administration: At a pay rate of \$100/year less taxes and other costs, legislators essentially volunteer their time and energy to serve in the New Hampshire general court. They are only reimbursed for mileage to and from Concord and to and from statutory committees that they might serve on. A legislator's constituent needs aren't constrained by day, month or season. The capacity, interest and ability of any legislator to act on behalf of their constituents therefore, should never be arbitrarily limited or constrained by process and especially where constituent interests may require more travel and expense than provided pursuant to RSA 14:15-a for attendance on session days in Concord or for attendance at scheduled meetings of committees on which the member sits or before which the member is appearing for legislative business. Suspending payment of travel expenses for legislators and staff therefore would only serve to further limit the capacity of members to serve their constituents and for staff to serve the needs of the members of the general court. The capacity of the general court as a whole to serve the interests of the residents of New Hampshire would be diminished should the policy change desired by this proposal be implemented. This bill should therefore be deemed inexpedient to legislate. Vote 11-1.

HB 108, authorizing the town of Hampton to appoint a tree warden. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The original bill was specifically for the town of Hampton and the committee voted to put HB 108 into retained status to create a generic bill for appointing tree wardens by local municipalities. Currently any tree warden is nominated by the governing body and the director of the division of forests and lands within the department of resources and economic development then appoints the tree warden. The division also has oversight authority now to control, acquire, record, and remove trees within any municipality. The amendment allows any municipality to appoint a tree warden and removes the oversight from the division of forests and lands. The full committee agreed to the amendment to give local control regarding tree wardens to the local governing bodies. Vote 16-0.

Amendment (2090h)

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

AN ACT relative to trees and roadside growth

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

1 Tree Wardens. RSA 231:139 and RSA 231:140 are repealed and reenacted to read as follows:

231:139 Tree Wardens.

I. A city or town may provide for the appointment of a tree warden or wardens. A tree warden shall be a person known to be interested in planting, pruning, and preserving shade and ornamental trees and shrubs in public ways, village commons, parks, cemeteries, and other public grounds. A tree warden shall be qualified to perform the duties specified as demonstrated through adequate education, experience, or both, in arboriculture, ornamental horticulture, forestry, landscape maintenance, or other related fields. The city or town appointing a tree warden shall advise the division of forests and lands of such appointment

and the division shall maintain a roster of tree wardens which shall be available to the public upon request.

II. As determined by the city or town, the duties of a tree warden shall be to help care for, maintain, protect, and perpetuate shade and ornamental community trees and shrubs in town public ways, village commons, parks, cemeteries, and other public grounds, and to advise the governing body from time to time as may be necessary to help accomplish that purpose. The town tree warden shall cooperate and work with other town agencies and officials in carrying out the intent of this chapter.

231:140 Control of Trees. Towns shall have control of all shade or ornamental trees and shrubs situated within the limits of town public ways, village commons, parks, cemeteries, and other public grounds which have been or may be acquired by gift or purchase, or planting by or with the advice of the tree warden, or by condemnation by the tree warden.

2 Acquisition of Trees. Amend RSA 231:141 to read as follows:

231:141 Acquisition of Trees. It shall be the duty of the tree warden to examine the trees growing within the limits of ~~highways~~ **town public ways, village commons, parks, cemeteries, and other public grounds**, and to designate from time to time such as may be reasonably necessary for the purpose of shade or ornamentation and to acquire them in the name of the municipality as hereinafter provided, if it can be done, either by gift or by purchase if at a fair price and funds either public or private are available. Failing in this, he **or she** may take said trees, including the right to maintain the same as shade trees, for the use of the town or city by appraising the fair value of the same and by causing to be served upon the owner thereof a notice of such taking, which notice shall state the number of each variety of tree so taken, the location of the same as near as practicable, and the value thereof as fixed by him **or her**, or by a committee selected for the purpose, and also by filing a copy of such notice as attested by him **or her** with the town clerk. If the owner shall be satisfied with the value stated in such notice, the tree warden shall cause the same to be paid to him **or her** forthwith. If the owner shall be dissatisfied, he **or she** may, within 30 days after said notice has been served upon him **or her**, but not afterwards, apply to the selectmen to assess his **or her** damages. Such proceedings shall thereupon be had, including the right of appeal, as are provided in the case of assessment of damages in laying out of highways by selectmen; and thereupon such damages, if any, may be awarded as shall be legally and justly due to the landowner.

3 Record of Trees Acquired. RSA 231:142 is repealed and reenacted to read as follows:

231:142 Records of Trees Acquired. A record shall be kept of the trees so acquired which may be marked for identification in an appropriate manner as shall be determined by the city or town. Such record may include the approximate location, name of abutting landowner, variety and approximate diameter, and date of acquisition. The tree warden or his or her authorized agent shall represent the interest of the public at any hearing whenever a public service corporation shall desire to cut or remove any shade or ornamental tree in accordance with RSA 231:172, or may have caused damage to such trees.

4 Removal of Trees. Amend RSA 231:144 to read as follows:

231:144 Removal of Trees. Whoever desires the cutting and removal in whole or in part of any public shade or ornamental tree **owned by the city or town** may apply to the tree warden, who shall give a public hearing, upon the application, at some suitable time and place, after publishing and posting notices of the hearing in 2 or more public places in town and also upon the tree or trees which it is desired to cut and remove; provided, that the tree warden may, if he **or she** deems it expedient, grant permission for such cutting or removal, without a hearing, if the tree in question is on a public way outside of the residential part of the town limits, such residential part to be determined by ~~him~~ **the tree warden**. No tree within such residential limit shall be cut by ~~him~~ **the tree warden**, except to trim it, or removed by ~~him~~ **the tree warden**, without such hearing. The decision of the tree warden shall be subject to review **as provided for** by the ~~selectmen of towns or the~~ governing ~~bodies of cities~~ **body**.

5 Removal of Certain Hazardous Trees. Amend RSA 231:145 to read as follows:

231:145 Removal of Certain Hazardous Trees. Notwithstanding the provisions of other sections of this subdivision and subject to the provisions of RSA 231:157 and RSA 231:158, the commissioner of transportation on class I and III highways, and state maintained portions of class II highways, and ~~[the mayors of cities and the selectmen]~~ **the governing bodies of cities and** towns and the county commissioners for unorganized places on class IV, V, and VI highways and town maintained portions of class II highways may declare any tree, either alive or dead, situated within the limits of highways, roads, or streets to be a public nuisance by reason of unreasonable danger to the traveling public, spread of tree disease, or the reliability of equipment installed at or upon utility facilities authorized under RSA 231:160 or RSA 231:160-a. After such declaration by such authority and notice to the abutting landowner on whose property such tree is located the said authority shall within a reasonable time remove the same without compensation or cost to the abutter. However, no such declaration and notice shall be required when the delay entailed by such declaration and notice would pose an imminent threat to safety or property. Nothing in this subdivision shall be construed to relieve the public utility companies of their accepted responsibility of tree trimming and tree removal for the protection of their lines, or for the construction of new lines, or to alter the provisions of RSA 231:150-182 in any manner. The ~~[aforesaid]~~ state and municipal authorities may require of the public utilities owning lines which pass through or near a tree or trees which are condemned for removal as a public nuisance to assist in their removal at their expense by either the temporary removal of their lines or by causing to be removed at their expense the top portion of said tree or trees from a point below their lines.

6 Injury or Defacement of Trees. Amend RSA 231:147 to read as follows:

231:147 Injury or Defacement of Trees. It shall be unlawful to cut, destroy, injure, deface, or break any public shade or ornamental tree; or to affix to any such tree a play bill, picture, announcement, notice, advertisement, political or otherwise, or other device or thing, or to paint or mark such tree, except for the purpose of protecting it and under a written permit from the tree warden~~[-or to negligently or carelessly suffer any horse or other beast to break down, injure or destroy a shade or ornamental tree within the limits of any public way or place].~~

7 Trees Donated. Amend RSA 231:148 to read as follows:

231:148 Trees Donated. Whenever any party, at a proper time of the year, shall present to a ~~[town]~~ **municipality** well grown nursery trees, the tree wardens may set out such trees in the highways, cemeteries, commons, schoolhouse yards and other public places, as indicated by the donor, and protect the same at the expense of the town **to the extent that funds are available for such purpose.**

8 Public Ownership. Amend RSA 231:149 to read as follows:

231:149 Public Ownership. Any young shade or ornamental tree planted within the limits of a public highway by the tree wardens or by any other person or persons, with the approval of the ~~[selectmen or the mayor]~~ **governing body**, or any young seedling tree or sprout left within the limits of the highway as specified in RSA 231:150 and designated by the tree warden to be preserved for its future value as a shade tree, shall become the property of the municipality; provided, that the abutting landowner, having been notified of the intention of the ~~[town]~~ **municipality** to take and preserve such young tree, shall make no written objection to the tree warden within 30 days from the date of such notification.

9 Clearing Highways. Amend RSA 231:150 to read as follows:

231:150 Clearing Highways. ~~[Mayors]~~ **Governing bodies** of cities~~[-selectmen of]~~ **and** towns, and county commissioners for unorganized places shall annually, and at other times when advisable, cause to be cut and disposed of, from within the limits of town maintained highways, all trees and bushes that may cause damage or pose a safety hazard to such highways or to the traveling public; provided however that no tree which has a circumference of 15 inches or more at a point 4 feet from the ground shall be removed in the absence of notice to the abutter in the same manner as provided in RSA 231:145 and **RSA** 231:146,

except when the delay entailed by such notice would pose an imminent threat to safety or property. Shade and fruit trees that have been set out or marked by the abutting landowners or by the town tree wardens, and young trees standing at a proper distance from the highway and from each other, shall be preserved, as well as banks and hedges of bushes that serve as a protection of the highway, or that add to the beauty of the roadside.

10 Improvements by Abutter. Amend RSA 231:151 to read as follows:

231:151 Improvements by Abutter. ~~[The selectmen of a town or the highway department of a city]~~ **A municipality** may contract with any owner of land abutting a public highway to cut, trim, and improve the roadside growth along said owner's property, and for all such work properly done in carrying out the provisions of RSA 231:150 and approved by the tree wardens, may allow and cause to be paid to such owner such sums as in their judgment, with the advice of the tree wardens, justly represent the value to the town of the improved condition of the roadside.

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

AMENDED ANALYSIS

This bill:

I. Modifies the method of appointing tree wardens.

II. Provides that governing bodies of cities and towns have authority over certain trees situated within the limits of town public ways, village commons, parks, cemeteries, and other public grounds

HB 232-FN, relative to abandoned homes in manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill was an attempt to fix a problem that mobile home parks have had with several towns when they attempted to remove abandoned mobile homes that have little value, when the town will not allow their removal with the payment of all past due taxes and fees. After many suggestions by the proponents of the bill, the committee voted unanimously to recommend inexpedient to legislate because all the proposed solutions would have created new problems. Vote 16-0.

HB 250, establishing a committee to study the duties and responsibilities of fire wardens. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Moore for Municipal and County Government: This bill was to establish a committee to study duties of fire wardens. The statutes cover those areas very well and there is no need at this time for a study committee. Vote 16-0.

HB 352, relative to merger of lots or parcels. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P. Lockwood for Municipal and County Government: The subject matter of this bill was added to SB 316 and was passed during the last session. Therefore, this bill is unnecessary. Vote 16-0.

HB 268-FN, relative to the Merrimack tolls. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W. Seidel for Public Works and Highways: The committee decided it was not the time to change the toll situation at Exit 12 but to review the overall toll situation at a later date when the state's financial status improves. It may be covered as the ten year highway construction plan is reviewed. Vote 12-0.

HB 287-FN-A, making an appropriation for funding disaster relief and hazard mitigation in response to the May 2006 Suncook River avulsion. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: HB 25 (the capital budget) provides money for mitigation and disaster relief in the affected area. This money will also be used to leverage federal funds for the same purpose. The committee retained HB 287 to ensure that there was a vehicle available to fund the required actions in the event that the monies were

deleted from the capital budget. Since HB 25 has become law, with the monies intact, this bill is no longer required. Vote 12-0.

HB 371-FN-A, relative to capital appropriations to the liquor commission for facilities on Interstate Route 93 in Hooksett and improvements to existing stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works and Highways: This bill, relative to a capital appropriation to the liquor commission for facilities on Route 93 north and southbound in Hooksett, is not needed as the committee agreed with the concept and put the project and a capital expenditure in the capital budget which took effect July 1. Vote 12-0.

HB 638-FN, relative to access to public buildings by brick or stone walkways. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W. Seidel for Public Works and Highways: Now is not the time to add new requirements to the construction of public walkways although we are always concerned with the safety and convenience that a smooth sidewalk surface brings to the ability of handicapped individuals to use the walkways. Vote 14-0.

HB 256-FN, relative to the administrative appeals process of the department of environmental services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher J. Ahlgren for Resources, Recreation and Development: This amended bill makes 2 important changes to enhance the fairness and cost effectiveness of the administrative appeals process at the department of environmental services. At present, appeals are heard by volunteer councils. Further appeal is to the New Hampshire Supreme Court. The first change, which is the most dynamic, allows aggrieved parties of a DES permitting decision the ability to appeal with an option to mediate. Mediation has proven effective in superior court and the committee heard testimony that nearly half of the DES appeals were being resolved before councils had rendered a finding. Mediation will be a cost saving for the state as well, as the appellants must now bear the cost of preparing and adjudicating the appeal hearing even though it is ultimately settled outside of the hearing process. The second change requires the attorney general to appoint the hearings officer from an independent list maintained by an outside authority such as the office of mediation and arbitration in the judicial branch. This will be very helpful in assuring the perception that the individual appointed acts as an independent and neutral magistrate during the proceeding. Lastly, the bill forms a committee to study the system of administrative appeals for DES. Among the committees charges is to compare our rather unique system to other states systems for cost effectiveness and fairness. Vote 15-0.

Amendment (2811h)

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

AN ACT relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

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

1 Attorney General; Hearing Officers. Amend RSA 21-M:3, VIII to read as follows:

VIII. The attorney general shall appoint one or more individuals to serve as a hearing officer for appeals to any of the councils established under RSA 21-O. The attorney general and the commissioner of the department of environmental services may enter into a memorandum of understanding to transfer funds sufficient to fund the hearing officer position and related expenses. Such individual or individuals shall:

(a) Be qualified by education and experience in the conduct of administrative adjudicative hearings and the application of law to facts; ~~and~~

(b) Be fully screened by the attorney general from the outset of any such appeal from any attorney representing the department [-]; **and**

(c) If appointed on a case-by-case basis, be chosen whenever possible from a list of neutral persons maintained by an independent authority such as the judicial branch.

2 Attorney General; Hearing Officer. Amend RSA 21-M:3, IX to read as follows:

IX. When designated as the hearing officer for a particular appeal, the hearing officer shall:

(a) Regulate all procedural aspects of a proceeding, including presiding over the hearing and any prehearing conferences;

(b) At the first prehearing conference, recommend to the parties and any intervenors that they participate in mediation, provided the hearing officer concludes that it is reasonably possible that mediation will result in the resolution of the issues in dispute in the proceeding. If the parties agree to mediation, the prehearing order issued by the hearing officer shall specify a time period in which the parties may mediate. The parties may request a specific amount of additional time if they have not reached a complete agreement within the time period specified by the hearing officer but believe a complete agreement can be reached with the additional time. If one or more persons have been allowed to intervene, the parties shall select a mediator only after determining whether any intervenor has any conflict of interest concerns about the mediator. The costs of mediation shall be borne by the appellant unless otherwise agreed to by the parties.

(c) Adopt all findings of fact made by the council except to the extent any such finding is without evidentiary support in the record;

~~[(e)]~~ **(d)** Deliberate with the council before reaching conclusions on mixed questions of law and fact;

~~[(d)]~~ **(e)** Decide all questions of law presented during the pendency of the appeal; and

~~[(e)]~~ **(f)** Prepare and issue written decisions on all motions and on the merits of the appeal within 90 days of the conclusion of the hearing on the merits. The hearing officer shall provide the council with a proposed written decision on the merits within 45 days of the conclusion of the hearing on the merits. If requested to do so by the members of the council participating in the discussion, the hearing officer shall meet with those members within the 90 day period to discuss the decision.

