



State of
New Hampshire

HOUSE RECORD

First Year of the 163rd General Court Calendar and Journal of the 2013 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 35

Concord, N.H.

Friday, March 15, 2013

No. 23

Contains: Meetings, Notices, Reports and Amendments for March 20 and March 21.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House Session will be on Wednesday, **March 20th**, at 10:00 a.m. The House will also meet in session on Thursday, **March 21st**, at 9:00 a.m.

The House will be in session on Wednesday, March 27th, and please hold Thursday, March 28th for session as well.

Please note that for session on Wednesday, March 20th, when we begin debate on the Regular Calendar Part II, we will start with bills from the Health, Human Services and Elderly Affairs Committee.

Due to legislation needed to authorize the Attorney General to enter into an agreement by March 22nd, the Senate has fast-tracked SB 199. There will be a public hearing on this bill in the Judiciary committee on Tuesday, March 19th at 10:00 a.m. and we will be requesting a rules suspension to debate the bill on the floor on Wednesday, March 20th without the report being printed in the regular calendar.

Thank you for your part in making our sessions run so smoothly. Organizing floor debates ahead of time and notifying the Clerk's Office in advance that we wish to speak is beneficial for everyone. Your continued cooperation in helping to make the process more orderly and efficient is greatly appreciated.

Terie Norelli, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on Tuesday, **March 19**, at 8:30 a.m. in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

The House Finance Committee will be holding regional hearings on the state budget and members are encouraged to attend. The hearing schedule is as follows:

CLAREMONT, Monday, **March 18** from 5:00 to 8:00 p.m. at the Sugar River Valley Regional Technical Center, 111 South Street, Claremont.

ROCHESTER, Monday, **March 18** from 5:00 to 8:00 p.m. at the Rochester Community Center, 150 Wakefield Street, Rochester.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **March 20** at **9:00 a.m.** in Representatives Hall.

Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **March 20** at **9:00 a.m.** in Rooms 305-307, LOB.

Rep. Gene G. Chandler, Republican Leader

NOTICE

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

CLOSES NOON THURSDAY:

March 21
March 28
April 4

AVAILABLE FRIDAY:

March 22
March 29
April 5

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2013 SESSION

Thursday, March 21, 2013	Last day to report all House Bills, except budget bills
	Last day to report list of retained House Bills
Thursday, March 28, 2013	Last day to report budget bills
	Last day to act on all House Bills, except budget bills.
Thursday April 4, 2013	CROSSOVER Last day to act on budget bills
Thursday, May 2, 2013	Last day to report Senate Bills going to a second committee
Thursday, May 9, 2013	Last day to act on Senate Bills going to a second committee
Thursday, May 30, 2013	Last day to report all remaining Senate Bills
	Last day to report list of retained Senate Bills
Thursday, June 6, 2013	Last day to act on Senate Bills
Thursday, June 13, 2013	Last day to form Committees of Conference
Thursday, June 20, 2013	Last day to sign Committee of Conference reports (4:00 pm)
Thursday, June 27, 2013	Last day to act on Committee of Conference reports

WEDNESDAY, MARCH 20

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 202-FN, relative to liquor licenses for inns. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce and Consumer Affairs: Liquor licenses for bed and breakfast businesses have not been accessible primarily because of the restriction on the number of rooms. This bill makes a simple change..a lodging establishment of greater than four rooms that serves only to its guests can access a liquor license. Inns that serve alcohol to their guests and the public must still qualify and hold a restaurant license. **Vote 19-1.**

HB 339-FN, relative to consumer credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R Williams for Commerce and Consumer Affairs: This bill originally defined rules for the practice of debt collection from consumers, including requiring a collector to verify that they were contacting the correct consumer, and that the consumer really owed the debt being collected. The bill specified the documentation required for such verification, and the process that a collector must follow to collect the verified debt while preserving the rights of the debtor. The committee heard testimony from consumers who had problems with collectors, agencies and attorneys who provide assistance to New Hampshire residents with debt collection problems, and representatives of the debt buying and debt collection industry. While we were absolutely convinced that there are serious problems with debt collection that should be addressed by legislation, we felt this bill fell short of the goal of protecting consumers from fraud and abuse while giving legitimate debt collection companies the opportunity to do business. Because the issues involved are significant and complex, the committee created an amendment which redefines the bill to create a study committee for the debt collection industry, which shall recommend appropriate legislation to balance the rights of consumers and the business community. **Vote 17-1.**

HB 505, relative to the economic development advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Murphy for Commerce and Consumer Affairs: This bill changes the term of appointments to the Economic Development Advisory Council from three to two years and allows the governor to replace members upon the request of the Director of Economic Development due to lack of participation. The committee amendment, drafted in consultation with the director, reduces the size of the council from 27 to 16 members, making the body less unwieldy. Several current members of the council appeared in support of the bill and the amendment and there was no opposition. **Vote 18-0.**

HB 594-FN, relative to the general consumer credit laws of the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard D McNamara for Commerce and Consumer Affairs: This bill makes changes to laws regarding mortgage bankers, mortgage brokers and mortgages services. The bill was a cooperative effort of the NH Banking Department and mortgage bankers and brokers. The bill incorporates updates to banking regulations to keep the state in compliance with current industry regulations. **Vote 19-0.**

HB 639, relative to beverage container and packaging approval. **OUGHT TO PASS WITH AMENDMENT.** Rep. Keith Murphy for Commerce and Consumer Affairs: This bill specifies that the liquor commission, when considering whether or not to approve new beverages, shall not require actual samples of the beverage itself in addition to the container, the label, and the certified test report attesting to the product characteristics. The committee heard testimony from brewers that most states do not require samples of the actual product, that this requirement adds significant expense to the application process and that some brewers choose not to bring their product to New Hampshire due to the higher time and expenses. The committee amendment, drafted in consultation with the chief of liquor enforcement, makes the sample unnecessary for beverages less than 6% alcohol content, which would exclude the majority of beverages, unless the commission decides in any given case that a sample should be required. The committee found this to be a reasonable compromise to the competing interests of public safety and easing the burden of doing business in our state. **Vote 19-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 224, relative to the authority of the superintendent of a county correctional facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: This bill will allow superintendents of county correctional facilities to do legally something that some of them may be doing already, release a prisoner after serving at least 14 days (except at the state prison) for the purpose of obtaining and working at gainful employment. The committee was unanimous in support of the idea behind the bill, but disagreement was focused on an amendment which represents an attempt to make sure that the prosecutors and judges involved in the original sentencing are informed. The majority of the committee, conscious of the separation of powers between the judicial branch (courts) and administrative branch (corrections facilities) thought it wise to add a provision that before a prisoner is released, the prosecutor and judge be informed with a ten day window to state an objection. If an objection is raised, the prisoner would be granted a hearing which could lead to release but at the discretion of the sentencing court. The committee, aware that this might slightly delay the release, thought it appropriate, especially after hearing from one county corrections official that disagreements have occurred in as many as four of five planned releases. **Vote 16-1.**

HB 644-FN, relative to parole procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: The bill as amended makes a number of changes in the laws concerning procedures for parole and imposition of sanctions for violations of probation. This bill requires the department of corrections to post notice of parole hearings on the department's websites, and clarifies the process for notification of victims of parole hearings involving the person convicted of their victimization. It amends the procedure for calculating the recommitment period for persons who violate the conditions of parole, and amends the authority of a probation /parole officer to sanction a probationer for violations of probation. This bill was supported by the Adult Parole Board, the Department of Corrections and the office of the Attorney General. **Vote 16-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 481-FN, limiting the state's authority to seek reimbursement for public assistance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill as amended will allow NH to join the federal government and the 21 states that have already eliminated the filial support laws. The filial support laws state that children have a duty to provide for parents who cannot do so. RSA 167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA to anyone having a father, mother, (stepfather, stepmother, son, daughter) husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and healthy, may be recovered in an appropriate proceeding in the superior court brought by the commissioner of health and human services, in the name of the state, from either a father, mother, (stepfather, stepmother, son, daughter) husband, or wife, who are declared jointly and severally liable for such assistance. We inherited these laws from the British; the department stated that it has not had the resources to enforce the statute for many years. England did away with these laws in 1948. The bill has been amended to address the ability of the DHHS to still recover funds through FANF with no effect on the amount of services that an applicant or recipient may be eligible for. **Vote 15-0.**

HB 633, relative to prescription refills. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andre A Martel for Health, Human Services and Elderly Affairs: Schedule III medications include steroids and hallucinogens among other medications. Current law requires that a pharmacist dispense up to 34 days worth of medications which costs consumers more in co-payments due to more frequent refills. HB 566 as amended makes an exception for steroids (of which there is only one in the schedule III category) so that pharmacists may request more than a 34 day supply. **Vote 16-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 591, relative to an abusive work environment and the health and safety of public employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Janice E Schmidt for Labor, Industrial and Rehabilitative Services: The bill as amended would require state departments and agencies to develop policies to address harassment of state employees in the workplace. The committee received a great deal of oral and written testimony from state employees and others regarding the physical and mental distress caused by harassment in the workplace and the frustration they experience because there is no mechanism to address it. The personal stories of state employees showed the mistreatment in the workplace is indeed happening and is of great concern to the committee. More concerning was the fact testimony indicated there was no current policy prohibiting this type of conduct in the workplace, and there is no current avenue which has successfully addressed the issue. The committee received testimony that Counties and other employers have policies prohibiting this type of conduct and believed the best solution was for the executive branch to develop policies and provide employee training and not extensively legislate the matter. **Vote 19-0.**