3 Water Council; Scope of Jurisdiction. Amend RSA 21-O:7, IV to read as follows:

IV. The water council shall hear all administrative appeals from department decisions relative to the functions and responsibilities ~~[within the expertise]~~ of the division of water other than department decisions made under RSA 482-A relative to wetlands and RSA 483-B relative to shoreland protection, and shall decide all disputed issues of fact in such appeals, in accordance with RSA 21-O:14.

4 Administrative Appeals; Department Decision. RSA 21-O:14, I is repealed and reenacted to read as follows:

I.(a) For purposes of this chapter, “department permitting decision” means the department’s final action to grant in whole or in part, with or without conditions, or to deny an application or other request for a license as defined in RSA 541-A:1, VIII, whether the action is taken by the commissioner or by the department official who has statutory authority to make such final decision or to whom the commissioner has properly delegated the authority to take such final action.

(b) For purposes of this section, “department enforcement decision” means:

(1) The issuance of an administrative order issued under specific statutory authority for such an order, whether described as an order, an administrative order, a cease and desist order, a notice of violation and order of abatement, or other similar name, which specifies the facts and law that support the department’s determination that one or more

violations are occurring or have occurred and orders the recipient to cease on-going violations and to take such remediation actions as are necessary to come into compliance with applicable requirements.

(2) The revocation of or the refusal to renew a license as defined in RSA 541-A:1, VIII based on the permit holder's non-compliance with the statute, rules, or terms and conditions of the license or on other good or just cause as defined in rules adopted relative to the license.

(c) "Department decision" means a department permitting decision, a department enforcement decision, and any other decision made by the department that is expressly appealable to a council under the statute granting authority to the department to make the decision. The term does not include rulemaking or an agency declaratory ruling as provided for in RSA 541-A.

5 New Paragraphs; Administrative Appeals; Mediation Option for Permitting Decisions. Amend RSA 21-O:14 by inserting after paragraph 1-a the following new paragraphs:

I-b. Appeals of department permitting decisions shall be subject to the following:

(a) For purposes of this paragraph, the following definitions shall apply:

(1) "Initiate mediation" or "initiation of mediation" means that the persons whose dispute is to be mediated have entered into an agreement for the conduct of the mediation with a specific mediator.

(2) "Termination of mediation" means the earlier of:

(A) Ninety days from the initiation of mediation; or

(B) The date on which the mediator and the persons participating in the mediation agree that a mediated agreement is unlikely to be reached and continuing the mediation will not be productive.

(b) An applicant who wishes to appeal a department permitting decision to a council shall, within 30 days of the date of the decision, file either a notice of appeal as specified in rules of the council or a notice of intent to appeal with request for mediation. If an applicant files a notice of intent to appeal with request for mediation instead of a notice of appeal, the following shall apply:

(1) The applicant and the department shall initiate mediation within 30 days of the filing of the request. If the department is aware that other persons may have standing to appeal the same permitting decision, the department shall invite such persons to participate in the mediation.

(2) If the applicant and the department reach agreement as a result of mediation or other discussions, the matter shall be closed on such terms as have been agreed to. If the agreement includes the issuance of a new or revised permit, such permit shall constitute a new, appealable decision only as to aggrieved persons who have standing to appeal the decision and who were not invited to participate in the mediation.

(3) If the applicant and the department are not able to reach agreement as a result of mediation or other discussions and the applicant wishes to pursue the appeal, the applicant shall file a notice of appeal as specified in rules of the council within 30 days of the termination of mediation.

(4) If the applicant and the department do not initiate mediation within 30 days of the date the request was filed and the applicant wishes to pursue the appeal, the applicant shall file a notice of appeal as specified in rules of the council within 45 days of the date the request was filed.

(5) If an applicant who originally filed a notice of intent to appeal and request for mediation does not file a notice of appeal within the time limit specified in subparagraph (b)(3) or (b)(4), as applicable, the applicant shall have no further recourse to challenge the department's decision.

(c) A person who is not the applicant who wishes to appeal a department permitting decision shall, within 30 days of the date of the decision, file either a notice of appeal as specified in rules of the council or, if the applicant agrees to mediation, a notice of

intent to appeal with request for mediation. If a request for mediation is filed with the applicant's agreement, the following shall apply:

(1) The department, the applicant, and the person wishing to appeal who is not the applicant, who shall be known as the participants, shall collectively initiate mediation within 30 days of the filing of the request. If the department is aware that other persons may have standing to appeal the same permitting decision, the department shall invite such persons to participate in the mediation.

(2) If the participants reach agreement as a result of mediation or other discussions, the matter shall be closed on such terms as have been agreed to. If the agreement includes the issuance of a new or revised permit, such permit shall constitute a new, appealable decision only as to aggrieved persons who have standing to appeal the decision and who were not invited to participate in the mediation.

(3) If the participants are not able to reach agreement as a result of mediation or other discussions and the person who requested the mediation wishes to pursue the appeal, that person shall file a notice of appeal as specified in rules of the council within 30 days of the termination of mediation.

(4) If the participants do not initiate mediation within 30 days of the date the request was filed and the person who requested the mediation wishes to pursue the appeal, that person shall file a notice of appeal as specified in rules of the council within 45 days of the date the request was filed.

(5) If the person who originally filed a notice of intent to appeal and request for mediation does not file a notice of appeal within the time limit specified in subparagraph (c)(3) or (c)(4), as applicable, the person shall have no further recourse to challenge the department's decision.

(d) If an applicant files a notice of intent to appeal and request for mediation and a person who is not the applicant files a notice of appeal, the non-applicant shall be invited to participate in the mediation and all proceedings on the non-applicant's appeal shall be stayed pending the outcome of the mediation.

(e) The costs of any mediation conducted under this paragraph shall be borne by the person requesting mediation.

(f) Nothing in this paragraph shall limit or otherwise modify the authority of a hearing officer to recommend mediation under RSA 21-M:3, IX(b).

I-c. Any person aggrieved by a department decision that is not a department permitting decision may, in addition to any other remedy provided by law, appeal to the council having jurisdiction over the subject matter of the appeal. Unless a different time period is specified in the statute authorizing the department to make the decision being appealed, the person wishing to appeal shall file a notice of appeal within 30 days of the date of the decision.

6 Air Pollution Control; Appeals; Time for Filing. RSA 125-C:12, III is repealed and reenacted to read as follows:

III. Any person aggrieved by a decision of the commissioner to grant in whole or in part, with or without conditions, or to deny a permit who wishes to appeal the decision shall proceed in accordance with RSA 21-O:14, I-b.

7 Fill and Dredge in Wetlands; Powers of Department. Amend RSA 482-A:6, III and IV to read as follows:

III. Whenever it is found that a wetlands is at immediate risk from dredging, filling, or other activity in violation of this chapter, the department may issue an emergency order in writing requiring the immediate cessation of such activity. Any person to whom such an order is directed shall comply immediately, but may ~~[request reconsideration and then]~~ appeal as provided in RSA 482-A:10.

IV. The department may issue an order to any person in violation of this chapter, a rule adopted under this chapter or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may

be necessary. Any person to whom such an order is directed may ~~[request reconsideration and then]~~ appeal as provided in RSA 482-A:10.

8 Fill and Dredge in Wetlands; Appeals. RSA 482-A:10, IV is repealed and reenacted to read as follows:

IV. An appeal from a decision of the department under RSA 482-A:3 after reconsideration shall be filed in accordance with RSA 21-O:14, I-b and rules adopted by the council pursuant to RSA 541-A regarding the number of copies to be filed, the address to which the appeal must be sent or delivered, and the method of delivery. An appeal from an order issued by the department under RSA 482-A:6 shall be filed in accordance with RSA 21-O:14, I-c and rules adopted by the council pursuant to RSA 541-A regarding the number of copies to be filed, the address to which the appeal must be sent or delivered, and the method of delivery.

IV-a. An appeal to the council shall contain a detailed description of the land involved in the department's decision and shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the appeal shall be considered by the council.

9 Availability of Mediation in Pending Appeals. In addition to applying to all appeals filed on or after the effective date of this act, section 1 shall apply to any appeal that has been filed but has not yet had a hearing before the council as of the effective date of this act.

10 Committee Established. There is established a committee to evaluate alternative models for appealing decisions of the department of environmental services, adjudicating cases relating to environmental issues, and evaluating opportunities for application of the recommended systems to appeals of other agencies to achieve greater efficiency, impartiality, cost effectiveness, and enhanced delivery of justice.

11 Membership and Compensation.

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

(a) Six members of the house of representatives, 2 of whom shall serve on the resources, recreation and development committee, and at least 2 of whom shall serve on the house judiciary committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, at least one of whom shall serve on the energy and natural resources committee, appointed by the president of the senate.

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

12 Duties. The committee shall study the effectiveness of delivering justice, efficiency, impartiality, costs, and benefits of alternative processes for appealing decisions of the department of environmental services and adjudicating environmental issues. The committee shall also evaluate opportunities for the application of the recommended systems to appeals of other agencies.

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

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

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

AMENDED ANALYSIS

This bill modifies the administrative appeals process of the department of environmental services.

This bill establishes a committee to examine the appeal process of the department of environmental services.

HB 321-FN, relative to the classification of wetlands as contributing or noncontributing. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter S. Bolster for Resources, Recreation and Development: While the issue of determining whether “contributing” and “non-contributing” should receive different regulatory attention is an important subject to consider, the committee found that the science to make this determination was not fully available to create careful legislation at this time. NHDES offered that the new NH method for wetland delineation and upcoming discussions with the US Corps of Engineers should provide a basis for addressing this issue in the next legislative session. Vote 15-0.

HB 470-FN, repealing the comprehensive shoreland protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence M. Kappeler for Resources, Recreation and Development: This bill dealt with the same subject matter as a Senate bill, which was passed, making substantial changes to the comprehensive shoreland protection act. This bill was retained should there be a need to make additional changes to the act. No need has presently surfaced. With the agreement of the prime sponsor, the bill is ITL'd. Vote 15-0.

HB 568, relative to smoking within certain areas of New Hampshire state parks and historic sites. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter S. Bolster for Resources, Recreation and Development: The intent of this bill was to encourage the NH parks department to address the issue of conflict between smokers and non-smokers and smoking related litter at our state parks. The committee became satisfied that the state parks department could address this issue in a sensitive and non-coercive manner through education and more convenient disposal availability and that legislation was not necessary in this matter. Vote 13-2.

SB 19, relative to the definition of “prime wetlands.” **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S. Bolster for Resources, Recreation and Development: This bill seeks to correct agreed upon flaws in the prime wetlands statutes, which have both stalled its utilization and unfairly restricted the rights of land owners to use their own land. The bill provides for greater notification and input from landowners, before important local wetlands are enrolled in the program. It also addresses a more accurate delineation of the poorly drained and very poorly drained soil, which comprises the prime wetland, while leaving the issue of upland buffer to the local voters. The bill received widespread support from property owners, wetlands scientists, local government officials, developers, loggers, farmers, the NH department of environmental services and the environmental community. With the changes in this bill any future prime wetland designations by local communities will be fairer, more accurate and more in keeping with the wishes of the people of local communities. Vote 14-1.

Amendment (2590h)

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

AN ACT relative to the definition and designation of “prime wetlands.”

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

1 Administrative Provisions. Amend RSA 482-A:11, IV(a) and RSA 482-A:11, IV(b)(1) to read as follows:

IV.(a) The department shall not grant a permit with respect to any project to be undertaken in ~~[or within 100 feet of]~~ an area mapped, designated, and filed as a prime wetland pursuant to RSA 482-A:15 unless the department first notifies the local governing body, the planning board, if any, and the conservation commission, if any, in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the department is able, specifically, to find clear and

convincing evidence on the basis of all information considered by the department, and after a public hearing, if a public hearing is deemed necessary under RSA 482-A:8, that the proposed project, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the department of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

(b)(1) A property owner may request from the department a waiver from subparagraph (a), under rules adopted by the department, to perform forest management work and related activities in the forested portion of a prime wetland ~~[or its 100-foot buffer]~~ **that do not qualify under the notification of forest management or timber harvest activities having minimum wetlands impact process.** The request for the waiver shall include, but not be limited to:

(A) A sketch of the property depicting the best approximate location of each prime wetland ~~[and its 100-foot buffer]~~ in which work is proposed and the location of proposed work, including access roads;

(B) A written description of the work to be performed and a copy of the notice of intent to cut, if applicable; and

I A list of the prime wetland values as identified by the municipality in designating each prime wetland under RSA 482-A:15.

2 Local Options; Prime Wetland. Amend RSA 482-A:15, I to read as follows:

I.(a) Any municipality, by its conservation commission, or, in the absence of a conservation commission, the planning board, or, in the absence of a planning board, the local governing body, may undertake to designate, map, and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries. ***The conservation commission, planning board, or governing body shall give written notice to the owner of the affected land and all abutters 30 days prior to the public hearing, before designating any property as prime wetlands.***

(b) Prior to municipal vote under paragraph II, maps that depict wetland boundaries shall be prepared and landowners having proposed prime wetlands on their property shall be informed of the boundary delineation. The acceptance of any prime wetland designation by the department prior to the effective date of this paragraph shall remain in effect; however, any revision to the boundary shall be delineated using wetland delineation methods as adopted by the department and by the standards of this section.

I-a. For the purposes of this chapter, “prime wetlands” shall mean any ***contiguous*** areas falling within the jurisdictional definitions of RSA ~~[482-A:3]~~ **482-A:2, X** and RSA 482-A:4 ~~[that possess one or more of the values set forth in RSA 482-A:1 and]~~ that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance. ***A prime wetland shall be at least 2 acres in size, shall not consist of a water body only, shall have at least 4 primary wetland functions, one of which shall be wildlife habitat, and shall have a width of at least 50 feet at its narrowest point. The boundary of a prime wetland shall coincide, where present, with the upland edge of any wetland, as defined in RSA 482-A:2, X, that is part of the prime wetland. On-site verification of proposed prime wetland boundaries shall be performed where landowner permission is provided.***

I-b. The commissioner shall adopt rules under RSA 541-A relative to the form, criteria, and methods that shall be used to designate, map, and document prime wetlands, determine boundaries in the field, and amend maps and designations once filed and accepted by the department under paragraph II.

3 Prime Wetland Designation; Buffer Area Exemption. The provision of RSA 482-A:15, I(b) as inserted by this act that states that “the acceptance of any prime wetland designation by the department prior to the effective date of this paragraph shall remain in effect” shall

not be interpreted to include the 100-foot buffer area that surrounded prime wetlands prior to the effective date of this act.

4 Repeal. RSA 482-A:11, IVI, relative to requests for waivers is repealed.

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

AMENDED ANALYSIS

This bill modifies the definition of “prime wetlands.”

This bill modifies the process for designating prime wetlands.

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

Rep. Yvonne D. Thomas for Resources, Recreation and Development: This bill names the newly built visitor center at Jericho Mountain State Park “the Robert Danderson visitor center.” Former Berlin Mayor Robert Danderson was the catalyst behind the acquisition and formation of the Jericho Mountain A.T.V. Park. He worked tirelessly to promote this new attraction in northern New Hampshire as a destination for recreation. The park will be the engine of change and an opportunity to promote the area. Vote 14-1.

CACR 7, relating to education funding. Providing that the general court shall distribute funds in the manner that it determines will best promote an equal opportunity for an adequate education. **REFER FOR INTERIM STUDY.**

Rep. David W. Hess for the Special Committee on Education Funding Reform: This proposed constitutional amendment, like CACR 12, seeks to reverse the New Hampshire Supreme Court Claremont decisions concerning state aid to education. Unlike CACR 12, which addresses all aspects of the Claremont decisions, this Resolution would specifically overturn that part of the supreme court’s rulings requiring the state to fund an adequate education for all public school students in all local school districts, rich and poor alike. Instead, this resolution would allow the state to target state aid from dollar one only to those students and school districts which the general court determines need aid in order to provide an equal opportunity for an “adequate education.” Last spring, in a clear and unequivocal voice, this House voted overwhelmingly to pass CACR 12 as amended to the Senate. At the same time, this committee unanimously recommended retaining this resolution in committee in the event CACR 12 did not proceed expeditiously through the legislative process. As of this writing, CACR 12 remains stalled in the Senate. Consequently, the committee once again recommends that this resolution be held by this House. A vote for interim study would allow this house to take up this issue again at any time after the motion is adopted, i.e. from January 2012 on. Many on this committee, as in the full house and senate, believe that this session of the general court is our best hope since the Claremont decisions were first announced 14 years ago to pass a constitutional amendment that correctly construes Part 2 Article 83 of the Constitution and restores the proper balance and separation of powers between the judicial, executive and legislative branches of government on this critical issue. Indeed, this may be our last best chance to bring such a constitutional amendment before the citizens of New Hampshire. By voting this resolution to Interim Study, we retain it as a potential vehicle for further legislative action should CACR 12 falter. The history of the last seven months strongly suggests that we need this additional “arrow in our quiver.” Vote 15-0.