PUBLIC WORKS AND HIGHWAYS

HB 635, establishing a committee to study state rest areas. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter E Ramsey for Public Works and Highways: The committee felt strongly that our state rest areas have a critical mission to encourage and service the state's tourism industry. The operation of the rest areas has been by previous legislation, turned over to DRED, yet the ownership of the rest areas remains with DOT and the Turnpike System. A study committee is necessary to reconcile this transition and to prioritize which rest areas should be reopened. (Currently, four are closed due to lack of funding.) The amendment addresses the funding issue by enabling DRED and DOT to solicit proposals for sponsors or purchase of the naming rights for New Hampshire rest areas, which would require approval of the long range capital planning and utilization committee. Any proceeds would be used to operate existing rest areas. **Vote 14-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 349, relative to OHRV operation of certain 4-wheel drive vehicles on trails within Jericho Mountain state park. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher J Ahlgren for Resources, Recreation and Development: This bill authorizes the bureau of trails to develop trails for and to permit the operation of vehicles 65 inches wide and weighing up to 1700 lbs. on specific trails for specific times in Jericho Mountain State Park. These larger vehicles are limited to areas as prescribed in the Jericho Mountain State Park master development plan. The legislation will enable the trails bureau and the local OHRV clubs to work cooperatively to develop trails that will be enjoyable to the users while limiting the environmental impact. The amendment states that this legislation, if enacted, will sunset after three years to assure the legislature's ability to review and evaluate the progress of this use of Jericho Mountain State Park. **Vote 17-2.**

HB 416, shortening the appeals process for a permitting decision under RSA 482-A, relative to fill and dredge in wetlands. **OUGHT TO PASS.**

Rep. Pamela J Hubbard for Resources, Recreation and Development: This bill shortens the appeal process for permitting decisions relative to fill and dredge in wetlands. The wetlands council is already aligned with the other councils associated with the department and conducts evidentiary hearings in appeals. This bill will eliminate reconsideration at the department level, which is no longer needed, and could shorten the appeals process by up to two months. **Vote 17-0.**

HB 510, relative to backflow prevention valves. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James D Aguiar for Resources, Recreation and Development: The amendment replaces the bill in its entirety. The bill clarifies the circumstances under which backflow prevention devices are required as well as the frequency of device testing based on the relative hazard. It further outlines the responsibilities of the facility owner regarding testing and maintenance of the devices. Backflow devices prevent unhealthy water from mixing with safe water. **Vote 17-0.**

HB 515, relative to requirements for whitewater guides. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne J Smith for Resources, Recreation and Development: This bill requires guides of commercial whitewater rafting enterprises to show proof of having completed safety training. It also establishes a definition for "whitewater craft" and requires the Department of Safety to classify rivers in New Hampshire. There are only four whitewater outfitters in New Hampshire and only one river, the Androscoggin, which is used for whitewater rafting. The committee realizes that safety training for rafting guides is important, but believes that at this time the implementation of this bill would be problematic for enforcement and costly for the state. **Vote 17-0.**

HB 574, increasing the size limitations for OHRVs operating on state-owned trails. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Yvonne D Thomas for Resources, Recreation and Development: This bill increases the size limitation for OHRVs operating on certain state trails. The amendment specifies that the bill pertains to Coos and Grafton counties. The bill increases the width from 50 inches to 62 inches and the weight from 1,000 pounds to 1700 pounds in order to accommodate the utility-style OHRV market. Currently, riders of these larger vehicles are prohibited from operating on the state trails. The majority of the committee believes that this legislation will provide an economic enhancement for the north country. **Vote 17-2.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 518, relative to establishing an individual's status as a veteran and specifying that training for active duty is service for purposes of the veterans' tax credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: This bill is a fix on three areas for veterans who do not have a DD 214; one, it adds a DD form for the Air/Army National Guard to register their vehicles with a veteran plate or property taxes. The statement of service is for active duty stationed in New Hampshire to be used for veterans' plates and veterans' property tax credit. The change to Title 10 is a fix for the Air/Army National Guard members' active time to be accounted towards qualifications for veteran benefits. **Vote 15-0.**

WEDNESDAY, MARCH 20 – PART I

REGULAR CALENDAR

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 584, relative to covered prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald L LeBrun for Health, Human Services and Elderly Affairs: An insurer issuing or renewing accident and health insurance policies may allow its insured participants to purchase up to a 90 day supply of covered prescription drugs on the covered persons health plan formulary at one time at the pharmacy of the insured's choice provided the insured can demonstrate the drug has been taken by the insured for a period of one year. This drug will not be subject to the health plans' utilization management or prior authorization or pre-certification process. **Vote 14-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 297, relative to the management of trust funds and capital reserve funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce L Tatro for the **Majority** of Municipal and County Government: This bill would change the way trust funds and capital reserve funds are managed. The majority of the committee felt there is no reason to change the present RSA. The committee had concerns about having records to be kept "off site" without defining what "off site" meant. **Vote 14-1.**

Rep. Kris E Roberts for the **Minority** of Municipal and County Government: This bill will allow trustees to hire investment advisors to manage capital reserve funds without having to seek approval of the governing body of the community. Trustees report to the Charitable Trusts Unit, not the governing bodies. Without this bill, the governing body will continue the short-sighted practice of refusing monies for hiring advisors, which causes the capital reserve funds to languish in very low interest rate accounts –to the detriment of the community.

The insertion of the words "investment advisor" in the bill fixes clerical omissions in the implementation of the RSAs when investment advisors were added as allowable persons who could manage trust funds. Brokerage firms differ from investment advisors. Investment advisors are registered with the state of NH or the securities and exchange commission. Brokerage firms are regulated by FINRA. They have different business models. If a CPA firm manages money, the CPA firm must be registered as an investment advisor.

Advisor fees are fully disclosed on the trustee's MS-10 annual report. Trustees regularly ask prospective advisors their fee schedule. Fees are disclosed in the trustee's minutes. The advisor contract contains the fee schedule. Most capital reserve funds (90%) carry balances forward each year. Cap reserves funds need to be invested more long term than they are right now.

The trustees survey conducted last fall overwhelming supported this bill.

A representative of the municipal association and a representative of the AG's office met last summer and helped craft the language of the bill.

HB 532, relative to energy efficiency and clean energy districts. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: The ever increasing cost of fuel oil has placed a huge burden on many smaller local businesses as they struggle to heat their older commercial buildings. HB 532 with an amendment would set up a process by which municipalities can assist owners of commercial buildings obtain funding for energy-efficiency improvements. The considered amendment is the result of collaboration between the bill's sponsor and the NH Bankers Association and has the support of both. Committee members in favor of OTP/A feel this is a small business friendly bill, will help keep jobs in our communities, and will help conserve energy.

Rep. Marjorie A. Porter

Statement in support of Inexpedient to Legislate: This bill modifies RSA 53-F:1 which provides for municipal financing for energy conservation and efficiency improvements for privately owned buildings. Major changes include the elimination of a dollar cap and extension of the maximum repayment period from 20 to 30 years. One-half of a bi-partisan group of the committee believes that this bill places municipalities in a position of excess risk, or into an activity that is better accomplished by other means.

Rep. James E. Coffey

SCIENCE, TECHNOLOGY AND ENERGY

HB 465, repealing New Hampshire's atomic energy policy. **OUGHT TO PASS.**

Rep. Robert A Backus for Science, Technology and Energy: The New Hampshire Atomic Energy Act, RSA 162-B, was passed in 1955 and no longer serves any practical purpose, since the state's interests with regard to atomic energy are found in various other statutes, including those dealing with nuclear plant decommissioning, transportation of nuclear waste, and radiological health and safety. However, the statute contains

language that declares it the policy of New Hampshire to maximize the use of atomic energy. Since it appears that the General Court will be dealing with bills to update the New Hampshire energy policy, the majority found it both inappropriate and inconsistent to maintain a non-functional statute which, in effect, declares that atomic energy should continue to have a top priority when considering future energy options. In addition, in 1955 when the statute was enacted it was thought that nuclear energy would be extremely inexpensive (“too cheap to meter”) and that there would be no serious problem with accidents, such as have since occurred at Three Mile Island, Chernobyl or Fukushima, or with safe disposal of high level nuclear waste. The repeal will have no effect on existing nuclear facilities, including the Seabrook nuclear plant. There was no testimony in opposition to the bill. **Vote 13-3.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SPECIAL ORDER

HB 271, stating that New Hampshire will not accept expanded Medicaid. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie Harding for **Majority** of Health, Human Services and Elderly Affairs: The primary reason that the committee voted HB 271 inexpedient to legislate was because passage of this bill would close the door on further discussion related to Medicaid expansion. It was clear from the public hearing that those testifying (45-50 people) at the very least expected the legislature to continue to explore Medicaid expansion as an option for not only increasing the number of individuals in New Hampshire with health care coverage but also because it would be a vehicle for bringing hundreds of millions of federal dollars into the state. In fact, the federal law is clear that the federal financing / matching rate is: 100% for calendar years 2014, 2015, and 2016; 95% for calendar year 2017; 94% for 2018; 93% for 2019; and 90% for calendar year 2020 and each year thereafter. Section 1905(y)(1) of the Social Security Act, codified at 42 USC § 1396d(y)(1). The Medicaid expansion and its federal financing / matching rate are enshrined in federal law. Changing either of these federal government obligations would require an Act of Congress. In addition, the expansion is entirely voluntary; states can decide when to come into the expansion and they can decide when to leave. During the hearing, the committee heard from business people, representatives from insurance companies, hospitals, physicians, nurses, those suffering from and providers treating people with substance use disorders, as well as many others supporting Medicaid expansion. The ongoing themes of public testimony were related to: doing what is right by working people who are uninsured and have no regular access to health care, helping business owners who can't afford to offer coverage to their low-income employees, addressing the concerns of health care providers who now receive no compensation for treating people without health coverage and reducing the pressure on insurers to shift these uncompensated care costs onto all who pay for private health insurance premiums. The committee thinks that the conversation about Medicaid expansion is just beginning. An ITL vote on HB 271 allows the dialogue to continue. **Vote 13-6.**

Rep. Richard Meaney for the **Minority** of Health, Human Services and Elderly Affairs: This bill is needed to prevent Medicaid expansion in New Hampshire. Medicaid expansion is unaffordable. Medicaid rolls in New Hampshire would swell to include nearly one in every six New Hampshire residents. Even thousands of county and state inmates will be covered under expanded Medicaid, hamstringing current efforts to provide cost-efficient care. Many businesses that now provide private insurance will cease providing such insurance due to expensive federal mandates. The “\$2.5 billion federal dollars between 2014-2019” that would be coming to New Hampshire is a pretense and an expensive one at that. Every federal dollar spent today requires 42 cents of borrowing. “Federal dollars” are taxpayer dollars, many of which come from New Hampshire. New Hampshire residents will pay increased taxes and fees to support expanded Medicaid. The state budget will require at least \$15 million annually from 2014-2019 and subsequently an additional \$50-\$100 million annually to service the Medicaid pretense. If the federal promise to provide 90% of NH's expanded Medicaid costs is fulfilled in a manner similar to the fulfillment of the Special Education promise (feds promised 40%, are delivering 17%), we will see NH's expanded Medicaid costs reach a quarter of a billion dollars per year. In the absence of cost controls and reform, we simply can't put more people into a broken system that doesn't work.

MUNICIPAL AND COUNTY GOVERNMENT

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie A Porter for Municipal and County Government: This bill as amended establishes a committee to study tax obligations and state aid for towns and districts that have electric generation facilities, including renewable generation facility subject to PILOT (payment in lieu of taxes) payments, and are part of a cooperative or regional school district. There seems to be some inconsistency in current law, and hopefully this committee could discover them and make recommendation for a fair allocation of taxes. **Vote 12-4.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 454, requiring consent prior to the installation of smart meters. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nickolas J Levasseur for the **Majority** of Science, Technology and Energy: This bill would have required utilities to gain consent prior to installing what the bill defined as a “smart meter.” Smart meters are electronic metering devices which typically have the ability to transmit metering data electronically. This particular bill sought to specifically address those which transmit using wireless technology and did not address those which use wired technology (both are currently in use in NH today). A smart meter is distinct from another type of device known as a “smart meter gateway device”, or simply “gateway”. A gateway device is one which, in addition to reading the meter, also has the ability to track individual appliances and devices within the home and, in some cases, activate or deactivate those devices. Gateway devices are covered under current law and consent is required in order to install them. The smart meters targeted in this bill have no such in home monitoring ability and are designed solely for remote meter reading and outage reporting. In New Hampshire all components of a property’s service line up to and including the meter are owned by the utility. Therefore, the installation, maintenance, and technology are all the financial and logistical responsibility of the utility. The electrical customer owns everything beyond the meter. The committee heard testimony that these meters presented a plethora of medical conditions, environmental issues, and privacy issues. Opponents of these meters claimed that the information collected by these meters could be used for nefarious purposes including knowing which rooms and devices an individual is using are even aiding in burglary. The majority committee found these claims to be without basis. The intermittent wireless signals used by these devices are roughly 1/4 of the strength of that of a cell phone and no concrete evidence was provided to verify the health or environmental impacts. The majority of the committee felt that the privacy argument also lacked merit as these devices are only capable of reading usage and would have no specific location information associated with it. The committee felt that having an actual meter reader physically go onto a customer’s property each month posed a greater potential security and privacy risk to the customer than these meters doing the job remotely. Ultimately, the committee felt that this issue failed to meet the threshold needed for legislation. As customers, we do not own our meters. Forcing the utilities to provide boutique equipment without sufficient basis is not warranted. **Vote 15-3.**

Rep. Laurence M Rappaport for the **Minority** of Science, Technology and Energy: The minority feels that the current law does not go far enough to protect the privacy of individual rate-payers. It believes that meters which can communicate with the utility headquarters and which may be reprogrammed by the company without knowledge or consent of the user but otherwise cannot control appliances should also be subject to rate-payer approval.

HB 630-FN, repealing the New Hampshire regional greenhouse gas initiative program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Mann for Science, Technology and Energy: This bill, as amended, will require that at least 20% of the RGGI proceeds that are not returned to ratepayers, as currently required by law, are allocated for energy efficiency improvements in low-income households. **Vote 16-3.**

TRANSPORTATION

SPECIAL ORDER

HB 242, relative to child passenger restraint requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth B Burtis for Transportation: This bill, as amended, brings the New Hampshire child restraint law closer to the nationally accepted best practice for child safety and changes the height restriction for requiring a child restraint device to 56” and changes the age restriction to six years of age increasing the existing law the age by one year and the height one inch. Medical and safety experts advocated for the passage of this bill. The majority of the committee felt the safety of New Hampshire’s children to be the most important consideration when voting on this bill. **Vote 12-3.**

WAYS AND MEANS

HB 659-FN-A, increasing the tobacco tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary R Cooney for the **Majority** of Ways and Means: This bill increases the cigarette tax from \$1.68 to \$1.88 for each pack of cigarettes, which restores the ten cent cut and increases it another ten cents. Each ten cent increase increases state revenue by approximately \$10M per year. New Hampshire prices will still be under neighboring states’ price by 85 cents to \$2.07 per pack. Additionally, this bill raises the rate of tax on tobacco products other than cigarettes to 53.7 percent from 48 percent which is a comparable increase. The last section of the bill addresses the issue of the inventory or floor tax. This is the tax which is applied when the rate of tax changes to retail inventory. When the tax changes, retail stores have had a great deal

of trouble paying the increases up front on behalf of their customers, the ultimate payers. The experiment in reduction of cigarette tax did not include a refund for inventory purchased prior to the reduction. This bill recognizes this fact and will only charge retailers on the second ten cent increase. It also solves a long standing problem by allowing store owners 60 days to collect the tax from customers before remitting it to the state. **Vote 11-7.**

Rep. Laurie J Sanborn for the **Minority** of Ways and Means: This bill, as amended, increases the tax on cigarettes by 20 cents, from \$1.68 to \$1.88 per pack. This puts NH at a real competitive disadvantage in attracting cross border sales, not only in tobacco but also in retail, lottery, restaurants and more. This bill will hurt our state's small businesses and their ability to survive, and will damage our already fragile economy.

WEDNESDAY, MARCH 20

REGULAR CALENDAR – PART II

CHILDREN AND FAMILY LAW

HB 536, revising the child support guidelines based on foster care reimbursement rates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna S Rollo for the **Majority** of Children and Family Law: This bill provides that the total child support obligation shall be no greater than the applicable foster care rate. Foster care rates do not reflect the actual cost of raising a child because the foster home is already intact. This bill fails to address the varying ability of parents to support their children. It is contrary to the best interest of the child. **Vote 14-4.**

Rep. Daniel C Itse for the **Minority** of Children and Family Law: The minority believes that understanding the effects of the new child support guidelines to take effect on July 1, 2013 combined with the federally mandated fourth year review of our child support guidelines in 2013 justify retaining this bill for the purpose of organizing an effective and timely review by the legislature.

HB 538, relative to the calculation of child support based on residential responsibility. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kelleigh D Murphy for the **Majority** of Children and Family Law: This bill would have prohibited the court from ordering a parent with primary residential responsibility to pay child support to the parent who does not have primary residential responsibility. The majority of the committee was concerned that this bill failed to account for situations where a parent with primary residential responsibility was designated even though both parents had nearly equal parenting time with the children, but where there was a large income disparity between the parties. **Vote 14-4.**

Rep. Robert L Nigrello for the **Minority** of Children and Family Law: The minority believes judges in setting child support, need to insure the support is appropriate for the parenting plan agreed to by the parents or so ordered by the court. Approval of the bill eliminates child support for a parent without primary residential responsibility. Not ordering support for the parent without primary residential responsibility allows the parent with primary residential responsibility additional funds to insure adequate care for the child.

HB 578, relative to the determination of parental rights based on the best interest of the child. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Beth E Walz for the **Majority** of Children and Family Law: This bill would significantly change the standard used in determining parental rights and responsibilities for children. "Best interests of the child" is an nationally-accepted standard for determining a family's future. It ensures that the courts determine what is best for the child rather than base it's determination on the desire of the parents. The bill would effectively eliminate many factors used by the courts to determining parenting time with a child. Gone would be a consideration of the child's relationship with each parent, each parent's ability to provide for and care for the child, and whether contact between the parent and child is likely to harm the child. This bill also fails to incorporate domestic violence considerations into its vision of a "best interest" analyses. There is a long-time national and state-wide consensus that the current "best interests" language is the best standard to be used in determining a child's time with each parent. Testimony suggested that abandoning this language could have disastrous consequences. **Vote 12-4.**

Rep. Jeffrey D Oligny for the **Minority** of Children and Family Law: The bill removes the subjective language which allows the family court to remove children's fit parents from their lives in matters of child custody or divorce. Current law (RSA 46-1-A:6) allows the court to consider "any other additional factors the court deems relevant" in deciding whether or not to remove fit parents from children's lives. Other adequate statutes exist to protect children from bona-fide cases of real abuse or neglect. Removing children's fit and loving parents from their lives is not good public policy and costs the state to provide parenting that is inferior to their actual parent.