HB 233, restricting judicial review of state education trust fund distributions.
INEXPEDIENT TO LEGISLATE.

Rep. Gary L. Daniels for the Special Committee on Education Funding Reform: While this bill seeks to support the House position that the legislature should make education funding decisions, the constitutionality of restricting judicial review of state education trust fund payments as dictated by the bill is at best dubious. The courts have constitutional authority to review statutes, and a law to restrict that would not supersede the judiciary’s right to

review future education funding formulae. Furthermore, the house has taken a clear position to resolve the court's involvement in education funding by passing CACR 12 in 2011. That constitutional amendment would clearly set the boundaries for judicial review in a manner that cannot be abrogated by the courts. Vote 15-0.

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Foose for the Special Committee on Education Funding Reform: After a lengthy process of conferring with experts from other states, review of the reports filed from earlier study committees, and discussion with the department of education, the committee unanimously recommends HB 533. The legislation establishes a cap of \$50 million per year and continues the moratorium on new school building aid through the biennium. The funding for the current biennium will be used to service prior commitments to districts for projects that have already been undertaken. The act directs the department of education to develop a comprehensive prioritization system that can be used to rank proposed projects in the future and present a progress report on its effort to the legislature in November, 2012. The final report is due in November 2013. Since existing projects will consume almost all of the funds allocated, the committee specifically directs any remaining funds to be used for repairs that address life safety concerns. As new funding becomes available, it will be allocated on a "first dollar" basis rather than used to pay debt service on new borrowing. Vote 13-0.

Amendment (2801h)

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

1 School Building Aid. Amend RSA 198:15-a, I to read as follows:

I. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects. ~~[The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed.]~~

2 New Paragraph; School Building Aid. Amend RSA 198:15-a by inserting after paragraph II the following new paragraph:

III. Beginning July 1, 2013, and every fiscal year thereafter, school building aid grants for construction or renovation projects approved by the department of education pursuant to this subdivision or RSA 198:15-u through RSA 198:15-w, shall not exceed \$50,000,000 per fiscal year less any debt service payments owed in the fiscal year, unless otherwise provided by an act of the general court. School building aid grants approved pursuant to this subdivision or RSA 198:15-u through RSA 198:15-w, shall be funded from appropriations in the state operating budget and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants.

3 School Building Aid; Amount of Annual Grants; Approval of Plans. Amend RSA 198:15-b and RSA 198:15-c to read as follows:

198:15-b Amount of Annual Grant.

I.(a) ***Beginning July 1, 2013, and every fiscal year thereafter***, the amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving

district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be a sum equal to 30 percent of the ~~[amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the]~~ cost of construction ~~[or]~~, purchase, **or renovation** of school buildings and school administrative unit facilities, or for the cost of acquiring, developing, or renovating any municipally-owned land, buildings, or facilities to be used for school district purposes, to the extent approved by the department of education~~[-, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for a school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, a receiving district operating an area school, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent].~~

(b) For any municipally-owned land, buildings, or facilities for which school building aid is granted under this subdivision, the following shall apply:

(1) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or facilities, whichever is greater.

(2) The cost of any proposed renovation project shall be less than the cost of a new acquisition for the same purpose.

(3) In the absence of a bond or note or upon the expiration of any bond or note issued to provide funds for land, buildings, or facilities, the principal parties shall enter into an agreement on how such land, buildings, or facilities are to be used.

~~[I a. (a) A receiving district situated in this state which is providing education to students from another school district situated in this state under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be eligible to receive the higher annual grant amount provided in RSA 198:15-b, I or RSA 198:15-v under the following conditions:~~

~~(1) The contract requires the receiving district to educate at least 70 percent of the public school students at particular grade levels from a sending district as provided in the contract.~~

~~(2) The contract contains a provision for the payment of capital costs for specific capital projects.~~

~~(3) The contract provides the manner in which school building aid is to be credited to school districts.~~

~~(4) The contract or sending district's obligation to pay capital costs is for a period of 10 years or longer.~~

~~(b) The provisions of this paragraph shall only apply for those years in which the contract is in effect. In all other years, the receiving district shall receive aid in the amount for which it would otherwise be eligible under RSA 198:15-b, I or RSA 198:15-v.~~

~~(c) No receiving district shall receive a school building aid grant which is less than what a single school district would receive under RSA 198:15-b, I or RSA 198:15-v.~~

~~I b. (a) A school district, or other entity listed in paragraph I of this section, which is in compliance with the requirements of this section, shall be entitled to receive an additional grant equal to 3 percent of the total construction costs. To be eligible for additional grant~~

~~moneys, construction projects, as built, shall meet the criteria for designation as a high performance school under the most recent edition of the New England version of standards from the Collaborative for High Performance Schools. Application for the grant of additional moneys shall be submitted on forms developed by the department of education.~~

~~(b) Not more than \$100,000 in any fiscal year in new additional grant moneys shall be awarded. In the event that the total additional grant entitlement in any fiscal year exceeds \$100,000, the full entitlement of grant moneys shall be awarded to the districts having projects which exceed the minimum criteria for designation as a high performance school to the greatest extent.~~

~~(c) The department of education shall review other high performance standards as they are developed and shall recommend adoption of new standards when in the judgment of the department, the new standards better reflect the intent of this section.~~

~~I c. (a)]~~ **II. (a)** ~~[In addition to the requirements of paragraph I,]~~ Each school district, prior to receipt of any grant moneys, shall submit for review and approval a written maintenance plan describing in detail how the school district intends to maintain the new facilities to be constructed with state aid moneys. The required maintenance plan shall include, but not be limited to, the following information:

(b) A description of the procedures to be used, and the method of staffing in which, the following building services are or will be provided. For work performed by in-house staff, an indication of the staffing level shall be provided, expressed as full-time equivalent positions:

- (1) Daily facility cleaning.
- (2) Grounds maintenance.
- (3) Refuse removal.
- (4) Snow removal.
- (5) Minor maintenance and repair.
- (6) Pest management.
- (7) Periodic equipment servicing and preventive maintenance.
- (8) Plan for 12 month operations, if applicable.

(c) The average amount of space, in square feet, assigned to each custodian for daily cleaning.

(d) The process for reporting, recording, verifying, and prioritizing building problems.

(e) The process for assigning corrective work.

(f) The process for determining that corrective work has solved the problem.

(g) The process for tracking and analyzing recurring problems.

(h) The process for scheduling and completing preventive maintenance services and inspections on installed equipment and major building systems including, but not limited to heating, ventilation, air conditioning, life safety, elevators, plumbing, roofs, windows, doors, and kitchen appliances.

(i) Custodial or maintenance staff increases or reductions that result from the project.

(j) The training program for employees on new equipment to be installed by the project.

(k) A statement of assurance, signed by the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer's instructions.

~~[II. For the purposes of computing grants hereunder, the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or school administrative unit facilities; provided, however that funds received from trusts, bequests, gifts or insurance policies shall not be eligible for computing~~

~~grants hereunder. When bonds and notes are issued for a period of less than 5 years, the amount of aid for which the district is eligible shall be paid in no fewer than 5 equal installments.~~

~~III. If the project was entirely financed by the use of amounts raised by taxation or by the use of capital reserve other than funds from trusts, bequests, gifts or received from insurance policies the aid provided herein shall be paid in 5 equal installments.~~

~~IV.] III.~~ For the purposes of this subdivision, "construction" shall include any one or more of the following for the construction of instructional facilities only:

- (a) The acquisition and development of a site.
- (b) Planning, construction, or both, of a new building.
- (c) Planning, construction, or both, of additions to existing buildings.
- (d) Architectural and engineering fees.
- (e) Purchase of equipment and any other costs necessary for the completion of a building as approved by the department of education.
- (f) Substantial renovations approved by the commissioner of education.
- (g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building by the vendor due to the school district's failure to comply with the terms of the lease-purchase agreement. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

~~[V]~~ IV. Purchase of school buildings shall include the acquisition and improvement of land in connection therewith and the remodeling, altering, repairing, equipping and furnishing of such buildings as approved by the department of education.

~~[VI. Repealed.~~

~~VII.] V.~~ In this paragraph, "new construction" means additional square footage but shall not mean the renovation of school buildings or school administrative unit facilities. The provisions of this paragraph shall apply to any school building aid grants made pursuant to RSA 198:15-a through RSA 198:15-w.

(a) The department of education shall issue annually maximum eligible cost standards for the construction of new school buildings or school administrative unit facilities, less site acquisition costs, qualifying for school building aid. These standards shall take into account the type, size, and location of the school or school administrative unit facility and shall be based on an appropriate construction cost index developed or adopted by the department which shall reflect cost differences in the several regions of the state. Maximum cost standards shall be computed and published annually and expressed as a maximum cost per square foot.

(b) Maximum size standards for new construction shall be as follows:

(1) Maximum gross square footage per pupil:

	Student Population	
	<u>under 250</u>	<u>250 and over</u>
Elementary school	144	120
Middle or junior high school	168	140
Senior high school (excluding vocational-technical centers)	192	160

2 Maximum usable site size for new schools:

Elementary School	20 acres plus 1 acre for each 100 pupils
Middle or junior high school	25 acres plus 1 acre for each 100 pupils
Senior high school	30 acres plus 1 acre for each 100 pupils

(c) For the purpose of calculating the total school building aid grants made under RSA 198:15-a through RSA 198:15-w, the final approved cost for school construction or school project shall not exceed the cost that would result if the project conformed to the maximum

cost and size standards. The provisions of this section shall not preclude an eligible applicant from exceeding the maximum standards provided, however, the cost of the portion of the facilities which exceed the maximum standards shall not be eligible for school building aid. The maximum cost and size standards in effect at the time general contract work begins shall be used for the purposes of determining school building aid.

(d) The commissioner of the department of education shall have the authority to waive eligible cost and size standards for new construction for good reason shown.

~~[VIII.]~~ **VII.** For the purpose of receiving grants under this section, acquisition of additional land as part of any school renovation project shall not be required unless such additional land is necessary to ensure the safe flow of traffic for school buses or other vehicles entering or exiting school grounds, or the safe boarding or discharge of children using school buses or other vehicles.

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

I. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the ~~[state board]~~ **department of education** prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. ~~[Application]~~ **Applications** for school building aid shall be submitted before ~~[January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B]~~ **December 1 of the fiscal year prior to the biennium in which building aid is to be paid.**

II. (a) The commissioner of the department of education shall accept school building construction proposals based upon completeness. By March 1 of each fiscal year, the department of education shall consider and rank each proposal based on the following criteria:

- (1) Unsafe conditions.**
- (2) Obsolete, inefficient, or unsuitable facilities or mechanical and building systems.**
- (3) Overcrowding and associated influences to instructional areas and programming.**
- (4) Enrollment projections and population shifts.**
- (5) Any other criteria that the commissioner of the department of education may determine are necessary.**

(b) The commissioner of the department of education shall develop a list of all school building construction proposals submitted by school districts in descending order of priority. The commissioner shall assign the highest priority to school building construction proposals which are designed to address life safety issues. The department of education shall adopt interim rules pursuant to RSA 541-A no later than November 1, 2012, and final rules pursuant to RSA 541-A no later

than November 1, 2013, relative to the criteria set forth in this paragraph and the procedures necessary to implement this paragraph.

III. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive ~~[an annual]~~ **a** grant as provided herein.

4 School Building Aid; Proration and Unexpended Funds. Amend RSA 198:15-e to read as follows:

198:15-e Proration and Unexpended Funds. ~~[4f] In any year, the amount appropriated for distribution as school building grants in accordance with [RSA 198:15-b] **RSA 198:15-a shall be first distributed to school districts for building projects approved prior to the effective date of this section. If the amount appropriated**~~ is insufficient therefor, ~~[grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget,]~~ the appropriation shall be prorated proportionally among the districts entitled to a grant. Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

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

AMENDED ANALYSIS

This bill revises the calculation and distribution of school building aid grants
Referred to the Committee on Finance.

HB 227-FN, relative to the membership of the retirement system board of trustees.
INEXPEDIENT TO LEGISLATE.

Rep. Stephen J. Shurtleff for the Special Committee on Public Employee Pensions Reform: This bill would reduce the membership on the New Hampshire Retirement System Board of Trustees by Group I and Group II Members. Since the same language of this bill was already passed in HB 2 and SB 3, this bill became redundant and unnecessary. Vote 11-0.

HB 265-FN, redefining earnable compensation in the retirement system for new and non-vested members in service. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for the Special Committee on Public Employee Pensions Reform: The language in this bill was already passed by the legislature in HB 2 and SB 3, making this bill redundant and unnecessary. Vote 11-0.

HB 460-FN, relative to the retirement age for group II members. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Special Committee on Public Employee Pensions Reform: The intent of this bill was accomplished with the passage of HB 2 so it is no longer needed. Vote 11-0.

HB 463-FN, relative to the retirement system maximum initial benefit limitation.
INEXPEDIENT TO LEGISLATE.

Rep. John B. Sedensky for the Special Committee on Public Employee Pensions Reform: This bill is addressed in HB 2 which is now law. Vote 11-0.

HB 465-FN, relative to the number of years for calculating average final compensation for retirement system benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Sedensky for the Special Committee on Public Employee Pensions Reform: This bill is addressed as part of HB 2 which is now law. Vote 11-0.

CACR 4, relating to oaths of civil officers. Providing that persons elected to the United States Senate and House of Representatives shall take the oath of civil officers prescribed by the constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: The resolution, originally introduced to clarify the necessity for U.S. Senators and/or Representatives to take an oath to uphold the Constitution of the State of New Hampshire, ranked issues regarding redundancy and extent (time). Further, the necessity of such a change was questioned by both the state Senator and Representative contacted as well as the bill's sponsor, in that the additional oath would serve no real purpose. Vote 9-1.

HB 447-FN, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **REFER FOR INTERIM STUDY.**

Rep. Mary R. Cooney for Ways and Means: The committee felt the objectives of the bill are laudable; to give tax relief to lower income property taxpayers and give the state more flexibility in distributing the statewide property tax. This bill reflects the original intent of the SWPT which was to be a uniform tax collected across the state which would be collected by the state and then distributed back to the municipalities on an as needed basis. It also based the need on both the state and the local portions of an individual's education tax in relation to an individual's income. However, the cost and complexity of implementing the bill to both the state and the towns outweigh the benefits at a time when municipalities are stretched as it is. The department of revenue estimated the cost of implementing at about 16 million dollars to transition from municipal billing and collection to state billing and collection. Individual taxpayers would be required to send in their SWPT to the state and local property taxes to the municipality further confusing the taxpayers. Consequently, the committee recommended Interim Study to further analyze the mechanics of the bill. Vote 19-2.

HB 454-FN-A, establishing a job creation credit against the business profits tax and the business enterprise tax for small businesses increasing employment in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for Ways and Means: This bill creates a credit for job creation which is a goal that the committee supports. There is a similar program in effect for Coos County and its results are questionable at best. The committee feels that this would have an adverse effect on that program with no identified benefit. Vote 21-0.

HB 518-FN-A, increasing the research and development tax credit and establishing a commission to assess the effectiveness of the credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V. Sapareto for Ways and Means: This bill increases the tax credit for research and development. It also creates a commission to study the effectiveness of such a credit. Some of this work is being done by other committees and reports from them are due out in the coming months. For this reason, the committee has extended the Sunset date to July of 2015 so that a more informed decision can be made. Vote 21-0.

Amendment (2579h)

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

AN ACT changing the prospective repeal date for the research and development tax credit.

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

1 Research and Development Tax Credit; Prospective Repeal Date Changed. Amend 2007, 271:7, I to read as follows:

2 Section 6 of this act shall take effect July 1, ~~2013~~ **2015**.

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

AMENDED ANALYSIS

This bill changes the prospective repeal date for the research and development tax credit from July 1, 2013 to July 1, 2015.