COMMERCE AND CONSUMER AFFAIRS

HB 346, establishing a committee to study low-profit limited liability companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura M Jones for Commerce and Consumer Affairs: This bill establishes a study committee to determine the desirability of allowing companies with charitable or educational purposes to register and designate themselves as low-profit limited liability companies. Many believe that this designation is needed because it allows these companies more choice when it comes to financing, and traditional options are not currently meeting their needs. In addition, the bill's prime sponsor testified that the low-profit limited liability company designation, also known as L3C, could provide a tool for communities to use for economic development. Since 2008, nine states have adopted laws allowing this designation, and seven others have introduced legislation this year to permit the formation of low-profit limited liability companies. The majority believes this is an option we should study, and the amendment merely changes the composition of the members of the study committee to four members of the House of Representatives and one member of the Senate. **Vote 14-4.**

HB 390, allowing companion dogs in the outdoor areas of restaurants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs: Most state laws are mute on the subject of dogs in outdoor restaurant areas. Currently, some New Hampshire restaurant owners do allow dogs on their patios, and the local code enforcement people choose to turn a blind eye. As amended, this bill enables restaurant owners with outdoor patios to allow a disciplined and leashed companion dog to accompany its owner. There was great concern on the part of committee members that the safety and rights of individuals using service animals not be put at risk just for the sake of people who like to travel with their pets. In an effort to place the rights of service animal users over the convenience of companion animal owners, the bill requires that a sign be prominently displayed at all entrances to an outdoor patio stating that "to preserve the rights of patrons with service animals, patrons with companion dogs shall be asked to move if the presence of that companion dog interferes with the service animals ability to obey commands or assist its handler." **Vote 15-3.**

HB 467, relative to purchasing alliances. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard D McNamara for the **Majority** of Commerce and Consumer Affairs: This bill wanted to reduce the number of enrollees currently permitted by a qualified purchasing alliance from 3000 to 250 enrollees. If this bill were to pass it would make the risk pool too small and lead to adverse selection. Also, in light of changes due to the implementation of the affordable Healthcare Act, this change would not be relevant. **Vote 18-1.**

Rep. Pamela Z Tucker for the **Minority** of Commerce and Consumer Affairs: This bill allows groups such as businesses that are mid-to-large-size to obtain better value in purchasing health insurance by consolidating purchasing responsibilities and resources. Currently very large employers or groups can form a purchasing alliance that not only can shop around for better insurance values, but also lower the administrative cost of health plan contracting, enrollment, premium collection, and payment. Because this bill doesn't require that a group be very large to begin with, it enables far more employers to enter into purchasing alliances that will level the insurance cost playing field for them and their employees. This will often result in lower overall insurance costs for many employees.

HB 468, establishing a committee to study wine purchasing and pricing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kenneth N Gidge for the **Majority** of Commerce and Consumer Affairs: The sole duty of the study committee "is to include an evaluation of whether the requirement in RSA 176:17 that the liquor commission purchase from manufacturers should be modified to allow wine purchases through brokers." The committee felt that since brokers represent the liquor manufactures and vineyards by contract, there is no need to modify RSA 176:17. The brokers are contracted by the liquor manufactures and vineyards for the purpose of distributing, marketing and delivering the liquor and wine to our warehouse. In some cases, the commission is able to make special buys separately with liquor manufactures and by pass the brokers, but that is usually only for special large purchases and with an agreement between the liquor manufacture and their broker. Since legislators really have no way to evaluate the contractual relationship the brokers have with the liquor manufactures and the vineyards, this study is not appropriate. **Vote 16-2.**

Rep. Emily C Sandblade for the **Minority** of Commerce and Consumer Affairs: The minority believes a study committee is necessary because RSA 176:17 states "the liquor commission shall purchase all liquor, wine, and beverages from primary sources." Testimony in the committee stated that the vast majority of our wine is purchased through brokers, not directly from primary sources. The liquor commission felt using brokers was a cost saver; however, a study committee would confirm this statement and assure if this relationship with brokers provides the best pricing both to the state and ultimately to the consumers.

HB 530-FN, relative to annual reporting requirements for business entities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ruth S Heden for the **Majority** of Commerce and Consumer Affairs: This bill changes the timing for business reporting of financial fiscal information to the secretary of state from annual reporting to every 3 years. The department of state indicated that this bill would decrease its annual returns by 2/3 and would increase customer service calls due to longer intervals. This bill would result in the underfunding of the corporate division by \$1 million and would decrease the state general fund by \$4 million. **Vote 15-3.**

Rep. Emily C Sandblade for the **Minority** of Commerce and Consumer Affairs: This bill reduces the frequency that corporations, LLCs, and consumer co-ops must make a report to the secretary of state. The committee heard some testimony that, in a small number of cases, the primary benefit of reporting is to report a new address if there is one.

State law already requires that these entities report a change of address within 60 days, so the extra report just costs everybody more money, and requires thousands of hours of personnel time in the secretary of state's office to process them each year. This bill would cut the state processing time by two-thirds and release those funds for more urgent needs.

HB 575, relative to hours of sales of on-premises liquor licensees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Emily C Sandblade for the **Majority** of Commerce and Consumer Affairs: This bill aligns the closing hours of New Hampshire on-premises licensees with the 2 a.m. closing hours in the surrounding states.

This will result in larger rooms-and-meals-tax revenues for New Hampshire towns and cities as well as a significant increase in employment in the state. In addition, this bill as amended creates a strong incentive for business owners to be more responsible in the operation of their establishments. Those business owners who don't comply with RSA 179:5, which prohibits sales to underage or inebriated people, will not be allowed to remain open for the extra hour of operation if the licensee has a violation within the last three years.

The amendment allows cities and towns local control to decide if they wish to allow the extra hour of operation. **Vote 11-8.**

Rep. Ruth S Heden for the **Minority** of Commerce and Consumer Affairs: The minority opposes extending hours to sell beverages or liquor. NH is an alcohol control state but we have been unable to control alcohol consumption by youth in our communities. According to the NH governor's commission on alcohol and drug abuse prevention, intervention, and treatment, NH is 1st in the nation in alcohol use by 12 to 20 year olds (34%) and 3rd in the nation in binge drinking by this age group (22%). We have a problem. College leaders at UNH and Keene State, and Durham police deal with these issues and recommend those hours not be increased. They expressed concerns about higher consumption, the drain on over-stretched services, more arrests or protective custody needs, and the impact on their communities. Keene State College's program to educate and counsel students about alcohol use has seen significant gains and they do not want to see a reversal of these trends. The governor's commission asks NH leaders to increase public awareness of the problem and inform about harm and risks. Research findings indicate that binge pattern alcohol consumption has neural consequences. And with our younger teens, early onset of alcohol use results in a 5x risk of an alcoholic use disorder. Failing to address these needs will result in higher health care costs. We need to work with the commission and college communities to support their efforts. And we need prevention programs for our children and youth. It is the opinion of the minority that NH's ratings for alcohol use by our youth are unacceptable and must not be ignored by this body. Extending hours to sell more alcohol at this time sends the wrong message.

HB 606-FN, relative to community rating. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward A Butler for the **Majority** of Commerce and Consumer Affairs: This bill would have made significant changes to New Hampshire's market rules as they relate to the small group health insurance market. However, any such changes would be preempted by the new market rules that will take effect as of January 1, 2014 under the federal Affordable Care Act. Thus, pursuing changes to the New Hampshire standards does not make sense at this time. **Vote 15-4.**

Rep. Pamela Z Tucker for the **Minority** of Commerce and Consumer Affairs: This bill increases underwriting in the small group health insurance market. At one time, New Hampshire had a competitive market for health insurance with many insurance companies and some of the lowest rates in the country. Then we instituted severe restrictions, such as community rating and guaranteed issue. Today the number of insurance carriers can be counted on one hand, and our rates are among the highest in the country. HB 606 restores a bit of the free market to health insurance by expanding the community rating ratio to 6 from 3.5, and allowing underwriting on more criteria such as group health status. By increasing flexibility our market will be more attractive to insurance companies, expanding supply, and by allowing underwriting prices will be more attractive to consumers, expanding demand.

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

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

HB 264-FN, relative to simple assault. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Delmar D Burrridge for the **Majority** of Criminal Justice and Public Safety: This bill provides that an assault which does not result in harm to another shall be charged as a violation and not a misdemeanor.

Representatives from the attorney general's office, the coalition against domestic violence and sexual violence offered compelling testimony against this proposal that decriminalizes an assault by contact such as abuser kicks, shoves, slaps, grabs, or spits in the face of another and does not cause a visible injury to the victim, the perpetrator would only be charged with a violation level offense. The penalty for these acts would be \$100 or just 10-hours community service. These noted behaviors begin the slope towards fear, terror and, if unchecked early on by current law, homicide. **Vote 16-4.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety This bill would reduce the penalty for purposely causing unprivileged physical contact to another from misdemeanor to violation when there is no harm or injury. The committee heard testimony from witnesses who said there are many crowded places where people bump into each other, and to criminalize incidental contact is an inappropriate penalty. The minority believes this bill would lead to reduced expenditures by the state and local law enforcement.

HB 290-FN, prohibiting unlicensed persons from openly carrying a pistol or revolver in a public building. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety: This bill is ill conceived as it attaches a class b felony to what has always been legal and if concealed without a pistol/revolver license a first offense is only a misdemeanor. On a side note, long guns are not addressed so someone without a pistol/revolver license would be free to carry an AR-15 or shotgun openly or concealed in a public building. **Vote 14-4.**

HB 381, relative to citizen complaints against a police officer. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety: The committee felt that there are very strong policies in place in police departments throughout the state to take care of citizen's complaints. We had a former police officer testify that officers are fired for telling lies. **Vote 15-5.**

HB 443-FN, prohibiting prison privatization. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for the **Majority** of Criminal Justice and Public Safety: The majority of the committee believes that prison privatization is not good for the state because our constitution says that we are

supposed to rehabilitate. The committee recognizes that prisoners are not the only ones affected by privatization and that family members also feel the effects. Many reports regarding privatization of prisons show the negative aspects of privatization. The amendment allows the commissioner the flexibility to move inmates in a case of emergency. **Vote 13-5.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety: The state has spent a great deal of money studying privatization of prisons; in fact the results are not yet in. That's why the minority is bewildered at the rush to pass this bill which would in fact prohibit privatization. The bill is a classic example of putting the cart before the horse; those who oppose privatization should make their case when and if a bill calling for that ever comes forward. What this bill does is allow people to stand on a soap box and sound off before all the results are in. The bill is virtually meaningless because one legislature cannot bind a future legislature with a bill; only a constitutional amendment can be so binding. Thus, whether or not this bill passes, a legislature elected in 2014 could simply ignore it. The minority is perplexed by the certainty with which proponents of this bill state that private prisons are denying rights of prisoners and deny rehabilitation programs. If in fact the state could save millions of dollars with privatization—and again, no decision has yet been made—we would conceivably have more dollars to spend for the very same programs the majority claims to champion. Most disturbing is a statement from a member in the majority who said she would not favor privatization even if the state realized \$20 million in savings. At a time when we are hard pressed to fund necessary programs, such statements send a very bad signal indeed. Other than making some people feel good about demonizing private enterprise, this bill accomplishes nothing and could be harmful indeed. For example, there is no evidence to the majorities' contention that private facilities would absolutely scrimp on food and basic services like heat to prisoners. There is evidence, however, that some corrections officers at state-run prisons make more in benefits than they do in salary, a long-term structural concern that must be addressed. Whether or not privatization is the answer, a ban on even studying the concept is certainly not the answer.