HB 611-FN-A, relative to determination of the reasonable compensation deduction under the business profits tax. **REFER FOR INTERIM STUDY.**

Rep. David W. Hess for Ways and Means: Last spring, we thought we had addressed the issue of reasonable compensation as a deduction from business income for sole proprietorships, partnerships, limited liability corporations and other small businesses by passing SB 125, Chapter 207, Laws of 2011. Unfortunately, tax preparers and others have reported that DRA may be interpreting SB 125 contrary to the legislative intent of this committee, the full House and the Senate. By sending this bill to Interim Study, we can fully and thoroughly investigate these reports and, if accurate, use HB 611 to unequivocally and unambiguously remedy any misunderstanding of the legislative intent on this article taxation issue for small businesses. Vote 20-0.

REGULAR CALENDAR – 2011 RETAINED BILLS

HB 591, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marie N. Sapienza for the Majority of Children and Family Law: The committee and the subcommittee held several meetings on this bill. Everyone with interest had ample opportunity to speak and provide written testimony. The full committee considered the bill and two possible amendments before deciding that the proposed changes, while having possible merit for a small group, were not a net improvement to the current statute. Existing law contains criteria for determining the “best interest of the child” in parenting disputes that is extensive, encourages co-parenting, and, in the vast majority of cases, is working very well. The bill would change the focus from what is in the best interest of the child to a standard that the majority respectfully felt was, “in the best interest of certain parents.” The majority felt that a small minority of parents, both male and female, believed themselves genuinely, sorely abused by various actions within the family court system. While the committee had empathy for these individuals and does not dispute the validity of their allegations, we believed the revisions they supported were not in the best interests of the majority of children and parents appearing in family court. The committee received what the majority believed was statistically reliable information refuting the allegations made by this group. Specifically, the overwhelming majority of divorces involving children are not contested and the parents agree on a parenting plan. The committee majority believes, supported by the presented testimony, that no statute would fully prevent all contested, acrimonious parenting disputes. The committee majority believes that before making significant changes to the statute we need to develop a matrix and gather hard data on contested parenting plans. The committee informally agreed to make this initiative a part of their work during the current session. Vote 11-5.

Rep. Jeffrey D. Oligny for the Minority of Children and Family Law: The majority of the committee refused to support a presumption of equal parenting time for divorcing parents

despite considerable efforts to amend the bill and reach consensus. The state has no right to and does not interfere with parents of intact New Hampshire families unless a parent is found guilty of abuse or neglect or a crime. However, divorcing parents are treated differently for current law requires a judge to make subjective judgments to determine which parent is a better parent and allows the judge to divide parenting time based on the judge's subjective judgments, including "any other additional factors the court deems relevant." (RSA 461-A:6(1)). It is those subjective judgments that lead to consternation among good parents who are discriminated against despite having done nothing wrong. This bill seeks to level the playing field and provide the same rights to divorced parents that are enjoyed by married parents. The entire committee agrees that reducing acrimony among parents in divorcing families is best for children. The majority however, fails to acknowledge that removing the goal of "winning" the custody battle will reduce acrimony and be best for children and families. Passing this bill will not only reestablish divorcing parents' rights, but will also reduce prolonged litigation and the accompanying acrimony, while at the same time, reducing litigation and judicial branch expenses (over half of the superior court's docket is family matters). Children will be the clear winners here as they maintain their equal relationship with both fit parents. The minority believes that this bill with amendment 2011-2728h is the New Hampshire way, and is a step forward for New Hampshire's ability to promote strong children and families and economic prosperity.

LAI'D ON THE TABLE

Rep. Jasper moved that **HB 591**, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights, be laid on the table.

Adopted.

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 165, establishing a committee to study contract negotiations between health insurance companies and health care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: After further consideration, the sponsor of this bill requested the committee pull this bill and the committee so obliged. Vote 11-3.

Committee report adopted.

HB 309-FN, repealing certain insurance mandates. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Donald H. Flanders for the Majority of Commerce and Consumer Affairs: The bill, as introduced, repealed seven health insurance mandates that were enacted in the last four years. The amendment is the product of a lot of hard work and negotiating by the committee to lessen the impact these mandates have on the small group and individual markets by implementing utilization review by insurance companies to insure the mandate is not abused. In some mandates the amendment changes a "shall" to a "may" so that the insurance companies may continue the mandate if their customers want them. The amendment also includes a study committee to review all mandates that may need to be revised. Vote 13-2.

Rep. Andrew J. Manuse for the Minority of Commerce and Consumer Affairs: This bill, as originally drafted, repeals health insurance mandates for certified midwives, for the cost of testing for bone marrow donation, for continuation of group health insurance in the event of divorce or legal separation, for children's early intervention therapy services, for obesity and morbid obesity, for diagnosis and treatment of pervasive developmental disorder of autism, and for persons having deafness and hearing loss. While the minority certainly thinks that

insurance companies should consider developing insurance products that give people the option to purchase coverage for these situations, the minority does not believe insurance companies should be forced by government to provide this coverage for everyone. More importantly, these mandates as written in current law only force coverage on individuals and small employers with 50 or fewer employees. These mandates do not in any way affect the state insurance plan, most county insurance plans or plans defined under the federal ERISA law; specifically, plans for employers of more than 50 employees. To be clear, these mandates drive up the cost of health insurance ONLY for small businesses of small groups of 50 or fewer. These businesses are overburdened with costs and struggling to stay afloat, and government mandates on health insurance are one burden that we can remove to help these businesses, which very well could result in private sector job creation. Hiring new employees often gives small employers pause when they consider the costs of providing health insurance; eliminating these mandates on small businesses will help remove one barrier to hiring. The committee amendment went too far in watering down the intended mandate repeals; so far in fact that the minority could no longer support it. Consensus can sometimes provide for a better bill that benefits everyone involved, but in this case, the majority of the committee supported an amendment that really no one really wants. The minority urges the house to do the right thing for small businesses and job creation and vote down the committee amendment and then support the bill in its original form.

Majority Amendment (2815h)

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

AN ACT relative to certain insurance mandates and establishing a committee to study current insurance mandates.

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

1 Coverage for Certified Midwives; Individual. Amend RSA 415:6-1 to read as follows:

415:6-1 Coverage for Certified Midwives; Individual. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing maternity benefits, ~~shall~~ **may** also provide to certificate holders of such insurance, who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D. ***If coverage is provided,*** such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility or at home and within the scope of practice of a certified midwife. ***If benefits are provided they*** shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

2 Coverage for Certified Midwives; Group. Amend RSA 415:18-q to read as follows:

415:18-q Coverage for Certified Midwives. Each insurer that issues or renews any policy of group accident or health insurance providing maternity benefits ~~shall~~ **may** also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D. ***If coverage is provided,*** such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility or at home and within the scope of practice of a certified midwife. ***If benefits are provided they*** shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

3 Coverage for Certified Midwives; Health Service Corporations. Amend RSA 420-A:17-f to read as follows:

420-A:17-f Coverage for Certified Midwives. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any

policy of group accident or health insurance providing maternity benefits [~~shall~~] **may** also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D. ***If coverage is provided***, such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility or at home and within the scope of practice of a certified midwife. ***If*** benefits ***are*** provided ***they*** shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

4 Coverage for Certified Midwives; Health Maintenance Organizations. Amend RSA 420-B:8-p to read as follows:

420-B:8-p Coverage for Certified Midwives. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing maternity benefits [~~shall~~] **may** also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D. ***If coverage is provided***, such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility or at home and within the scope of practice of a certified midwife. ***If*** benefits ***are*** provided ***they*** shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

5 Coverage for Children's Early Intervention Services; Individual. Amend RSA 415:6-n to read as follows:

415:6-n Coverage for Children's Early Intervention Therapy Services. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if applicable. The benefits included in this section may be subject to deductibles, copayments, coinsurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. ***The benefits included in this section shall be subject to utilization review consistent with rules adopted by the insurance department.*** Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

6 Coverage for Children's Early Intervention Services; Group. Amend RSA 415:18-s to read as follows:

415:18-s Coverage for Children's Early Intervention Services. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if

applicable. The benefits included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. ***The benefits included in this section shall be subject to utilization review consistent with rules adopted by the insurance department.*** Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

7 Coverage for Children's Early Intervention Services; Health Service Corporations. Amend RSA 420-A:17-g to read as follows:

420-A:17-g Coverage for Children's Early Intervention Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if applicable. The benefits included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. ***The benefits included in this section shall be subject to utilization review consistent with rules adopted by the insurance department.*** Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

8 Coverage for Children's Early Intervention Services; Health Maintenance Organizations. Amend RSA 420-B:8-r to read as follows:

420-B:8-r Coverage for Children's Early Intervention Services. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care physician if applicable. The benefits included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. ***The benefits included in this section shall be subject to utilization review consistent with rules adopted by the insurance department.*** Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

9 Coverage for Treatment of Pervasive Developmental Disorder or Autism. Amend RSA 417-E:2, V to read as follows:

V. The benefits included in this section shall be subject to utilization review consistent with rules adopted by the insurance department.

VI. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the insurance coverage requirements established under this section.

10 Coverage for Hearing Aids. Amend the introductory paragraph of RSA 415:6-p to read as follows:

415:6-p Coverage for Hearing Aids. Each insurer that issues or renews any individual policy or certificate for delivery in this state, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide coverage for the professional services associated with the practice of fitting, dispensing, servicing, or sale of hearing instruments or hearing aids ***for persons under the age of 21 years when the audiogram indicates a unilateral or bilateral hearing loss of one or more thresholds of 25 decibels (dB) hearing level (HL) or poorer at any frequency from 1000 hertz(Hz) to 4000Hz and for persons 21 years of age or over when the audiogram indicates a unilateral or bilateral hearing loss with an average threshold of 35 dBHL or poorer for 1000 Hz, 2000 Hz, 3000 Hz, and 4000 Hz by pure tone air conduction.*** The benefits included in this section shall not be subject to any greater deductible or coinsurance or copay than any other benefits provided by the insurer. Insurers are required to cover the cost of a hearing aid for each ear, as needed, as well as related services necessary to assess, select, and fit the hearing aid with a maximum for the hearing aid and related services of no less than \$1,500 per hearing aid every 60 months. The insured may choose a higher price hearing aid and pay the difference in cost. The hearing aid shall be prescribed and dispensed by a licensed audiologist or hearing instrument specialist. ***The benefits included in this section shall be subject to utilization review consistent with rules adopted by the insurance department.*** Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall not apply to the medical assistance program, pursuant to RSA 161 and RSA 167. In this section:

11 Coverage for Hearing Aids; Group. Amend the introductory paragraph of RSA 415:18-u to read as follows:

415:18-u Coverage for Hearing Aids. Each insurer that issues or renews any policy or certificate for delivery in this state of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide coverage for the professional services associated with the practice of fitting, dispensing, servicing, or sale of hearing instruments or hearing aids ~~[by a hearing instrument dispenser or other hearing care professional]~~ ***for persons under the age of 21 years when the audiogram indicates a unilateral or bilateral hearing loss of one or more thresholds of 25 decibels (dB) hearing level (HL) or poorer at any frequency from 1000 hertz(Hz) to 4000Hz and for persons 21 years of age or over when the audiogram indicates a unilateral or bilateral hearing loss with an average threshold of 35 dBHL or poorer for 1000 Hz, 2000 Hz, 3000 Hz, and 4000 Hz by pure tone air conduction.*** The benefits included in this section shall not be subject to any greater deductible or coinsurance or copay than any other benefits provided by the insurer. Insurers are required to cover the cost of a hearing aid for each ear, as needed, as well as related services necessary to assess, select, and fit the hearing aid with a maximum for the hearing aid and related services of no less than \$1,500 per hearing aid every 60 months. The insured may choose a higher price hearing aid and pay the difference in cost. The hearing aid shall be prescribed and dispensed by a licensed audiologist or hearing instrument specialist. ***The benefits included in this section shall be subject to utilization review consistent with rules adopted by the insurance department.*** Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall not apply to the medical assistance program, pursuant to RSA 161 and RSA 167. In this section:

12 Committee Established.

I. There is established a committee to study current New Hampshire insurance mandates.

(a) The membership of the committee shall be as follows:

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

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

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

II. The committee shall study current New Hampshire insurance mandates. The committee's study shall include, but not be limited to, the costs of such mandates and whether some or all of the mandates should be optional. The committee shall also review the "essential benefits" section of the Patient Protection and Affordable Care Act of 2009, as amended, when it is released and compare that section with the mandates under New Hampshire law.

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

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

13 Effective Date.

I. Section 12 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

I. Makes insurance coverage for certified midwives optional.

II. Requires utilization review for coverage for children's early intervention therapy services, diagnosis and treatment of pervasive developmental disorder or autism, and hearing aids.

III. Clarifies the coverage for hearing aids.

IV. Establishes a committee to study current New Hampshire insurance mandates.

On a division vote, 295 members having voted in the affirmative and 64 in the negative, the majority committee amendment was adopted.

Rep. Terrio declared a conflict of interest and did not participate.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Bettencourt offered floor amendment (0090h).

Floor Amendment (0090h)

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 14:

13 Coverage for Obesity and Morbid Obesity; Group. Amend RSA 415:18-t to read as follows:

415:18-t Coverage for Obesity and Morbid Obesity; Group. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the diseases and ailments caused by obesity and morbid obesity and treatment for such, ~~[including]~~ **which may include** bariatric surgery, when the prescribing physician has issued a written order stating that treatment is medically necessary and in accordance with the patient qualifications and treatment standards set forth by the American Society for Metabolic and Bariatric Surgery or the American College of Surgeons. Such treatment standards may include, but not be limited to, pre-operative psychological screening and counseling, behavior modification, weight loss, exercise regimens, nutritional counseling, and post-operative follow-up, overview, and counseling of dietary, exercise, and lifestyle changes. The covered insured shall be at least 18 years of age. 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.

AMENDED ANALYSIS

This bill:

I. Makes insurance coverage for certified midwives optional.

II. Requires utilization review for coverage for children's early intervention therapy services, diagnosis and treatment of pervasive developmental disorder or autism, and hearing aids.

III. Clarifies the coverage for hearing aids.

IV. Clarifies the group coverage for obesity and morbid obesity.

V. Establishes a committee to study current New Hampshire insurance mandates.

Reps. Bettencourt and Manuse spoke in favor.

Rep. Hunt yielded to questions.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 231 NAYS 133

YEAS 231

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman	

CHESHIRE

Byrnes, John	Cartwright, Anne	Hunt, John	Moore, Charles
Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Christensen, D.L.	Christiansen, Lars	Condra, William	Coughlin, Sean
Chris			
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Donovan, Daniel
Emerton, Larry	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gargasz, Carolyn	Gonzalez, Carlos	Graham, John

Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Whitehead, Randall

Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve

Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Giuda, J. Brandon
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Winter, Steven

ROCKINGHAM

Allen, Mary
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Sapienza, Marie
Smith, William
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Brown, Paul
Davenport, Joshua
Garcia, Marilinda
Headd, James
Janvrin, Kevin
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Ritter, Glenn
Schroadter, Adam
Sullivan, James
Tremblay, Stella
Welch, David

Bates, David
Charron, Gene
Devine, James
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Sanders, Elisabeth
Sedensky, John
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren

Brown, Julie
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

BELKNAP

Bolster, Peter St. Cyr, Jeffrey

CARROLL

McConkey, Mark Scala, Dino Umberger, Karen

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Johnsen, Gladys	Johnson, Jane	Lerandean, Alfred
Lindsey, Steven	Meador, David	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Merrick, Evalyn	Remick, William	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Brown, Kevin	Campbell, David
Coffey, James	Cote, David	Daler, Jennifer	Drisko, Richard
Gandia, Laura	Garrity, Patrick	Gimas, John	Goley, Jeffrey
Gorman, Mary	Jeddy, Jean	Leishman, Peter	Long, Patrick
McCarthy, Michael	McGuinness, Sean	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel	Ulery, Jordan
Warden, Mark			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
Lauer-Rago, Kathleen	Mackay, James	Owen, Derek	Patten, Dick
Potter, Frances	Richardson, Gary	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Cali-Pitts, Jacqueline	Copeland, Timothy
DiPentima, Rich	Dowling, Patricia	Elliott, Robert	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Okerman, Richard	Pantelakos, Laura
Peckham, Michele	Perkins, Amy	Perkins, Lawrence	Quandt, Marshall
Quandt, Matt	Read, Robin Jr	Rice, Frederick	Schlachman, Donna
Serlin, Christopher	Sheffert, Kenneth	Sytek, John	Webb, James

STRAFFORD

Berube, Roger	Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea
Horriggan, Timothy	Keans, Sandra	Pelletier, Marsha	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith

Sprague, Dale

Wall, Janet

Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

LaCasse, Paul Sr

Lefebvre, Benjamin

Lovett, Charlene

Schmidt, Andrew

and floor amendment (0090h) was adopted.

Rep. Terrio declared a conflict of interest and did not participate.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Daler and Sapienza spoke against.

Rep. Ulery spoke against and yielded to questions.

Rep. Nevins spoke in favor and yielded to questions.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 229 NAYS 133

YEAS 229

BELKNAP

Comtois, Guy

Fields, Dennis

Flanders, Donald

Greemore, Robert

Kingsbury, Robert

Luther, Robert

Malone, Robert

Millham, Alida

Pilliod, James

Russell, David

Simpson, Tyler

St. Cyr, Jeffrey

Swinford, Elaine

Tilton, Franklin

Worsman, Colette

CARROLL

Ahlgren, Christopher

Babson, David Jr

Chandler, Gene

Fleck, Joseph

Knox, J. David

McCarthy, Frank

McConkey, Mark

Merrow, Harry

Patten, Betsey

Pettengill, Laurie

Scala, Dino

Schmidt, Stephen

Tregenza, Norman

Umberger, Karen

CHESHIRE

Byrnes, John

Cartwright, Anne

Dwinell, Richard

Hunt, John

Moore, Charles

Moore, Robert Jr

Smith, Edwin

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester

Brosseau, Charles

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

Ladd, Rick Jr

Mirski, Paul

Reilly, Harold Sr

Shackett, Jeffrey

Simard, Paul

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

Avard, Kevin

Balboni, Michael

Ball, J. Michael

Barry, Richard

Boehm, Ralph

Brownrigg, Randall Jr

Burt, John

Buxton, Michael

Cebrowski, John

Christensen, D.L.

Christiansen, Lars

Coughlin, Sean

Chris

Cusson-Cail, Kathleen

Daniels, Gary

DeJong, Cameron

Donovan, Daniel

Emerton, Larry

Flanagan, Jack

Gagne, Larry

Gonzalez, Carlos

Graham, John

Greazzo, Phil

Haefner, Robert

Hansen, Peter

Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Lynne
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Villeneuve, Moe

Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Thomas, Joseph
Warden, Mark

Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Twombly, Timothy
Whitehead, Randall

Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Giuda, J. Brandon
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Winter, Steven

ROCKINGHAM

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Garritty, James
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Garcia, Marilinda
Headd, James
Janvrin, Kevin
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Groen, Warren

Brown, Julie
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Schmidt, Andrew

BELKNAP

Accornero, Harry

Bolster, Peter

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Tatro, Bruce

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Daugherty, Duffy
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Bergevin, Jerry
Condra, William
Erickson, Duane
Gimas, John
Leishman, Peter
Pilotte, Maurice
Rokas, Ted
Swank, Matthew

Barry, J. Gail
Brown, Kevin
Cote, David
Fredette, Robert
Goley, Jeffrey
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy
Ulery, Jordan

Belanger, James
Campbell, David
Daler, Jennifer
Gargas, Carolyn
Gorman, Mary
McCarthy, Michael
Proulx, Mark
Shaw, Barbara
Willette, Robert

Belvin, William
Coffey, James
Drisko, Richard
Garrity, Patrick
Judy, Jean
Palmer, Barry
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Lauer-Rago, Kathleen
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
MacKay, James
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Kidder, David
Patten, Dick
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Dowling, Patricia
Norelli, Terie
Perkins, Amy
Read, Robin Jr
Tamburello, Daniel

Cali-Pitts, Jacqueline
Elliott, Robert
Okerman, Richard
Perkins, Lawrence
Sapienza, Marie
Waddell, James

Copeland, Timothy
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Marshall
Schlachman, Donna

DiPentima, Rich
Moody, Marcia
Peckham, Michele
Quandt, Matt
Serlin, Christopher

STRAFFORD

Berube, Roger
Horrigan, Timothy

Ginsburg, Philip
Keans, Sandra

Grassie, Anne
Pelletier, Marsha

Hooper, Dorothea
Perry, Robert

Roberts, Jenna
Sprague, Dale

Schmidt, Peter
Wall, Janet

Spainhower, Dale
Watters, David

Spang, Judith

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Laware, Thomas

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

Rep. Terrio declared a conflict of interest and did not participate.

HB 430, establishing a committee to study the feasibility of establishing a state development bank in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill proposes to establish a committee to study the concept of a New Hampshire state owned bank.

Proponents argue that a model does exist in North Dakota. The Bank of North Dakota was established in 1919 to promote agriculture, commerce and industry and the BND is the only state owned bank in the United States. Although a primary purpose for creating such a bank in New Hampshire was never immediately clear, the committee found the concept interesting and retained the bill in order to consider all the possibilities. The committee did learn among other facts that the Bank of North Dakota was established 92 years ago under very unique circumstances to meet needs specific to that state. The committee considered the reality of a New Hampshire state bank and determined that such an institution would not solve any particular problem or provide any significant benefit. It would take years to develop and the start up cost could be significant. Further, a state bank would require a huge investment to properly capitalize and its business model, its viability and its very purpose fell into question. Consequently, a bipartisan majority of the committee overwhelmingly determined that establishing a statutory study committee to take on a substantial effort of this kind, for which a positive outcome is suspect or unlikely, was not considered to be a practical or advisable undertaking. Vote 11-3. Committee report adopted.

HB 581, regulating guaranteed price plans and prepaid contracts for petroleum.

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

Rep. Jennifer R. Coffey for the Majority of Commerce and Consumer Affairs: This bill addresses pre-buy oil contracts. Although the lobbyist for the oil dealers had agreed with the bill and an amendment as proposed by the consumer protection division of the attorney generals office that contained the requirement that only oil dealers (not propane dealers) would have to maintain escrow accounts, the committee turned down the escrow accounts proposal as it would provide a false sense of protection for consumers and would potentially hurt competition from small independent dealers. Commerce is keenly aware that no amount of legislation can stop a business from closing and possibly harming its clients. The committee decided that the most appropriate legislation provides consumer awareness. Therefore the committee amendment repeals current requirements that the AG's office said were ineffective and were enacted just a couple of years ago and replaces them with consumer notification and a buyer beware disclosure statement that must be signed by both the consumer and the business. Vote 11-3.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: This bill was brought to the legislature at the request of the New Hampshire Department of Justice because the current law is confusing and inadequate in protecting consumers who enter into the pre-pay contracts. While the minority agrees that no law can stop those intent on committing fraud, the oil council of New Hampshire supported this bill with amendment. It offered clarity to pre-pay contracts and provided 3 ways to secure prepay deposits when companies offer such contracts to their customers, including "escrow accounts." Escrow

accounts are a mechanism to protect consumers, and this was strongly supported by oil businesses in testimony before the committee. The minority believes that New Hampshire citizens deserve more than “buyer beware” legislation, and the consumer protection division of department of justice should have better laws under which to work on our behalf.

Majority Amendment (2721h)

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

1 New Subparagraph; Prepaid Contract for Petroleum; Disclosure Required. Amend RSA 339:79, III by inserting after subparagraph (d) the following new subparagraph:

(e) Shall include a disclosure with the following statement: “A prepaid contract is not a guarantee that the dealer will use your funds exclusively to lock in your agreed price, and you are at risk of losing some or all of your payment.” The disclosure also shall provide a telephone number and Internet website for the appropriate Better Business Bureau and a telephone number and Internet website for the attorney general’s office. Such disclosure shall be in a font twice as large as the contract and shall be initialed by the consumer and the dealer who signs the contract.

2 Repeal. RSA 339:79, IV and V, relative to solvency requirements for dealers who offer prepaid contracts for home heating oil, kerosene, or liquefied petroleum gas, are repealed.

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

AMENDED ANALYSIS

This bill requires certain disclosures to be included in the prepaid contracts for heating oil, kerosene, or liquefied petroleum gas.

The bill also repeals certain solvency requirements for home heating oil dealers who offer prepaid contracts for home heating oil, kerosene, or liquefied petroleum gas.

Reps. Marshall Quandt and Serlin spoke against and yielded to questions.

Reps. Nevins and Hunt spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 214 NAYS 137

YEAS 214

BELKNAP

Comtois, Guy
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Merrow, Harry
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Scala, Dino

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester

Brosseau, Charles

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul
Simard, Paul

Ladd, Rick Jr
Sorg, Gregory

Mirski, Paul
Sova, Charles

Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Christiansen, Lars

Balboni, Michael
Belanger, James
Burt, John
Coffey, James

Ball, J. Michael
Belvin, William
Buxton, Michael
Coughlin, Sean

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Cusson-Cail,
Kathleen

Daniels, Gary
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Pepino, Leo
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Drisko, Richard
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Palfrey, David
Winter, Steven

Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis

Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Devine, James
Garritty, James
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Ward, Joanne

Allen, Mary
Bates, David
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Fesh, Robert
Headd, James
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Garcia, Marilinda
Introne, Robert
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

STRAFFORD

Cataldo, Sam
Larsen Schultz,
Kirsten
Parsons, Robbie

Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph

Jones, Kyle
Newton, Clifford
Vita, Carol

Jones, Laura
O'Connor, William
Vita, Lucien

Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 137

BELKNAP

Accornero, Harry

Bolster, Peter

Kingsbury, Robert

Millham, Alida

CARROLL

Babson, David Jr

McCarthy, Frank

McConkey, Mark

Schmidt, Stephen

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Reilly, Harold Sr
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin

Brown, Kevin

Campbell, David

Christensen, D.L.
Chris

Condra, William
Goley, Jeffrey
Lambert, George
Messier, Irene
Porter, Marjorie
Shaw, Barbara

Cote, David
Gorman, Mary
Leishman, Peter
Moran, Edward
Rhodes, Brian
Stroud, Kathleen

Daler, Jennifer
Hopper, Gary
Long, Patrick
Palmer, Barry
Rokas, Ted
Sullivan, Daniel

Gimas, John
Infantine, William
McCarthy, Michael
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Cohn, Seth
Gile, Mary
MacKay, James
Richardson, Gary
Watrous, Rick

Deloge, Helen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Kidder, David
Patten, Dick
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Dowling, Patricia

Charron, Gene
Elliott, Robert

Copeland, Timothy
Hagan, Joseph

DiPentima, Rich
Hoelzel, Kathleen

Itse, Daniel
Moody, Marcia
Perkins, Lawrence
Schlachman, Donna
Weyler, Kenneth

Janvrin, Kevin
Norelli, Terie
Quandt, Marshall
Serlin, Christopher

Lovejoy, Patricia
Pantelakos, Laura
Quandt, Matt
Waddell, James

MacMahon, Bruce
Perkins, Amy
Read, Robin Jr
Welch, David

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Kaen, Naida
Perry, Robert
Spang, Judith

Berube, Roger
Grassie, Anne
Keans, Sandra
Roberts, Jenna
Sprague, Dale

Brown, Julie
Hooper, Dorothea
Munck, Philip
Schmidt, Peter
Wall, Janet

DeLemus, Susan
Horrigan, Timothy
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

LaCasse, Paul Sr

Lefebvre, Benjamin

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 223 NAYS 129

YEAS 223

BELKNAP

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin

Balboni, Michael

Ball, J. Michael

Barry, J. Gail

Barry, Richard
Boehm, Ralph
Christiansen, Lars
Cusson-Cail, Kathleen
Drisko, Richard
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Belanger, James
Burt, John
Coffey, James
Daniels, Gary
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Belvin, William
Buxton, Michael
Condra, William
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pepino, Leo
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Bergevin, Jerry
Cebrowski, John
Coughlin, Sean
Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
Palfrey, David
Winter, Steven

Hess, David
Kidder, David
Lindsley, Mark
Reed, Dennis

Hill, Gregory
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Garcia, Marilinda
Headd, James
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Garrity, James
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Ward, Joanne

STRAFFORD

Cataldo, Sam
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Jones, Kyle
Munck, Philip
Pitre, Joseph

Jones, Laura
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 129

BELKNAP

Accornero, Harry Bolster, Peter

CARROLL

McConkey, Mark Schmidt, Stephen Umberger, Karen

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Lerandean, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Merrick, Evalyn	Remick, William	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Reilly, Harold Sr	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Brown, Kevin	Campbell, David	Christensen, D.L.
			Chris
Cote, David	Daler, Jennifer	Gimas, John	Goley, Jeffrey
Gorman, Mary	Hopper, Gary	Infantine, William	Lambert, George
Leishman, Peter	Long, Patrick	Messier, Irene	Moran, Edward
Palmer, Barry	Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	Stroud, Kathleen
Sullivan, Daniel			

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Lockwood, Priscilla	MacKay, James	McDonnell, John	Owen, Derek
Patten, Dick	Potter, Frances	Richardson, Gary	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Dowling, Patricia
Elliott, Robert	Hoelzel, Kathleen	Itse, Daniel	Janvrin, Kevin
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	Waddell, James
Welch, David	Weyler, Kenneth		

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Berube, Roger
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

DeLemus, Susan
Horrigan, Timothy
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

LaCasse, Paul Sr

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for the Majority of Commerce and Consumer Affairs: This bill creates fairness in reporting of health care acquired infections. The majority of the committee agreed this important information was gathered for the benefit of public health welfare and should not be dependent upon the federal government but remain controlled by the state. The committee recognizes there are 99,000 deaths nationwide per year from health care acquired infections. The New Hampshire hospital association supports this legislation and specifically requested not only the support of the legislature but the continuation of the requirement of fees on them as they stated without the state they would have an increased reporting burden and would be concerned about inconsistency in those reports. Vote 12-2.

Rep. Andrew J. Manuse for the Minority of Commerce and Consumer Affairs: The minority agrees with the majority that hospital and ambulatory surgical center borne infections are a serious problem that have touched many of us personally, including this writer, but the solution presented by the committee in its amendment only provides the public with a false sense of security and does not even begin to solve the problem. High among its list of problems, the bill, as amended, raises a new fee on ambulatory surgical centers, most of which are already owned by the hospitals, which already pay the fee. Since this fee is currently paid by hospitals, the new fee payer will likely pass on the cost to its customers which will likely raise medical costs on insurance premiums. To be fair to hospitals, who will probably not reduce their charges due to this bill, the better and more cost effective solution would be to eliminate the fee on hospitals and allow HHS to rely on federal funds already collected for the reporting of infections. In the long term, perhaps a private market reporting system can replace the current bureaucratic version, which could be administered by the hospitals or a hospital group itself. Importantly, fairness does not mean raising fees for everyone else who doesn't currently pay them. It could also mean repealing fees for the folks who currently pay them. Also importantly, the bill, as amended, creates a new dedicated fund called the "health care associated infections fund" to be managed by the Health and Human Services Department. This is a department of our state government that already has too much power to spend the people's money without restraint. A new dedicated fund that takes control away from the legislature and evades the budget process is not what the doctor ordered. While the minority understands the concerns of those who supported this bill, surely another solution that doesn't include a new fee for the ASC, a new dedicated fund and more government bureaucracy would be better than the amendment the committee offered.

Majority Amendment (2645h)

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

1 Subdivision Heading; Hospital Infections. Amend the subdivision heading preceding RSA 151:32 to read as follows:

Reporting of ~~[Hospital]~~ **Health Care Associated** Infections

2 Statewide Database Required. Amend RSA 151:34, II(a) to read as follows:

II.(a) Subject to subparagraph (c), on or before ~~[June]~~ **August** 1 of each year, provided that the data collection and analytical methodologies meet accepted standards for validity and reliability, the commissioner shall report on the department's web site infection rates both exclusive and inclusive of adjustments for potential differences in risk factors for each reporting hospital and ambulatory surgical facility, an analysis of trends in the prevention and control of infection rates in hospitals and ambulatory surgical facilities across the state, regional and, if available, national comparisons for the purpose of comparing individual hospital and ambulatory surgical facility performance, and a narrative describing lessons for safety and quality improvement that can be learned from leadership hospitals and programs.