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

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

HB 621-FN, decriminalizing possession of less than one ounce of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for the **Majority** of Criminal Justice and Public Safety: According to the national institute on drug abuse (NIDA), marijuana is an illicit drug, not legally permitted or authorized; unlicensed; unlawful in New Hampshire and most states within the United States. The national institute of health (NIH) says men who use marijuana may increase their risk for developing testicular cancer. Contrary to common belief, marijuana is habit forming, it's downright addictive. Long-time users trying to quit report that withdrawal symptoms such as irritability, sleeplessness, decreased appetite, anxiety, and drug craving are experienced. Marijuana seriously impairs judgment and motor coordination and more than doubles a driver's risk of being in an accident.

Under this bill, youth under the age of 18, with one ounce (20-30 joints) will be fined \$100.00 and ordered to attend drug rehabilitation training. Those who fail to attend the training will be fined \$1,000-2,000 dollars depending on the classification of A or B misdemeanor charge. Ultimately it's the parent's responsibility to pay the fine. Marijuana is the drug of choice amongst our young people in comparison to alcohol and even cigarettes. Finally, it should not be forgotten or ignored that the federal government continues to list marijuana as an illegal drug. **Vote 12-6.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety: Although the committee has retained another bill (HB 492) dealing with legalization and regulation of marijuana, the minority believes that the least we should do in the meantime is pass this bill for decriminalization of small amounts (up to an ounce) immediately. Experience has proven the war on drugs has been lost, and we need to refocus our efforts, concentrating on truly harmful drugs and leaving those who possess small amounts of marijuana alone. All studies indicate that marijuana is far less harmful to the individual and to society than the legal substances of alcohol and tobacco. We are wasting millions of taxpayer dollars on both enforcement and incarceration (\$35,000 per person per year), which could be put to better use elsewhere. Counterintuitively, decriminalization may in fact lead to less usage. Data reveals, for example, that marijuana use in the United States is approximately twice as great (ten versus five percent) as in the Netherlands where the substance is legal and readily available. By margins of 55-45 percent, voters in both Colorado and Washington last November decided to legalize marijuana. These are not opinion polls, but actual votes. Most valid pollsters have found a dramatic increase in support for legalization, from heavily opposed to slightly in favor at this time. The trend is continuing in favor on a regular basis, and while we should never legislate based solely on polling

data, we need to be cognizant when mores of society change. Passage of this bill will save the state millions of dollars, and it will stop making criminals of individuals who are otherwise law abiding citizens. While information is being gained this summer regarding legalization, regulation and yes, taxation, we should pass this decriminalization bill today.

HB 661-FN, allocating a portion of proceeds from forfeiture of items used in connection with a drug offense to the cold case homicide unit. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for the **Majority** of Criminal Justice and Public Safety: While sympathetic with the work of the cold case homicide unit, the majority does not believe this bill represents the proper way to fund it. The bill (and its amendments) represents an end run around the budgetary process by creating special funding for this unit. The committee heard that the governor has in fact allocated funds for this unit in her budget, and thus it will be discussed in the normal budgetary process. The original bill would have deposited ten percent of drug forfeiture funds into a fund for the cold case homicide unit. Aside from the wisdom of earmarking funds by legislation, the committee also heard that such an approach is most likely not possible. The commissioner of the department of safety wrote the committee, "The use of supplanted funds from federally shared forfeitures is not allowed. The funds must be used to increase and not replace agency funding." Various members of the committee have run into similar obstacles when using drug forfeiture funds at the county level. In fact, Hillsborough County received a legal opinion to that effect last year. An amendment to the bill would have forced the attorney general to transfer \$500,000 from drug forfeiture funds to the cold case unit, an even more questionable tactic. Aside from those concerns, some of the committee believed we should focus our law enforcement dollars on solving or preventing crimes which are currently negatively impacting our citizenry. Thus even if we could transfer these funds, there was no consensus that we should. The Finance Committee is the best place for these arguments as it puts the state budget together in the coming weeks. **Vote 14-6.**

Rep. Brenda E. Grady for the **Minority** of Criminal Justice and Public Safety: In 2009 legislation was passed to establish a Cold Case Homicide Unit to try to solve the over 100 unsolved murders in the state. Money to fund the work of this unit for 3 years came from a federal grant. To date no general fund dollars have been used to support this important specialized criminal justice work. HB 661 would use a small portion of the proceeds of the sale of items or property used in connection with a drug offense to investigate unsolved murders that involved the use, possession, sale or distribution of illegal drugs. If enacted, ten percent of the proceeds from the sale of property forfeited under RSA 319-B:17 would be deposited into the Cold Case Homicide Unit Fund established last year by the legislature in HB 138. The Minority recognizes the governor has included money in the budget she submitted to the legislature includes some funding for the Cold Case Homicide Unit and is supportive of that line item. HB 661 seeks to provide a source of money to expand the work of the Cold Case Homicide unit with a focus on drug related murders. The minority acknowledges that some in the Majority do not see the value in spending money pursuing the killers from murders committed years ago, and oppose the Cold Case Homicide Unit. The Minority believes that just as New Hampshire has no statute of limitations on the crime of murder, there should be no time limit on the state trying to bring murderers to justice. Failing to try to solve unsolved killings, including those involving illegal drugs, sends a message that some people can get away with murder and the state of New Hampshire won't care. The Criminal Justice and Public Safety Committee heard testimony in support of HB 661 from family members of unsolved homicides who shared painful details about their experience with murder and feeling abandoned by the state, knowing that the person who killed their loved one remained at large and was able to kill again. The Coalition Against Domestic and Sexual Violence supported HB 661. The Minority urges passage of the bill with the Minority Amendment to signal to the 115 families whose murdered loved one appears on Cold Case Homicide Unit List of Victims that New Hampshire is committed to justice, and to send a clear message to those who kill that the state of New Hampshire is committed to seeing that no one gets away with murder.

EDUCATION

HB 603-FN, relative to the administration of the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education: The committee appreciates the spirit of this bill, but the majority deems it unnecessary at this time. A comprehensive study by the Huron consulting firm completed in July 2012 helped the university to identify and develop a number of recommendations supporting a well-coordinated system focused on maximizing efficiencies. The steps are being implemented and efficiencies are being realized. Students, parents and taxpayers would be better served if the university system is allowed to continue to respond itself to the priorities and needs of our state. **Vote 13-7.**

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James L Grenier for Education: This bill, as amended, will waive the residency requirement for veterans and allow them to be eligible for in-state tuition rates when attending the University System of New

Hampshire. The original bill required a veteran to establish residency within one year of separation from service. The majority of members of the committee agreed that veterans should be eligible for in-state tuition whenever in their lives they choose to attend this state's university system. Any citizen of this country may move to New Hampshire, establish residency and wait twelve months to be eligible for in-state tuition when attending the university system of New Hampshire. This bill, as amended, gives veterans time; New Hampshire will forgive veterans that twelve month wait. Many have attended programs recognizing the service of our veterans. It is often said, "We will always remember and honor your sacrifice". HB 624 is an opportunity to make certain these words will ring true in New Hampshire by resolve and statute. **Vote 17-3.**

ELECTION LAW

HB 287-FN, eliminating voter identification requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Election Law: This bill would have eliminated a number of voter identification requirements. A majority of the committee preferred the compromise contained in HB 595 that retains current law providing for a range of acceptable photo ID, but does not require election officials to photograph voters or limit the types of identification that is acceptable. The attorney general is reviewing the procedures followed during the last election and additional legislation may or may not be warranted when the results are known. Accordingly, the committee recommends that the bill be found inexpedient to legislate at this time. **Vote 12-6.**

HB 595-FN, relative to photo identification of voters. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for the **Majority** of Election Laws: This bill maintains current law with respect to the photo identification of voters, but eliminates provisions of the law that have not yet gone into effect. As such, it is a compromise between those who would repeal all forms of photo identification and those who would require election officials to photograph voters without a photo ID when they vote and want to significantly limit what would be acceptable proof of identification. This would constitute a governmental intrusion for the great majority of people who vote honestly but do not possess the limited forms of acceptable identification that the new law would allow. The existence of voter fraud is hotly disputed and remains controversial. Although current law calls for an investigation into voters who have been sent letters that have been returned as "undeliverable", a majority of the committee does not believe that the inability to deliver mail proves voter fraud. In addition, the committee received evidence from the secretary of state that purchasing digital cameras would cost the state approximately \$82,000 with maintenance expenditures of over \$60,000 annually to administer. In any event, the majority of the committee believes that it is premature to consider such governmental intrusion until the attorney general's investigation has been conducted and there is real evidence that voter fraud through false impersonation is actually occurring. **Vote 11-7.**

Rep. Shawn N Jasper for the **Minority** of Election Law: The minority agrees with the majority on the issue of allowing the forms of identification that were acceptable in November to continue to be used in future elections. The minority and the majority disagree on the issue of having pictures taken of those who lack photo identification when registering to vote. The claim has been made for years that there is no voter fraud in New Hampshire; the simple fact of the matter is that until now we have never actively looked for it. This past election was the first election in which those individuals using two of the three types of affidavits, when registering to vote, were required to send back cards affirming the information sworn to. At this point we know that the attorney general will have to investigate 1690 individuals who gave addresses for which the letters sent to them were returned as undeliverable. Another 2200 cards have not been returned, as required by law and while the deadline for about 900 of those has not yet passed, it is not likely that the majority of them will be returned, resulting in additional investigations of no less than 1299 and up to a possible 2200.