3 Payment by Hospitals and Ambulatory Surgical Centers. RSA 151:36 is repealed and reenacted to read as follows:

151:36 Payment by Hospitals and Ambulatory Surgical Centers.

I. The department shall assess a fee to hospitals and ambulatory surgical centers that are required to report under RSA 151:33 to support the program's approved operating budget.

(a) The hospitals' portion shall be proportional to the number of measures reported by all hospitals in the state.

(b) The ambulatory surgical centers' portion shall be proportional to the total number of measures reported by ambulatory surgical centers in the state.

II. There shall be proportional fee categories based on the hospital's number of beds, which shall total the amount of payment required by the hospitals. Of that base amount as stated in subparagraph I(a), each individual hospital shall pay a fee based on the appropriate category for that hospital.

III. There shall be proportional fee categories based on the range of procedures performed annually at an ambulatory surgical center, which shall equal the total amount of payment that is required by all ambulatory surgical centers. Of that base amount as stated in subparagraph I(b), each ambulatory surgical facility required to report shall pay a fee based on the appropriate category for that ambulatory surgical center.

IV. The department shall adopt rules, pursuant to RSA 541-A, relative to proportional rates, fee categories, and a payment schedule.

V. There is hereby established the health care associated infections fund. The fund shall be composed of fees collected in accordance with RSA 151:36, I-III and shall be used to carry out the provisions of this subdivision. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this subdivision.

4 New Subparagraph; Hospital and Ambulatory Surgical Facility Fee. Amend RSA 6:12, I(b) by inserting after subparagraph (307) the following new subparagraph:

(308) Moneys deposited in the health care associated infections fund under RSA 151:36, V.

5 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

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

This bill was requested by the department of health and human services.

Majority committee amendment adopted.

Rep. Manuse offered floor amendment (2820h).

Floor Amendment (2820h)

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

1 Subdivision Heading; Hospital Infections. Amend the subdivision heading preceding RSA 151:32 to read as follows:

Reporting of [~~Hospital and Ambulatory Surgical Facility~~]

Health Care Associated Infections

2 Statewide Database Required. Amend RSA 151:34, II(a) to read as follows:

II.(a) Subject to subparagraph (c), on or before [~~June~~] **August** 1 of each year, provided that the data collection and analytical methodologies meet accepted standards for validity and reliability, the commissioner shall report on the department's web site infection rates both exclusive and inclusive of adjustments for potential differences in risk factors for each reporting hospital and ambulatory surgical facility, an analysis of trends in the prevention and control of infection rates in hospitals and ambulatory surgical facilities across the state, regional and, if available, national comparisons for the purpose of comparing individual hospital and ambulatory surgical facility performance, and a narrative describing lessons for safety and quality improvement that can be learned from leadership hospitals and programs.

3 Payment by Hospitals and Ambulatory Surgical Centers. RSA 151:36 is repealed and reenacted to read as follows:

151:36 Payment by Hospitals and Ambulatory Surgical Centers.

I. The department shall assess a fee to hospitals and ambulatory surgical centers that are required to report under RSA 151:33 to support the program's approved operating budget.

(a) The hospitals' portion shall be proportional to the number of measures reported by all hospitals in the state.

(b) The ambulatory surgical centers' portion shall be proportional to the total number of measures reported by ambulatory surgical centers in the state.

II. There shall be proportional fee categories based on the hospital's number of beds, which shall total the amount of payment required by the hospitals. Of that base amount as stated in subparagraph I(a), each individual hospital shall pay a fee based on the appropriate category for that hospital.

III. There shall be proportional fee categories based on the range of procedures performed annually at an ambulatory surgical center, which shall equal the total amount of payment that is required by all ambulatory surgical centers. Of that base amount as stated in subparagraph I(b), each ambulatory surgical facility required to report shall pay a fee based on the appropriate category for that ambulatory surgical center.

IV. The department shall adopt rules, pursuant to RSA 541-A, relative to fee categories, a payment schedule, and proportional rates adequate to fund the requirements of this subdivision for each fiscal year.

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

AMENDED ANALYSIS

This bill establishes a fee for hospitals and ambulatory surgical centers required to report health care associated infections.

Rep. Manuse spoke in favor.

Rep. Hunt spoke against.

Floor amendment (2820h) failed.

Majority committee report adopted.

Referred to the Committee on Ways and Means.

SB 160-FN, relative to the definition and regulation of installment loans. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for the Majority of Commerce and Consumer Affairs: This legislation gives consumers a free market choice with regard to their own finances, while ensuring contract law is upheld and consumers enter these contracts with their eyes wide open.

Currently companies are offering these loans to New Hampshire residents legally over the internet. Even Wells Fargo has them. However, no New Hampshire company can offer them. With this legislation comes fairness in the marketplace. Vote 14-2.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The minority believes that the current 36% cap on payday loans is good public policy. While this bill identifies this product as "installment loans," the only company that expressed an interest in offering these in New Hampshire is the largest payday lender in the country. This same company has paid out \$18 million to settle a lawsuit in one state and has suits pending against it in at least 11 others. This bill allows such companies to reap up to 400% APR on loans with no requirement to determine the ability of the borrower to repay the loan. In addition, a loophole in the bill would allow what is advertised as a short term loan to become long-term debt. The minority rejects the argument that since people can get illegal loans on the internet New Hampshire should legalize payday loans. The committee learned of one bank that offers a credit builder program for small low interest loans. Rather than invite back predatory lending, New Hampshire should let market competition bring new products to the public. By making these high interest loans legal, consumers will have no longer have any legal remedy to assist them if they become trapped in a cycle of bad debt.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Kurk spoke against.

Rep. Hunt spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 208 NAYS 139

YEAS 208

BELKNAP

Accornero, Harry
Greemore, Robert
Swinford, Elaine

Comtois, Guy
Luther, Robert
Tilton, Franklin

Fields, Dennis
Malone, Robert
Worsman, Colette

Flanders, Donald
Simpson, Tyler

CARROLL

Ahlgren, Christopher
Patten, Betsey
Tregenza, Norman

Chandler, Gene
Pettengill, Laurie
Umberger, Karen

McConkey, Mark
Scala, Dino

Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Robert Jr

Dwinell, Richard

Hunt, John

Moore, Charles

COOS

Remick, William

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Balboni, Michael

Ball, J. Michael

Barry, J. Gail

Barry, Richard

Belanger, James
Buxton, Michael

Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Graham, John
Hikel, John
Infantine, William
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Vaillancourt, Steve

Boehm, Ralph
Cebrowski, John

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Parison, James
Rhodes, Brian
Silva, Peter
Stroud, Kathleen
Villeneuve, Moe

Brown, Kevin
Christensen, D.L.
Chris

Daniels, Gary
Drisko, Richard
Gimas, John
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ober, Russell III
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Warden, Mark

Burt, John
Christiansen, Lars

DeJong, Cameron
Emerton, Larry
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Seidel, Carl
Soucy, Connie
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

DeStefano, Stephen
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Winter, Steven

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Reagan, John
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Garcia, Marilinda
Headd, James
Janvrin, Kevin
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Perkins, Amy
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Elliott, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Waddell, James

STRAFFORD

Berube, Roger
Groen, Warren

Leonard, Frederick Jr
Pitre, Joseph
Weeden, Michael

Brown, Julie
Jones, Kyle

Newton, Clifford
Sprague, Dale

Cataldo, Sam
Jones, Laura

O'Connor, William
Vita, Carol

DeLemus, Susan
Larsen Schultz,
Kirsten
Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

NAYS 139

BELKNAP

Bolster, Peter
Russell, David

Kingsbury, Robert
St. Cyr, Jeffrey

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

Fleck, Joseph

Knox, J. David

McCarthy, Frank

CHESHIRE

Butynski, William
Hawkes, Samuel
Meader, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Cartwright, Anne
Lerandean, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

COOS

Daugherty, Duffy
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Rappaport, Laurence

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Harding, Laurie
Pierce, David
Townsend, Charles

Benn, Bernard
Ladd, Rick Jr
Simard, Paul
White, Andrew

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin
Campbell, David
Daler, Jennifer
Hansen, Peter
Hutchinson, Winfred
McCarthy, Michael
Pepino, Leo
Robbins, David
Sullivan, Daniel
Whitehead, Randall

Baroody, Benjamin
Coffey, James
Fredette, Robert
Hardwick, Harry
Kurk, Neal
Moran, Edward
Pilotte, Maurice
Rokas, Ted
Terrio, Ross
Willette, Robert

Belvin, William
Condra, William
Gargas, Carolyn
Hogan, Timothy
Leishman, Peter
Palmer, Barry
Porter, Marjorie
Rosenwald, Cindy
Thomas, Joseph

Bergevin, Jerry
Cote, David
Gorman, Mary
Hopper, Gary
Long, Patrick
Pellegrino, Tony
Proulx, Mark
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
McDonnell, John
Richardson, Gary
Watrous, Rick

Foose, Robert
Kidder, David
Owen, Derek
Shurtleff, Stephen
Williams, Robert

Frazer, June
Lockwood, Priscilla
Patten, Dick
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Katsakiores, Phyllis
Pantelakos, Laura
Reichard, Kevin

Copeland, Timothy
Lovejoy, Patricia
Perkins, Lawrence
Schlachman, Donna

DiPentima, Rich
Moody, Marcia
Quandt, Marshall
Serlin, Christopher

Dowling, Patricia
Norelli, Terie
Read, Robin Jr
Webb, James

STRAFFORD

Andolina, Donald	Ginsburg, Philip	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Munck, Philip	Pelletier, Marsha
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew	Smith, Steven		

and the majority committee report was adopted and ordered to third reading.

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill would allow a person to bypass the district court if appealing a decision by the licensing authority who has denied the issuance of a concealed weapons license. Currently RSA 159:6-c states a person so denied can petition the district court to determine if such person is qualified. The court shall conduct a hearing within 14 days after receipt of the petition. During this hearing, the burden of proof is on the issuing authority to demonstrate by clear and convincing proof why such person is not qualified. Further, the court must issue its decision no later than 14 days after the hearing. The superior court which is the subject of this bill may not be in session and unless the person is pro-se, a lawyer would be required and the costs to the person and the town or city will increase with no certainty of a quick solution. Vote 11-6.

Rep. Welch spoke in favor.

Rep. Hoell spoke against.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 221 NAYS 123

YEAS 221

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Luther, Robert
Millham, Alida	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin			

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Chase, Cynthia
Hawkes, Samuel	Johnsen, Gladys	Lerandau, Alfred	Lindsey, Steven
Meador, David	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Daugherty, Duffy	Hatch, William	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Mirski, Paul	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Smith, Suzanne	Sorg, Gregory	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Campbell, David	Cebrowski, John
Christensen, D.L.	Christiansen, Lars	Coffey, James	Condra, William
Chris			
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Donovan, Daniel
Drisko, Richard	Emerton, Larry	Fredette, Robert	Gagne, Larry
Gargas, Carolyn	Gimas, John	Goley, Jeffrey	Gorman, Mary
Graham, John	Haefner, Robert	Hansen, Peter	Hawkins, Kenneth
Holden, Frank	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Leishman, Peter	Long, Patrick	McCarthy, Michael
Moran, Edward	Pellegrino, Tony	Pepino, Leo	Pilotte, Maurice
Porter, Marjorie	Robbins, David	Rokas, Ted	Rosenwald, Cindy
Rowe, Robert	Shaw, Barbara	Soucy, Connie	Sullivan, Daniel
Swank, Matthew	Thomas, Joseph	Ulery, Jordan	Willette, Robert

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Hill, Gregory	Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla	MacKay, James
McDonnell, John	Owen, Derek	Palfrey, David	Patten, Dick
Potter, Frances	Reed, Dennis	Richardson, Gary	Sanborn, Laurie
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Birdsell, Regina	Cali-Pitts, Jacqueline	Charron, Gene
Copeland, Timothy	Devine, James	DiPentima, Rich	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Fesh, Robert	Garrity, James
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Kappler, Lawrence
Lovejoy, Patricia	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Murphy, Brian	Nevins, Chris	O'Connor, John
Packard, Sherman	Pantelakos, Laura	Perkins, Amy	Quandt, Marshall
Read, Robin Jr	Rice, Frederick	Sanders, Elisabeth	Schlachman, Donna
Sedensky, John	Serlin, Christopher	Sheffert, Kenneth	Shuler, Wyman III
Sullivan, James	Tasker, Kyle	Tucker, Pamela	Waddell, James
Ward, Joanne	Webb, James	Welch, David	

STRAFFORD

Berube, Roger	Brown, Julie	Cataldo, Sam	Ginsburg, Philip
Hooper, Dorothea	Kaen, Naida	Keans, Sandra	Larsen Schultz, Kirsten
Munck, Philip	Newton, Clifford	Pelletier, Marsha	Perry, Robert

Pitre, Joseph
Spang, Judith
Weeden, Michael

Roberts, Jenna
Sprague, Dale

Schmidt, Peter
Wall, Janet

Spainhower, Dale
Watters, David

SULLIVAN

Gagnon, Raymond
Rodeschin, Beverly

LaCasse, Paul Sr
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

Lovett, Charlene

NAYS 123

BELKNAP

Comtois, Guy
Malone, Robert

Flanders, Donald
Pilliod, James

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher

McConkey, Mark

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Dwinell, Richard

Hunt, John

Moore, Charles

COOS

None

GRAFTON

Brosseau, Charles

Gionet, Edmond

Ingbreton, Paul

Sova, Charles

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Daniels, Gary
Flanagan, Jack
Hikel, John
Hopper, Gary
Marcus, Bruce
Messier, Irene
Ober, Russell III
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Vaillancourt, Steve

Balboni, Michael
Burt, John
DeJong, Cameron
Gonzalez, Carlos
Hinch, Richard
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Silva, Peter
Stroud, Kathleen
Villeneuve, Moe

Ball, J. Michael
Buxton, Michael
Doherty, Shaun
Greazzo, Phil
Hogan, Edith
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Simmons, Tammy
Terrio, Ross
Warden, Mark

Belanger, James
Coughlin, Sean
Erickson, Duane
Hardwick, Harry
Hogan, Timothy
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Parison, James
Renzullo, Andrew
Souza, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
McGuire, Carol

Cohn, Seth
McGuire, Dan

Giuda, J. Brandon
Seaworth, G. Brian

Hoell, J.R.
Soltani, Tony

ROCKINGHAM

Antosz, Jason
Comerford, Timothy
Introne, Robert
Kolodziej, Walter

Bettencourt, David
Davenport, Joshua
Itse, Daniel
MacMahon, Bruce

Brown, Paul
Garcia, Marilinda
Janvrin, Kevin
Manuse, Andrew

Chirichiello, Brian
Hagan, Joseph
Katsakiores, Phyllis
Okerman, Richard

Perkins, Lawrence
Ritter, Glenn
Sytek, John

Quandt, Matt
Schroadter, Adam
Tremblay, Stella

Reagan, John
Smith, William
Weyler, Kenneth

Reichard, Kevin
Sullivan, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle
Parsons, Robbie

DeLemus, Susan
Jones, Laura
Vita, Carol

Groen, Warren
Leonard, Frederick Jr
Vita, Lucien

Horrigan, Timothy
O'Connor, William

SULLIVAN

Bowers, Spec
Laware, Thomas

Cloutier, John
Osgood, Joe

Cunningham, Steven

Howard, Thomas

and the committee report was adopted.

HB 162-FN, relative to capital murder for purposely causing the death of another. **OUGHT TO PASS.**

Rep. Phil J. Greazzo for Criminal Justice and Public Safety: The majority of the committee believes the lives of ordinary citizens are just as important as any public official. The majority further believes in equality under the law to include the murder of any citizen without exception. The cost associated with a lengthy sentence of life in prison is not comparable to the expense of imposing a death sentence on an individual who chose to take the life of another however; the cost of receiving justice in this circumstance is priceless! This bill only gives the option of seeking a death penalty and is not mandatory. Vote 11-6.

LAIID ON THE TABLE

Rep. Swinford moved that ***HB 162-FN***, relative to capital murder for purposely causing the death of another, be laid on the table.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 176 NAYS 153

YEAS 176

BELKNAP

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Millham, Alida
Swinford, Elaine

Kingsbury, Robert
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Umberger, Karen

Knox, J. David
Patten, Betsey

CHESHIRE

Byrnes, John
Parkhurst, Henry

Dwinell, Richard
Roberts, Kris

Hunt, John
Tatro, Bruce

Moore, Robert Jr

COOS

Rappaport, Laurence
Tremblay, Marc

Remick, William

Tholl, John Jr

Thomas, Yvonne

GRAFTON

Bradley, Lester
Ingbretson, Paul

Brosseau, Charles
Simard, Paul

Bulis, Lyle
Sova, Charles

Gionet, Edmond

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Christiansen, Lars

Barry, Richard
Brown, Kevin
Condra, William

Belanger, James
Buxton, Michael
Coughlin, Sean

Belvin, William
Cebrowski, John
Cusson-Cail,
Kathleen
Erickson, Duane
Gimas, John
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Ober, Lynne
Pellegrino, Tony
Pratt, Calvin
Rowe, Robert
Terrio, Ross
Whitehead, Randall

Daler, Jennifer
Fredette, Robert
Gonzalez, Carlos
Hawkins, Kenneth
Hogan, Timothy
Kurk, Neal
McGuinness, Sean
Ober, Russell III
Pepino, Leo
Proulx, Mark
Seidel, Carl
Thomas, Joseph

Daniels, Gary
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
LeBrun, Donald
Moran, Edward
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Twombly, Timothy

Doherty, Shaun
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
Notter, Jeanine
Parison, James
Pilotte, Maurice
Robbins, David
Stepanek, Stephen
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Kotowski, Frank
McDonnell, John

Frazer, June
Kreis, Kenneth Sr
Reed, Dennis

Hess, David
Lindsley, Mark
Sanborn, Laurie

Hill, Gregory
Lockwood, Priscilla
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Murphy, Brian
Perkins, Amy
Sanders, Elisabeth
Sullivan, James
Welch, David

Allen, Mary
Bettencourt, David
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
MacMahon, Bruce
Nevins, Chris
Quandt, Matt
Sedensky, John
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Birdsell, Regina
Elliott, Robert
Griffin, Mary
Itse, Daniel
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sheffert, Kenneth
Waddell, James

Azarian, Gary
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
McKinney, Betsy
Packard, Sherman
Ritter, Glenn
Shuler, Wyman III
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Kyle

Brown, Julie
Jones, Laura

Cataldo, Sam
Larsen Schultz,
Kirsten

Groen, Warren
Munck, Philip

Newton, Clifford
Weeden, Michael

O'Connor, William

Pitre, Joseph

Watters, David

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

Laware, Thomas

NAYS 153

BELKNAP

Accornero, Harry	Comtois, Guy	Greemore, Robert	Russell, David
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CARROLL

Babson, David Jr	Scala, Dino	Tregenza, Norman
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CHESHIRE

Butynski, William	Carr, Daniel	Cartwright, Anne	Chase, Cynthia
Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven
Meadar, David	Moore, Charles	Sad, Tara	Weber, Lucy
Weed, Charles			

COOS

Daugherty, Duffy	Merrick, Evalyn
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Mirski, Paul
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Reilly, Harold Sr
Shackett, Jeffrey	Smith, Suzanne	Sorg, Gregory	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Baroody, Benjamin	Barry, J. Gail
Bergevin, Jerry	Burt, John	Campbell, David	Christensen, D.L.
			Chris
Coffey, James	Cote, David	DeJong, Cameron	Donovan, Daniel
Drisko, Richard	Emerton, Larry	Goley, Jeffrey	Graham, John
Greazzo, Phil	Hopper, Gary	Hutchinson, Winfred	Infantine, William
Leishman, Peter	Long, Patrick	McCarthy, Michael	Mecheski, Holly
Messier, Irene	Murphy, Keith	Palmer, Stephen	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Simmons, Tammy	Soucy, Connie
Souza, Kathleen	Swank, Matthew	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert			

MERRIMACK

Cohn, Seth	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Giuda, J. Brandon	Hamm, Christine	Hoell, J.R.	Kidder, David
Lauer-Rago, Kathleen	MacKay, James	McGuire, Carol	McGuire, Dan
Palfrey, David	Patten, Dick	Potter, Frances	Seaworth, G. Brian
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Baldasaro, Alfred	Brown, Paul	Cali-Pitts, Jacqueline	Charron, Gene
Chirichiello, Brian	Copeland, Timothy	Davenport, Joshua	DiPentima, Rich
Dowling, Patricia	Introne, Robert	Katsakiores, Phyllis	Kolodziej, Walter
Lovejoy, Patricia	Manuse, Andrew	Moody, Marcia	Okerman, Richard
Pantelakos, Laura	Perkins, Lawrence	Quandt, Marshall	Read, Robin Jr

Reagan, John
Smith, William
Tremblay, Stella

Rice, Frederick
Sullivan, Kevin
Webb, James

Schlachman, Donna
Sytek, John

Schroadter, Adam
Tasker, Kyle

STRAFFORD

Berube, Roger
Horrigan, Timothy
Parsons, Robbie
Schmidt, Peter
Vita, Lucien

DeLemus, Susan
Kaen, Naida
Pelletier, Marsha
Spainhower, Dale
Wall, Janet

Ginsburg, Philip
Keans, Sandra
Perry, Robert
Sprague, Dale

Hooper, Dorothea
Leonard, Frederick Jr
Roberts, Jenna
Vita, Carol

SULLIVAN

Cloutier, John
Osgood, Joe

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr
Smith, Steven

Lefebvre, Benjamin

and the motion was adopted.

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 217-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill would include "fetus" in the definition of "another" for the purpose of first and second degree murder, manslaughter and negligent homicide. There are 36 states in this country that recognize the unlawful killing of a fetus as homicide in at least some circumstances. Of these 36 states that currently recognize the "fetus" as a homicide victim, 25 of those apply this principle throughout prenatal development. These laws do not apply to legally individual abortions. In 2004, Congress passed and President Bush signed the Urban Victims of Violence Act, which recognized the child in utero as a legal victim if he or she is injured or killed during the commission of 68 crimes of violence. It is time New Hampshire joined those 36 states that recognize how important it is to protect every citizen, including the unborn. Vote 12-4.

Amendment (2781h)

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

AN ACT amending the first and second degree murder statutes to include causing the death of a fetus.

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

1 Capital Murder; Definition of Fetus. Amend RSA 630:1, IV to read as follows:

IV. As used in this section and [~~RSA 630:1-a, 1-b, 2, 3 and 4~~] ***RSA 630:2, RSA 630:3, and RSA 630:4***, the meaning of "another" does not include a [~~fetus~~] ***fetus***.

2 First Degree Murder. Amend RSA 630:1-a to read as follows:

630:1-a First Degree Murder.

I. A person is guilty of murder in the first degree if [~~he~~] ***the person***:

(a) Purposely causes the death of another ***or purposely causes the death of a fetus which is determined to be at 24 weeks of gestation or more***; or

(b) Knowingly causes the death of:

(1) Another before, after, while engaged in the commission of, or while attempting to commit felonious sexual assault as defined in RSA 632-A:3;

(2) Another before, after, while engaged in the commission of, or while attempting to commit robbery or burglary while armed with a deadly weapon, the death being caused by the use of such weapon;

(3) Another in perpetrating or attempting to perpetrate arson as defined in RSA 634:1, I, II, or III;

(4) The president or president-elect or vice-president or vice-president-elect of the United States, the governor or governor-elect of New Hampshire or any state or any member or member-elect of the congress of the United States, or any candidate for such office after such candidate has been nominated at his party's primary, when such killing is motivated by knowledge of the foregoing capacity of the victim.

II. For the purpose of RSA 630:1-a, I(a), "purposely" shall mean that the actor's conscious object is the death of another ***or the death of a fetus as defined in paragraph I***, and that ~~his~~ ***the person's*** act or acts in furtherance of that object were deliberate and premeditated.

III. A person convicted of a murder in the first degree shall be sentenced to life imprisonment and shall not be eligible for parole at any time.

3 Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) ~~He~~ ***The person*** knowingly causes the death of another ***or knowingly causes the death of a fetus which is determined to be at 24 weeks of gestation or more***; or

(b) ~~He~~ ***The person*** causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

4 New Section; Exception. Amend RSA 630 by inserting after section 6 the following new section:

630:7 Exception. The provisions of RSA 630:1-a and 630:1-b shall not apply to any medical procedure performed by a licensed medical professional at the request of a pregnant woman or her legal guardian, or to the dispensing or administration of any prescribed medication.

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

AMENDED ANALYSIS

This bill provides that a person shall be charged with first or second degree murder for causing the death of a fetus which is determined to be at 24 weeks of gestation or more. The bill also provides an exception to the homicide statutes for pregnant women.

Amendment adopted.

Rep. Souza offered floor amendment (0047h)

Floor Amendment (0047h)

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

AN ACT including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide.

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

1 Homicide; Capital Murder; Definition of Unborn Child. Amend RSA 630:1, IV to read as follows:

IV. As used in this section ~~[and RSA 630:1 a, 1 b, 2, 3 and 4]~~, the meaning of "another" does not include a foetus.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion. Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of "another" shall include an unborn child as defined in paragraph V.

V.(a) Nothing in this section or RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4 shall apply to any act committed by the mother of the unborn child, to any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian, or to the lawful dispensation or administration of lawfully prescribed medication. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4, “abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of an unborn child, or to remove a dead unborn child caused by spontaneous abortion, or to remove an ectopic pregnancy.

(b) In this section:

(1) “Conception” means the fusion of a human spermatozoon with a human ovum.

(2) “Pregnant” means the female reproductive condition of having an unborn child in the woman’s body.

(3) “Unborn child” means the offspring of human beings from conception until birth.

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

AMENDED ANALYSIS

This bill provides that an unborn child shall be included in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide.

Rep. Souza spoke in favor and yielded to questions.

Rep. Seidel requested a roll call; sufficiently seconded.

YEAS 139 NAYS 201

YEAS 139

BELKNAP

Accornero, Harry
Kingsbury, Robert
Worsman, Colette

Comtois, Guy
Malone, Robert

Fields, Dennis
Simpson, Tyler

Flanders, Donald
Tilton, Franklin

CARROLL

Fleck, Joseph
Scala, Dino

Knox, J. David
Tregenza, Norman

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Butynski, William

Byrnes, John

Cartwright, Anne

Moore, Charles

COOS

Daugherty, Duffy

Tremblay, Marc

GRAFTON

Bradley, Lester
Mirski, Paul
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Coffey, James
Doherty, Shaun
Hansen, Peter
Hopper, Gary
McClarren, Donald
Notter, Jeanine
Proulx, Mark
Stroud, Kathleen
Ulery, Jordan

Balboni, Michael
Burt, John
Coughlin, Sean
Donovan, Daniel
Hardwick, Harry
Krasucki, Joseph
Mecheski, Holly
Palmer, Stephen
Seidel, Carl
Terrio, Ross
Whitehead, Randall

Bergevin, Jerry
Buxton, Michael
Daniels, Gary
Fredette, Robert
Hogan, Edith
Marcus, Bruce
Messier, Irene
Parison, James
Soucy, Connie
Thomas, Joseph
Willette, Robert

Boehm, Ralph
Cebrowski, John
DeJong, Cameron
Gonzalez, Carlos
Hogan, Timothy
McCarthy, Michael
Murphy, Keith
Peterson, Lenette
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Blankenbeker, Lynne
Lauer-Rago, Kathleen
Winter, Steven

Giuda, J. Brandon
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Soltani, Tony

ROCKINGHAM

Antosz, Jason
Chirichiello, Brian
Garrity, James
Itse, Daniel
Kolodziej, Walter
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella

Baldasaro, Alfred
Comerford, Timothy
Hagan, Joseph
Janvrin, Kevin
MacMahon, Bruce
Perkins, Amy
Reichard, Kevin
Schroadter, Adam
Sullivan, James
Webb, James

Bates, David
Devine, James
Headd, James
Kappler, Lawrence
Manuse, Andrew
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sullivan, Kevin

Birdsell, Regina
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sytek, John

STRAFFORD

Andolina, Donald
Jones, Kyle

Berube, Roger
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Groen, Warren
Leonard, Frederick Jr

Munck, Philip
Weeden, Michael

Parsons, Robbie

Vita, Carol

Vita, Lucien

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

Gagnon, Raymond
Smith, Steven

Laware, Thomas

Osgood, Joe

NAYS 201

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Bolster, Peter
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Russell, David

Luther, Robert
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

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Ahlgren, Christopher
Morrow, Harry

Babson, David Jr
Patten, Betsey

Chandler, Gene
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Carr, Daniel
Hunt, John
Meador, David
Sad, Tara

Chase, Cynthia
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

Dwinell, Richard
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weed, Charles

COOS

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Rappaport, Laurence

Remick, William

GRAFTON

Aguiar, James
Gionet, Edmond
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Harding, Laurie
Pierce, David
Townsend, Charles

Cooney, Mary
Ladd, Rick Jr
Simard, Paul
White, Andrew

HILLSBOROUGH

Ball, J. Michael
Belanger, James

Baroody, Benjamin
Belvin, William

Barry, J. Gail
Campbell, David

Barry, Richard
Christensen, D.L.
Chris

Christiansen, Lars
Daler, Jennifer
Flanagan, Jack
Goley, Jeffrey
Hawkins, Kenneth
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Rosenwald, Cindy
Simmons, Tammy
Vaillancourt, Steve

Condra, William
Drisko, Richard
Gagne, Larry
Gorman, Mary
Hikel, John
Jasper, Shawn
Leishman, Peter
Moran, Edward
Pellegrino, Tony
Renzullo, Andrew
Rowe, Robert
Stepanek, Stephen
Villeneuve, Moe

Cote, David
Emerton, Larry
Gargasz, Carolyn
Graham, John
Hinch, Richard
Kurk, Neal
Long, Patrick
Ober, Lynne
Pilotte, Maurice
Robbins, David
Shaw, Barbara
Sullivan, Daniel
Warden, Mark

Cusson-Cail, Kathleen
Erickson, Duane
Gimas, John
Haefner, Robert
Holden, Frank
Lambert, George
Maltz, Jonathan
Ober, Russell III
Porter, Marjorie
Rokas, Ted
Silva, Peter
Swank, Matthew

MERRIMACK

Bouchard, Candace
Foosse, Robert
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Shurtleff, Stephen

Cohn, Seth
Frazer, June
Hill, Gregory
Lindsley, Mark
Palfrey, David
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Keane, Thomas
Lockwood, Priscilla
Patten, Dick
Sanborn, Laurie
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Kidder, David
MacKay, James
Potter, Frances
Seaworth, G. Brian
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Brown, Paul
Davenport, Joshua
Elliott, Robert
Lovejoy, Patricia
Murphy, Brian
Pantelakos, Laura
Serlin, Christopher
Waddell, James

Allen, Mary
Cali-Pitts, Jacqueline
DiPentima, Rich
Fesh, Robert
Mauro, Donna
Nevins, Chris
Read, Robin Jr
Smith, William
Ward, Joanne

Azarian, Gary
Charron, Gene
Dowling, Patricia
Griffin, Mary
McKinney, Betsy
Norelli, Terie
Reagan, John
Tasker, Kyle
Welch, David

Bettencourt, David
Copeland, Timothy
Duarte, Joe
Introne, Robert
Moody, Marcia
Packard, Sherman
Schlachman, Donna
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Brown, Julie
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Cataldo, Sam
Keans, Sandra
Perry, Robert
Spainhower, Dale
Watters, David

Ginsburg, Philip
Newton, Clifford
Pitre, Joseph
Spang, Judith

Horrigan, Timothy
O'Connor, William
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Cunningham, Steven
Schmidt, Andrew

Howard, Thomas

LaCasse, Paul Sr

and floor amendment (0047h) failed.

Rep. Bettencourt offered floor amendment (0010h).

Floor Amendment (0010h)

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

AN ACT amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus.

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

1 Capital Murder; Definition of Fetus. Amend RSA 630:1, IV to read as follows:

IV. As used in this section and ~~[RSA 630:1 a, 1 b, 2, 3 and 4]~~ **RSA 630:2 and RSA 630:4**, the meaning of “another” does not include a ~~[fetus]~~ **fetus**.

2 First Degree Murder. Amend RSA 630:1-a to read as follows:

630:1-a First Degree Murder.