It is clear to the minority that it is too soon to say that there was no voter fraud in 2012; we believe that until the office of the attorney general issues a final report on the investigations we should do nothing to weaken the voter identification law. The minority understands that there is a cost associated with taking pictures of those who have no photo identification; the secretary of state has estimated that it would cost less than \$80,000 to purchase the equipment necessary to carry out the purposes of the bill. The secretary has stated that those funds are available within the unrestricted help America vote act (HAVA) fund.

The minority amendment would move the requirement of having a picture taken when requesting a ballot without a picture id to when registering to vote without one. Those who lack a photo id will still be eligible to receive a photo id at no cost. It is unrealistic to think that people who register to vote without an photo id and do not have their picture taken will be easily located, if the affidavit is returned as undeliverable, taking a picture is not only a deterrent to fraud, but may also be the only means of finding an individual.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: This bill allows a member of Group II who was injured on the job and retired on a disability pension, to earn an income without restriction once years of service combined with years of receiving pension benefits reaches the age and years of service requirements that would have been needed to retire as a Group II member. Currently, the disability payment must be returned dollar for dollar, after a certain cap on earnings is reached. Had the member not been injured on the job, he or she would not have a cap on earnings in addition to the person had they been able to work the necessary time required to retire. The language of this bill was in statute and in effect for 2009 and 2010 until it was repealed by HB 2 during the budget process and without a hearing in 2011. Supporters of the bill believe, as a matter of fundamental fairness, that a Group II member who is retired on disability should not have limitations on the income they earn just as those who have worked until retirement have no limitations on income they earn. Currently, the provision covers at most 13 persons, and there was concern about the treatment of these individuals who had been affected by multiple rules changes.

Rep. Jeffrey P. Goley

Statement in support of Inexpedient to Legislate: Limiting outside earnings for individuals receiving disability pensions is normal practice, both in private disability pensions and the NHRS from its inception until 2009. This bill attempts to repeal this limit, completely and in perpetuity, for Group II disability pensioners who could be retired if they had not been disabled. While sensitive to the very few individuals who enjoyed a 2 year reprieve from this limit, opponents of the bill are concerned that having no limit is inappropriate. We need to explore a less than 1 for 1 clawback, limiting the exemption to current retirees, considering a cap on benefits, and other issues involved in disability retirements.

Rep. Carol McGuire

HB 141, relative to training for new executive branch commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M Weber for Executive Departments and Administration: This bill would have instructed the office of the governor to provide orientation and training materials in a number of listed areas to each new executive branch commissioner. The committee was persuaded by testimony that existing commissioners were working with each other and with the new governor to provide necessary training tailored to the needs and experience of each new commissioner. The majority was unpersuaded of the need for a new statutory mandate and was concerned about improper intrusion on the operations of the executive branch. **Vote 13-4.**

HB 364, requiring New Hampshire retirement system employers to notify prospective part-time employees who are retired members of the limitations on part-time employment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard M Moffett for the **Majority** of Executive Departments and Administration: This bill is intended to reduce confusion among retired members of the retirement system who work part-time or apply to work part-time for a town or other participating employer, but who may not realize that part-time work in excess of the hourly limitations in RSA 100-A:1, XXXIV (32 hours/week, or up to 1300 hours/year) will jeopardize their existing retirement system benefits under RSA 100-A:7. The bill requires participating employers to provide notice to applicants for part-time employment prior to employment, and to existing part-time employees annually, if they are retired members of the retirement system. The form of the notice is to be provided by the retirement system. Participating employers who provide the required notice may not be held liable for any consequences to an employee resulting from the employee's restoration of service on account of exceeding the hourly limits in RSA 100-A:1, XXXIV. The retirement system itself is also required to provide notice annually to all retired members of the retirement system. **Vote 12-7.**

Rep. Frank A Byron for the **Minority** of Executive Departments and Administration: The majority, by recommending this bill, have placed additional obligations on municipalities to notify New Hampshire Retirement System (NHRA) retirees of their work hours limitations. By creating this municipal obligation there is a potential liability owned by the municipality should a retiree violate the work limit requirements. This municipal liability would not exist without this bill.

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

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

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

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

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

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

Rep. Romeo Danaïs for Executive Departments and Administration: This bill brings colors officially to New Hampshire. The children of 4th grade class, Freedom Elementary School, presented a very colorful display of why yellow, orange and red – the colors of our magnificent fall foliage – should be our New Hampshire official colors.

The discussion centered around how colorful New Hampshire is for tourists; the rich red colors of our native lobsters, the brilliant range of pumpkins and how important pumpkins are to our fall celebrations, the colors red, yellow and orange play so well in the centerpieces of our fall harvest tables. Indeed, New Hampshire celebrates these colors for all to enjoy, not only natives of New Hampshire but all the far away tourists who come to celebrate all that is New Hampshire in the fall. **Vote 12-6.**

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

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

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

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

Rep. Lucy M Weber for Executive Departments and Administration: This bill pertains only to the director and assistant director of Homeland Security and Emergency Management. It allows either to elect not to become a member of the retirement system, or to be eligible to continue group II status if he or she was a group II member or retiree prior to appointment. The majority was aware of concern about treating these two positions differently from other non-classified positions, but was persuaded of the compelling reasons for the departure. The current and past holders of these positions have come from the larger of our New Hampshire policy or fire departments, bringing with them a wealth of knowledge and experience in handling emergency situations in New Hampshire. To require such a qualified candidate to forfeit group II benefits would make it less likely that future appointees will be from New Hampshire, as appointees vested in the retirement systems of other states can serve with no loss of benefits. The majority thought it is in the best interests of all of our citizens to ensure that persons holding these positions most critical to our safety be those with the most available knowledge and experience of the workings of New Hampshire’s emergency system. We believe an emergency is no place for on-the-job training. **Vote 13-5.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 573-FN, relative to the use of marijuana for medicinal purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Schmidt for Health, Human Services and Elderly Affairs: This bill provides that New Hampshire citizens who are diagnosed with a terminal, severely debilitating or chronic condition as defined in the

law may be eligible to obtain therapeutic cannabis to relieve their pain and suffering. The law requires that a prospective patient establish a relationship with a health care provider for a minimum of three months. The health care provider must document that traditional medications have proven to be ineffective and failed to alleviate their pain and suffering. No health care provider will be required to participate in the program nor certify the use of therapeutic cannabis.

The bill ensures that the use of therapeutic cannabis will be restricted to New Hampshire patients. Visitors with a valid medical use card from their home state will not be eligible to purchase or cultivate cannabis in New Hampshire. They will be protected from local or state prosecution if the cannabis in their possession does not exceed the amount allowed under New Hampshire law.

The therapeutic cannabis program will be administered by the health and human services department (The Department). In addition, the program will be evaluated by the creation of a “therapeutic use of cannabis advisory council”. This council will be comprised of members of the New Hampshire House, Senate, health and human services department, patients, health care providers, law enforcement and hospitals. This council will report to the Health and Human Services Oversight Committee and will evaluate all aspects of the bill to ensure that access to and use of cannabis is provided only to persons authorized for such purposes and report out any recommendations or deficiencies for either departmental or legislative correction. Lastly, the council will be required to prepare a report on the 5th year anniversary of the bill’s passage opining as to whether the program should be continued or repealed and stating the reasons for their opinion.

The committee concluded that the bill as proposed will provide relief to those chronically or terminally ill New Hampshire patients not responding to traditional medications while also providing a high level of control ensuring that therapeutic cannabis is strictly limited to those New Hampshire patients qualified. **Vote 14-1.**

HR 6, commemorating the 40th anniversary of the *Roe v Wade* Supreme Court decision and affirming support for its holding and principles. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: This resolution acknowledges the 40th anniversary of *Roe v Wade* and the contribution this Supreme Court decision has made to women’s health. This confirmation of constitutional intent has protected a women’s ability to make her own personal decision regarding her health care needs without the interference of government. Prior to *Roe*, women’s only avenue to abortion was through illegal and often dangerous means. Prior to *Roe*, there was clear evidence that restrictive laws were not ending abortions but instead were resulting in a public health disaster, especially for those women with lower incomes who were unable to access abortion procedures privately. Through the 1960s, 44 states outlawed abortion in almost all situations that did not threaten the life or death of the mother. In 1973, *Roe v Wade* became law and allowed for the first trimester, elective abortions. Abortion rates climbed immediately. But since the 1980s, abortion rates have been declining. Abortion rates were their lowest in 2009. This resolution verifies that women’s health policy established by this legislature is based on the principles put forward by *Roe* 40 years ago; the belief that abortion is a deeply personal and often complex decision for a woman and that decisions about whether to choose adoption, end a pregnancy, or raise a child must be left to a woman, her family, and her faith, with the counsel of her doctor or health care provider. Support for HR 6 in the committee was fundamentally based on this premise.

Rep. James R. MacKay

Statement in support of Inexpedient to Legislate: Americans are sharply divided on the issue of abortion. HR 6 will further divide the House of Representatives and citizens of New Hampshire. The resolution serves no end, other than a political one. It will inflict unnecessary emotional stress on those who have chosen to have an abortion and now regret their action. While legal, this resolution in essence, celebrates the destruction of over 500 million pre-born children. It sends a message to our youth, that life is meaningless, and may be terminated when they see no value in life.

Rep. Donald L. LeBrun

JUDICIARY

HB 648-FN, permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for the **Majority** of Judiciary: This bill continues the process of replacing marital masters who retire, resign, become disabled or non-renewed with full-time judicial officers contingent upon General Court Fiscal Committee approval and the appropriation of sufficient funds. This bill further repeals inconsistent provisions in existing law. The committee heard, and is keenly aware, of concerns over marital master scheduling in Coos County. The committee received and accepted clear assurances from judicial branch personnel that it is taking steps now to address Coos County’s concerns as it allocated limited resources across the state. **Vote 11-5.**

Rep. Lenette M Peterson for the **Minority** of Judiciary: Last term the legislature passed the court reform bill, which was requested by the judicial branch merging the district court and family court. This merger allows the judges to hear cases from both courts and eliminates the marital master system. Passage of this bill would extend the marital master program and would delay the start-up of the circuit court.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 357, prohibiting an employer from using credit history in employment decisions. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: This bill is intended to remove a significant barrier to employment by limiting an employers ability to use credit history as a criteria for employment decisions. The bill attempts to balance the needs of industry with the need to put New Hampshire citizens to work without the barrier of an unnecessary, intrusive credit history investigation. Those in favor of the bill know that debt or poor credit ratings accrued in divorce and medical cases are not reflective of an employees trustworthiness or honesty and should not be used against them; it is also commonly known that not all credit reports are accurate and disputed credit reports can take extensive time to resolve, leaving an applicant without a potential job for something he or she cannot control and is not responsible for. Those supporting OTP believe that workers should be hired based on their qualifications to do the job, not their credit history, and that people who want to work should not be excluded on the basis of their credit history.

Rep. Andrew A. White

Statement in support of Inexpedient to Legislate: The bill prohibits employers from using credit history when hiring, terminating, promoting, etc. however, allows this procedure if an employer has a bona fide purpose for requesting the information. The minority felt this was in effect opening the barn door in the front and opening the back door. There is no penalty for violating this law. Since consent is required by the applicant or employee in order for the employer to get a credit history, the applicant or employee has the ability to deny the request or explain issues that may exist.

Rep. William Infantine

HB 477-FN, relative to differential pay for certain state employees providing direct care to inmates and patients. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas A Ley for the **Majority** of Labor, Industrial and Rehabilitative Services: When NH authorized public-sector collective bargaining in 1975, it excluded a small number of pre-existing points or conditions. Among these exclusions were hazardous duty pay in the NH State Prison and NH Hospital, as well as differential pay for specified classes of employees (nurses, pharmacists, security, for example) at particular state facilities. This differential and/or hazardous pay is still locked in by statute, ranging between \$5-\$25 per week.

Unchanged since the early 1970s, this hazardous/differential pay is woefully out-of-date, as are some of listed job classifications (especially as new modes of organizing work entail much greater flexibility in tasks and responsibilities). All other employees covered by collective bargaining are empowered to negotiate the "terms and conditions of employment," including wages/pay, and there is no good reason to continue denying a similar right to these small classes of employees and their hazardous/differential pay. This bill will set this right. Pay rates will remain unchanged unless negotiated anew by the state and its employees, and even then, costs may remain unchanged (bargaining entails exchanging increases in one area for concessions elsewhere). Therefore, it is best to eliminate this forty year-old discrimination against certain classes of employees and allow them the same range and ability to negotiate the 'terms and conditions' of their employment. **Vote 11-7.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill would allow pay differentials for hazardous duty, direct care and salary increases for nurses to be determined through collective bargaining rather than through the fixed amount currently specified in statute. In addition, this bill allows overtime for nurses at certain institutions, which is currently set at time and one-half, to be determined through collective bargaining. As it currently stands, the expense of these items can be accurately calculated for budgetary purposes. The fiscal note states that this bill will have an indeterminable impact on state expenditures in FY 2014 and each year thereafter. The minority feels these rates are better controlled, with more consistency, through specified amounts in statute, and cause less budgetary concern with rate increases that are indeterminable.

HB 647-FN, relative to appeals from the compensation appeals board. **OUGHT TO PASS.**

Rep. Linda L Tanner for Labor, Industrial and Rehabilitative Services: This bill allows parties aggrieved by an order or decision of the compensation appeals board to further appeal to issues of law only to the Superior Court as an alternative to the Supreme Court. At the present time such challenges are allowed to the Supreme Court only and are rarely accepted to be heard. The additional option of the Superior Court appeal provides a more accessible venue and a lower cost for these challenges. **Vote 12-6.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 215-FN-L, relative to workforce housing and the definition of community. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Marjorie A Porter for the **Majority** of Municipal and County Government: This bill seeks to change the current workforce housing statutes by instituting a quota and by more narrowly defining the term “community.” The current statutes are the result of years of study, collaboration, and compromise. Their strength lies in their flexibility which allows for local control. The committee heard lengthy testimony from many groups and organizations, including the Business and Industry Association, chambers of commerce from several cities and towns, the NH Planners Association, and housing advocates. All testimony heard was overwhelmingly in opposition to the bill, imploring us to leave the current workforce housing law the way it is. The BIA was particularly concerned about the negative impact HB 215 would have on business growth in NH. For these reasons, the majority of the committee recommends ITL for this bill. **Vote 9-5.**

Rep. James P Belanger for the **Minority** of Municipal and County Government: Workforce housing is legislation in which housing is available to low income workers at affordable prices. The current law requires towns that have adopted planning regulations to make these developments available and to relax development standards to allow a developer to build such housing profitably. Towns and cities have the burden of proof to show they have adequate amounts of dwellings, which is subjective and not objective. They also need to show that their planning ordinances don’t restrict the construction of such housing. This often requires court intervention which is costly and, if found at fault the town is liable to reimburse losses suffered by the developer. HB 215 provides relief for these issues by specifying what “fair share, reasonable or realistic” is, as outlined in the law. Current language in the statute is silent as it relates to the aforementioned. This bill is clear that once a town has provided the possibility to have a MINIMUM of 5% of their dwellings classified as workforce housing, they meet the standards although they can exceed the 5%. Although the current statute states that the deeds of new workforce housing MAY be restricted and continue as a workforce dwelling, this does not guarantee the continued availability of this type housing. HB 215 requires the dwelling to be restricted and available to future low income workers. Finally, HB 215 addresses a court opinion used as the foundation for workforce housing. The court said you must consider your town with others. This bill would make each town its own community.

HB 365, relative to membership of village districts in regional planning commissions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dorothea D Hooper for the **Majority** of Municipal and County Government: This bill would allow village districts to join regional planning commissions. The intent was to clarify that a village classifies as a municipality. The committee determined that this bill was unnecessary as it is already in law that a village district is classified as a municipality. **Vote 10-6.**

Rep. James E Coffey for the **Minority** of Municipal and County Government: RSA 36:46 clearly states that any municipality in a planning region, that has a planning board, could with approval of its legislative body become a member of the regional planning commission. This bill addresses the inability of some regional planning commissions to define what constitutes a municipality. This bill simply clarifies that a village district is a municipal government, along with cities and towns.

RESOURCES, RECREATION AND DEVELOPMENT

HB 588, extending the instream flow pilot program for 2 years. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian Wazlaw for the **Majority** of Resources, Recreation and Development: The New Hampshire legislature created the instream flow program to gain understanding of flows and to protect flow to best meet the needs of humans and wildlife. This bill extends the instream flow pilot program until December 2015. The two rivers under study are the Lamprey and Souhegan Rivers. The continuation of the program will allow the department to conduct a lake level investigation, to solicit and respond to public comments, to adopt and test water management plans for the two pilot rivers and to present a final water management report to the New Hampshire legislature. **Vote 11-7.**

Rep. Stephen Holmes for the **Minority** of Resources, Recreation and Development: While the minority supports the work of the pilot program, a two year extension has previously been granted and has expired. The minority had questions as to the costs, progress and efficient management of the program. It appears that more than \$1.3 million has been spent on the program to date. Research on the project has been ongoing informally since the early 1980’s and formally since 2004. It is the opinion of the minority that this program could continue and conclude without the passage of this bill.

SCIENCE, TECHNOLOGY AND ENERGY

HB 286, relative to broadband infrastructure. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles L Townsend for the **Majority** of Science, Technology and Energy: This bill is about making broadband, a key tool for economic development, health care delivery and education, available to all citizens in this state. Many towns throughout the state do not have good internet access. Many businesses and households in these towns have inadequate access for current internet needs such as small business connection, medical monitoring, video conferencing and distance learning. HB 286 provides an opportunity for municipalities to bond for the purpose of building open-access broadband infrastructure. The towns will not provide services: they will lease the infrastructure on an open, competitive basis to any providers of internet services who are interested in taking those services to areas currently underserved. The telecom industry has been reluctant to serve these areas because of the slow rate of recovery of their infrastructure investment. Allowing municipalities to bond to build such infrastructure will remove a major stumbling block for high speed-internet access for our citizens. **Vote 11-8.**

Rep. Nickolas J Levasseur for the **Minority** of Science, Technology and Energy: This bill is intended to allow municipalities to bond in order to build open access broadband infrastructure. Under current law, municipalities are able to bond in order to build out infrastructure in unserved areas. This means that the focus in current law is entirely on unserved "last mile" build out-- those with no broadband access at all. This bill would change that focus. It would move the momentum of development away from the unserved and focus it instead on those who believe they are underserved-- those who have access, but want better speeds. The minority believes that feeding a starving man should take precedence over feeding one who is just kind of hungry. Beyond the philosophical argument that we should remain focused on getting everyone some access before we focus on making existing access better, the bill also has some major technical questions that remain unanswered. Who will be responsible for the bonding debt? Will it only be those who gain service as a result of the bonding? Will all taxpayers, including those who remain unserved or who choose not to be served also need to pay? Will municipally owned networks be taxable? If not, will the providers who operate on the open access network be getting a government-funded competitive advantage over traditional, free market providers? If the town cannot make the system profitable and default on the bond, will the state bear any responsibility? There are a myriad of unanswered questions surrounding this issue and, given the abysmal track record of these initiatives in other states the minority believed it was inappropriate to proceed. This bill, as amended, also completely precludes the original intent of the current municipal broadband bonding legislation which was to allow public/ private partnerships with existing carriers as the bill requires that the municipally owned networks are open access. As the traditional carriers use their own networks in their service this bill makes it impossible for a town to contract with an existing provider to meet the last mile goal. The minority finds this especially unfortunate as these public/private partnerships have shown to be successful in last mile build out in other states. In the final analysis, while the minority feels that this bill has laudable goals, the ultimate result would be that individual towns would be spending municipal funds to overbuild existing broadband infrastructure. This puts municipalities in a position to create and subsidize government-funded entities which would compete with the existing providers. It leaves the unserved hanging in the wind, creates significant road blocks to free market build out, and puts tax payers on the hook for millions of dollars in redundant infrastructure all with no guarantee of success and, in fact, a track record of failure.