I. A person is guilty of murder in the first degree if ~~[he]~~ **the person**:

(a) Purposely causes the death of another **or purposely causes the death of a fetus which is determined to be at 24 weeks of gestation or more**; or

(b) Knowingly causes the death of:

(1) Another before, after, while engaged in the commission of, or while attempting to commit felonious sexual assault as defined in RSA 632-A:3;

(2) Another before, after, while engaged in the commission of, or while attempting to commit robbery or burglary while armed with a deadly weapon, the death being caused by the use of such weapon;

(3) Another in perpetrating or attempting to perpetrate arson as defined in RSA 634:1, I, II, or III;

(4) The president or president-elect or vice-president or vice-president-elect of the United States, the governor or governor-elect of New Hampshire or any state or any member or member-elect of the congress of the United States, or any candidate for such office after such candidate has been nominated at his party's primary, when such killing is motivated by knowledge of the foregoing capacity of the victim.

II. For the purpose of RSA 630:1-a, I(a), “purposely” shall mean that the actor's conscious object is the death of another **or the death of a fetus as defined in paragraph I**, and that ~~[his]~~ **the person's** act or acts in furtherance of that object were deliberate and premeditated.

III. A person convicted of a murder in the first degree shall be sentenced to life imprisonment and shall not be eligible for parole at any time.

3 Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) ~~[He]~~ **The person** knowingly causes the death of another **or knowingly causes the death of a fetus which is determined to be at 24 weeks of gestation or more**; or

(b) ~~[He]~~ **The person** causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and

indifference are presumed if the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

4 Negligent Homicide. Amend RSA 630:3 to read as follows:

630:3 Negligent Homicide.

I. A person is guilty of a class B felony when he *or she* causes the death of another negligently *or negligently causes the death of a fetus which is determined to be at 24 weeks of gestation or more.*

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 265-A:1, II, he or she causes the death of another *or causes the death of a fetus which is determined to be at 24 weeks of gestation or more.*

III. In addition to any other penalty imposed, if the death of another person *or a fetus as defined in paragraph I* resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265-A:36, which shall remain in place for a period not to exceed 5 years.

5 New Section; Exception. Amend RSA 630 by inserting after section 6 the following new section:

630:7 Exception. The provisions of RSA 630:1-a, 630:1-b, and 630:3 shall not apply to any medical procedure performed by a licensed medical professional at the request of a pregnant woman or her legal guardian, or to the dispensing or administration of any prescribed medication.

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

AMENDED ANALYSIS

This bill provides that a person shall be charged with first or second degree murder or negligent homicide for causing the death of a fetus which is determined to be at 24 weeks of gestation or more. The bill also provides an exception to the homicide statutes for pregnant women.

Rep. Bettencourt spoke in favor.

Floor amendment (0010h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. Shurtleff and Bolster spoke against.

Rep. Swinford spoke in favor.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 213 NAYS 125

YEAS 213

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James

Bolster, Peter
Kingsbury, Robert
Russell, David

Fields, Dennis
Luther, Robert
Simpson, Tyler

Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Swinford, Elaine

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Ahlgren, Christopher
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Schmidt, Stephen

Fleck, Joseph
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Umberger, Karen

McCarthy, Frank
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CHESHIRE

Butynski, William
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Byrnes, John
Hunt, John

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

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Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
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Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
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Cebrowski, John

Balboni, Michael
Brown, Kevin
Christensen, D.L.
Chris

Ball, J. Michael
Burt, John
Christiansen, Lars

Barry, Richard
Buxton, Michael
Coffey, James

Coughlin, Sean
Donovan, Daniel
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Cusson-Cail, Kathleen
Emerton, Larry
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ohm, Bill
Proulx, Mark
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Daniels, Gary
Gagne, Larry
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Ulery, Jordan

Doherty, Shaun
Gonzalez, Carlos
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Rowe, Robert
Soucy, Connie
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
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Seaworth, G. Brian

Cohn, Seth
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Winter, Steven

Giuda, J. Brandon
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McDonnell, John
Reed, Dennis

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McGuire, Carol
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
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Charron, Gene
Duarte, Joe

Allen, Mary
Bates, David
Comerford, Timothy
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Antosz, Jason
Bettencourt, David
Copeland, Timothy
Fesh, Robert

Azarian, Gary
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Davenport, Joshua
Garcia, Marilinda

Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Ward, Joanne

Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Murphy, Brian
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Webb, James

Headd, James
Janvrin, Kevin
MacMahon, Bruce
Nevins, Chris
Perkins, Lawrence
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Welch, David

STRAFFORD

Andolina, Donald
Groen, Warren

Berube, Roger
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
Parsons, Robbie

Munck, Philip
Pitre, Joseph

Newton, Clifford
Weeden, Michael

O'Connor, William

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

NAYS 125

BELKNAP

Comtois, Guy

Millham, Alida

CARROLL

Babson, David Jr

Knox, J. David

Tregenza, Norman

CHESHIRE

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Hatch, William

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Bergevin, Jerry
Daler, Jennifer
Flanagan, Jack
Goley, Jeffrey

Barry, J. Gail
Campbell, David
DeJong, Cameron
Fredette, Robert
Gorman, Mary

Belanger, James
Condra, William
Drisko, Richard
Gargas, Carolyn
Graham, John

Belvin, William
Cote, David
Erickson, Duane
Gimas, John
Hopper, Gary

Kurk, Neal
Parison, James
Robbins, David
Souza, Kathleen

Leishman, Peter
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Long, Patrick
Porter, Marjorie
Rosenwald, Cindy
Vaillancourt, Steve

Ober, Russell III
Pratt, Calvin
Shaw, Barbara
Warden, Mark

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Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
MacKay, James
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Hoell, J.R.
Patten, Dick
Soltani, Tony

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Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Katsakiores, Phyllis
Okerman, Richard
Serlin, Christopher

Devine, James
Mauro, Donna
Pantelakos, Laura
Tremblay, Stella

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

STRAFFORD

Brown, Julie
Keans, Sandra
Roberts, Jenna
Sprague, Dale
Watters, David

Ginsburg, Philip
Leonard, Frederick Jr
Schmidt, Peter
Vita, Carol

Horrigan, Timothy
Pelletier, Marsha
Spainhower, Dale
Vita, Lucien

Kaen, Naida
Perry, Robert
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

HB 334, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, or firearms supplies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for the Majority of Criminal Justice and Public Safety: The bill, as amended, adds knives to RSA 159:26 which currently prohibits restrictions on firearms. Further, it codifies that the general court shall have exclusive authority and jurisdiction over the sale, ownership, transportation and use of firearms and knives. It prohibits any political subdivision or agency or committee from prohibiting or regulating firearms or knives in the state. Vote 11-6.

Rep. Stephen J. Shurtleff for the Minority of Criminal Justice and Public Safety: This bill mandates that cities and towns cannot ban weapons on property they own. However, there is a provision of the bill, as amended, that allows a town to have authority to ban weapons on its property. The minority feels that this provision violates the equal protection clause of the New Hampshire Constitution, in so far as it denies our state's thirteen cities this same right. Furthermore, the bill denies entities that lease space from the state the right to ban weapons from their leased space, such as having a day care facility in the city of Concord that leases space from the state; this provision is of grave concern to the minority. The provisions of this bill also apply to state property, thereby, allowing guns at the places where they would not be appropriate such as UNH, community colleges, the Veterans Home, etc.

Majority Amendment (2563h)

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

AN ACT relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies, and knives.

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

1 Firearms, Ammunition, and Knives; Authority of the State. RSA 159:26 is repealed and reenacted to read as follows:

159:26 Firearms, Ammunition, and Knives; Authority of the State.

I. The general court shall have exclusive authority and jurisdiction by statute over the sale, purchase, ownership, use, possession, transportation, licensing or permitting, taxation, or other matters pertaining to firearms, firearms components, ammunition, firearms supplies, and knives in the state. Notwithstanding any other provision of law to the contrary, all delegations of legislative authority shall be by statute and shall explicitly state the extent and limits of the jurisdiction or authority delegated. Except as otherwise specifically provided in statute, no ordinance, regulation, rule, or policy of an agency, political subdivision, committee, or other governmental unit of the state, or agent thereof may prohibit or regulate in any way the sale, purchase, ownership, use, possession, transportation, licensing or permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, firearms supplies, or knives in the state.

II. No public or private entity shall prohibit the possession of firearms or knives on any property owned, in whole or in part, by the state, or an agency, political subdivision, committee, or other governmental unit thereof, unless expressly authorized in statute.

III. Upon the effective date of this section, all ordinances, regulations, rules, and policies not authorized under paragraphs I or II shall be null and void.

2 Town Property. Amend RSA 41:11-a, I to read as follows:

I. The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, ***RSA 159:26***, and RSA 202-A:6.

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

AMENDED ANALYSIS

This bill provides that all delegations of the state's authority to prohibit or regulate the purchase, ownership, use, possession, transportation, licensing or permitting, taxation, or other matters pertaining to firearms, firearms components, ammunition, firearms supplies, and knives shall be by statute only.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Watrous spoke against.

Reps. Warden and Cunningham spoke in favor and yielded to questions.

Rep. Shurtleff spoke against and yielded to questions.

Rep. Cunningham requested a roll call; sufficiently seconded.

YEAS 180 NAYS 144

YEAS 180

BELKNAP

Accornero, Harry
Luther, Robert
Tilton, Franklin

Comtois, Guy
Malone, Robert
Worsman, Colette

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher

Chandler, Gene

Fleck, Joseph

McCarthy, Frank

McConkey, Mark
Schmidt, Stephen

Merrow, Harry
Tregenza, Norman

Pettengill, Laurie
Umberger, Karen

Scala, Dino

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne

Dwinell, Richard

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Mirski, Paul

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John
Daniels, Gary
Erickson, Duane
Gonzalez, Carlos
Hinch, Richard
Hopper, Gary
Maltz, Jonathan
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve

Balboni, Michael
Belanger, James
Buxton, Michael
DeJong, Cameron
Flanagan, Jack
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Notter, Jeanine
Parison, James
Proulx, Mark
Seidel, Carl
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Condra, William
Donovan, Daniel
Fredette, Robert
Hardwick, Harry
Hogan, Timothy
Lambert, George
McCarthy, Michael
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Souza, Kathleen
Thomas, Joseph
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Coughlin, Sean
Drisko, Richard
Gagne, Larry
Hikel, John
Holden, Frank
LeBrun, Donald
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lindsley, Mark
Reed, Dennis

Cohn, Seth
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Sytek, John
Webb, James

Antosz, Jason
Brown, Paul
Duarte, Joe
Garrity, James
Introne, Robert
MacMahon, Bruce
Packard, Sherman
Rice, Frederick
Sedensky, John
Tasker, Kyle
Welch, David

Azarian, Gary
Comerford, Timothy
Elliott, Robert
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Davenport, Joshua
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 144

BELKNAP

Bolster, Peter
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida

CARROLL

Babson, David Jr

Knox, J. David

Patten, Betsey

CHESHIRE

Butynski, William
Lindsey, Steven
Roberts, Kris
Weed, Charles

Chase, Cynthia
Meador, David
Sad, Tara

Hawkes, Samuel
Moore, Robert Jr
Tatro, Bruce

Lerandean, Alfred
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Remick, William

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon
Simard, Paul
White, Andrew

Almy, Susan
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Pierce, David
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Shackett, Jeffrey
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cebrowski, John

Bergevin, Jerry
Christensen, D.L.
Chris

Brown, Kevin
Christiansen, Lars

Campbell, David
Coffey, James

Cote, David
Gargas, Carolyn
Graham, John
Jasper, Shawn
Messier, Irene
Porter, Marjorie
Terrio, Ross

Cusson-Cail, Kathleen
Gimas, John
Hawkins, Kenneth
Kurk, Neal
Moran, Edward
Rokas, Ted
Twombly, Timothy

Daler, Jennifer
Goley, Jeffrey
Hutchinson, Winfred
Leishman, Peter
Ober, Lynne
Rosenwald, Cindy
Whitehead, Randall

Emerton, Larry
Gorman, Mary
Infantine, William
Long, Patrick
Pilotte, Maurice
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Keane, Thomas

Deloge, Helen
Gile, Mary
Lockwood, Priscilla

DeStefano, Stephen
Hamm, Christine
MacKay, James

Foose, Robert
Hess, David
Palfrey, David

Patten, Dick
Wallner, Mary Jane

Potter, Frances
Watrous, Rick

Richardson, Gary
Williams, Robert

Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Dowling, Patricia
Lovejoy, Patricia
Norelli, Terie
Perkins, Lawrence
Serlin, Christopher

Charron, Gene
Headd, James
Moody, Marcia
O'Connor, John
Quandt, Marshall
Smith, William

Copeland, Timothy
Janvrin, Kevin
Murphy, Brian
Pantelakos, Laura
Read, Robin Jr
Sullivan, James

DiPentima, Rich
Katsakiores, Phyllis
Nevins, Chris
Perkins, Amy
Schlachman, Donna
Sullivan, Kevin

STRAFFORD

Berube, Roger
Kaen, Naida
Perry, Robert
Sprague, Judith

Brown, Julie
Keans, Sandra
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Munck, Philip
Schmidt, Peter
Wall, Janet

Horrigan, Timothy
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

HB 448-FN, relative to spice incense products. **INEXPEDIENT TO LEGISLATE.**
Rep. Kyle J. Tasker for Criminal Justice and Public Safety: The committee feels any attempt to stay ahead of manufacturers of herbal incense products would create an arms race of chemical compounds. To circumvent any regulations we put in place manufacturers will slightly modify their compounds and the unintended consequence could be more potent or dangerous compounds that are untested and not fully understood. Vote 14-3.

LAI D ON THE TABLE

Rep. Bettencourt moved that ***HB 448-FN***, relative to spice incense products, be laid on the table.
Adopted.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1710 and 1711 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

First, second reading and referral

HB 1710, establishing a commission to identify issues for legislation related to strengthening the role of fathers in families with divorced or unmarried parents. (W. Smith, Rock 18; Oigny, Rock 8; Groen, Dist 6: Executive Departments and Administration)
HB 1711, relative to the use of cooking fires. (Newton, Straf 1: Municipal and County Government)

PETITION

Petition #29: Representative Patrick Abrami of Stratham, on behalf of Petitioner Daniel Shepard of North Hampton, seeks redress relative to grievances involving the State of New

Hampshire, a marital master, a judge and an attorney.

The Speaker referred the Petition to the Committee on Redress of Grievances.

RESOLUTION

Rep. Bettencourt 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 Thursday, January 5, 2012 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 171, relative to restrictions on liquor licenses.

HB 247, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services.

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine.

HB 408, clarifying the exemption for attorneys from licensing requirements for mortgage brokers or bankers.

HB 127-FN, relative to the definition of oral communication.

HB 283-FN, relative to impaired drivers.

HB 545, relative to the administrative rulemaking process governing home educated pupils.

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

HB 193, relative to the Mount Washington commission.

HB 222-FN, relative to the specificity of certain statutory provisions granting rulemaking authority.

HB 350-FN, updating laws relative to the fiscal committee of the general court.

HB 449-FN, relative to reports on information available on the state website.

HB 458-FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor.

HB 517-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

HB 624, relative to the rulemaking authority of state agencies to establish fees and costs and establishing a committee to study the rulemaking authority of state agencies to establish fees.

HB 151, repealing the laws relative to marital masters.

HB 344-FN, relative to judicial performance evaluations.

HB 236, establishing a committee to study workers' compensation benefits for illegal aliens.

HB 420-FN, relative to the definition of employee and clarifying the criteria for exempting workers from employee status.

SB 49, relative to tip pooling arrangements.

HB 108, relative to trees and roadside growth

HB 256-FN, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

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

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

HB 518-FN-A, changing the prospective repeal date for the research and development tax credit.

HB 309-FN, relative to certain insurance mandates and establishing a committee to study current insurance mandates.

HB 581, regulating guaranteed price plans and prepaid contracts for petroleum.

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

HB 217-FN, amending the first and second degree murder statutes and the negligent homicide statute to include causing the death of a fetus.

HB 334, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies, and knives.

PERSONAL PRIVILEGE

Rep. Pierce addressed the House.

Rep. Bates objected.

RULING OF THE SPEAKER

The Chair ruled that the topic was not appropriate for Personal Privilege and Rep. Pierce was requested to suspend.

UNANIMOUS CONSENT

Rep. Giuda addressed the House.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, the reading-in of petitions, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Adopted.

The House recessed at 5:03 p.m.

RECESS