HB 306, establishing a commission to develop an energy policy for the state. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles L Townsend for the **Majority** of Science, Technology and Energy: This bill, with the committee amendment, allows New Hampshire's Regional Greenhouse Gas Initiative to lower the cap on emissions to assure that there continues to be a market for New Hampshire CO2 allowances. **Vote 13-3.**

Rep. Nickolas J Levasseur for the **Minority** of Science, Technology and Energy: The Regional Greenhouse Gas Initiative, which began in 2009, has completed its required 2012 review. This review has resulted in the implementation of a significant cap reduction from 165 tons to 91 tons. This 45% reduction in the CAP will certainly result in the increase of RGGI allowance prices, energy market prices and customer costs but will not result in an improved environment. The Northeast region has successfully and significantly reduced CO2 emissions well beyond the original RGGI CO2 emissions targets. According to the 2012 RGGI Annual Report of the DES and the PUC (located on the NHPUC website), CO2 emissions in 2011 for the 9 states currently participating in RGGI were 103 tons. This represents over a 37% reduction in CO2 emissions, well above the 10% goal by 2018 originally established by the RGGI program. Based on current market information allowance prices may increase up to \$10 in the not too distant future. Increasing the RGGI allowance 5 fold will significantly increase electric bills. The money received in RGGI auctions is not "free" money. It is paid by each one of us in our electric bills. While these changes to RGGI will certainly perpetuate the program, it will not make it more effective. The minority believes that the program is better left as it is and not unnecessarily increase costs to ratepayers.

HB 508, relative to idling by diesel locomotives. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert A Backus for the **Majority** of Science, Technology and Energy: This bill would prohibit the idling of commuter diesel locomotives, and in certain instances where located near sensitive receptors, other locomotives.

tives, for more than 30 minutes, unless a longer idling time is essential for repair. The sponsor brought this bill forward at the request of officials in the Town of Plaistow in anticipation of extension of commuter rail service by the MBTA to New Hampshire. The bill tracks similar limitations on idling in force in other states and is intended to address potential adverse health impacts and nuisance concerns resulting from lengthy idling. Enforcement is left up to the municipalities, which are not to unreasonably limit the operation of locomotives. **Vote 12-7.**

Rep. Herbert R Vadney for the **Minority** of Science, Technology and Energy: The minority feels undefined and difficult to quantify terms make this bill unenforceable with any reasonable level of equity. Narrowly aimed at commuter rail diesel locomotives that idle unnecessarily for longer than 30 minutes, it tasks local law enforcement to apply subjective evaluation to determine violations, and uses subjective phrases such as: "providing that such idling is essential," "such idling does not cause or contribute to air pollution;" or within 1000 feet of another "sensitive receptor." After such loosely defined criteria it authorizes local law enforcement to enforce the provisions and assess fines of \$500 to \$2,000 to be paid to the clerk of the town or city. It is unlikely local law enforcement people have the skills to fairly enforce such loose definitions. NH department of environmental services (DES) has stated they cannot respond to such situations and cannot provide enforcement.

HB 542, relative to electric renewable portfolio standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nickolas J Levasseur for Science, Technology and Energy: This bill makes changes to the renewable portfolio standard, or RPS. In the last session changes were made to the alternative compliance price (ACP) in an effort to reduce the cost of the program to ratepayers. Ultimately, those changes did not result in any net savings to the ratepayers. They did have the effect of making the RPS program less effective in meeting its overall goal of encouraging renewable energy development. While not every member of the committee agrees on the need for a program such as RPS, the committee uniformly agreed that as long as the program does exist it should be efficient and be able to meet its goals. These changes restore the ACP for the classes altered last session back to what they would have been, accounting for inflation, if they had never been changed. This bill also makes a change to the maximum allowed installation capacity of solar photovoltaic systems under the PV rebate program from 5 kilowatts to less than 10 kilowatts. This change acknowledges the advances in PV technology which allow systems of comparable cost to have much greater output than just a few years ago. The maximum rebate under the program remains unchanged in this bill. The last change allows some flexibility as to what types of renewable projects class II funds could be directed. For example, an RFP that uses both solar and wind components would now be able to qualify for class II funds. This allows for more balance in the overall system and makes RPS better able to meet its goals. **Vote 19-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 638, recognizing the original Thirteenth Amendment to the United States Constitution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy J Smith for the **Majority** of State-Federal Relations and Veterans Affairs: From a historical perspective the history of the Thirteenth Amendment is quite interesting. However, this bill contains a widely debunked conspiracy theory which has already been found without merit by the U.S. Federal Courts. **Vote 10-5.**

Rep. Leon H Rideout for the **Minority** of State-Federal Relations and Veterans Affairs: The minority felt that this bill should be retained for further study. The committee members were given a large quantity of information, and many people that had come to testify including the secretary of state could not due to the fact that the committee was running very late.

HCR 2, requesting Congress to begin the process for a constitutional amendment establishing that human beings, not corporations, are entitled to constitutional rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert L Theberge for the **Majority** of State-Federal Relations and Veterans Affairs: This resolution urges the New Hampshire Congressional delegation to support and advance an amendment to the U.S. Constitution establishing that human beings, not corporations, are entitled to constitutional rights and that money given to political campaigns, or spent by them, is not a form of constitutionally protected free speech. The requested constitutional amendment will overrule the U.S. Supreme Court's decision in "Citizens United v. FEC" (2010). This resolution also expresses the view that "the Supreme Court is misguided in principle, and wrong on the law, because in a democracy, the people rule." In passing this resolution, New Hampshire joins a growing national movement that already includes eleven other states, more than one quarter of Congress, and nearly 500 cities, states, and counties, including Barnstead, Bradford, Nottingham here in New Hampshire, all of which have called for a constitutional amendment to overturn "Citizens United," with the support of an overwhelming majority of the American public. **Vote 9-8.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs: The vote when first voted was an OTP 8-5. A week later the committee held the bill for a reconsideration, brought in two new members to exec, a motion to reconsider, then a motion to ITL.

The minority supported that there is no need for a constitutional amendment to change the Supreme Court's decision of January 21, 2010 in the citizens united vs. federal election commission, where corporations have the same first amendment rights as human beings. Twenty-four states to date, have laws in place prohibiting corporations from making independent expenditures from their general treasury. We believe that congress can make laws pertaining to public corporations and unions, whereas public corporations have to answer to stockholders and unions have to answer to their members when donating millions of dollars to political action committees (PACs) without their approval.

HCR 3, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: The only jurisdiction the federal government has is in interstate commerce. Any dealing with the Fed is in equity law to receive federal funds which binds you to the contract, and the federal auditors enforce the contract.

Rep. Lars Christiansen

Statement in support of Inexpedient to Legislate: This legislation blurs the lines between state and federal authority. As such it brings into question what State rights are with regard to Federal legislation. It is well documented, in the U.S. Constitution, the rights of the individual states and that of the federal government without pushing boundaries. For these reasons a substantial number of the committee wishes to render this bill Inexpedient to Legislate (ITL).

Rep. Cynthia Sweeney

WAYS AND MEANS

HB 665-FN-A-L, relative to video lottery and table gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for Ways and Means: This bill contains a number of significant defects. First, the bill would allow two casinos in consideration for a flat licensing fee fixed at the very low, arbitrary amount of \$10M each for a video slot license and \$10M for a table game license. In Massachusetts, which is targeting substantially the same market, the minimum bid must be at least \$85M. There is no competitive bid process as in many other states. This bill specifies where these two casinos must be located, "one in the White Mountains and one in a county bordering Massachusetts." The bill does not define which towns would be included in the definition of "white mountain." The prime sponsor did circulate a map showing the towns he thought should be included. The bill does not specify how many video slot machines and gambling table games are permitted, nor does it require a minimum number of each. The bill does set the state's take at a reasonable competitive rate of 49 percent of net machine income. Although the bill talks in terms of "destination casinos", it requires a minimum capital investment of only \$10M per casino – barely enough to construct or renovate a so-called "slots barn." Timelines in the bill are unreasonable – only 60 days for the Attorney General to conduct all background checks. The Lottery Commission has to issue the licenses for the casinos within 180 days after the application deadline whether or not it has adopted either final or interim rules. There is no specific provision for either regulation of, or law enforcement involvement in, the casino operations – only generic statements to the effect that the lottery commission shall adopt rules relative to "establishing standards." The committee believes the NH House will have further opportunity to discuss and debate the possibility of casinos in New Hampshire later in this session. The minority on the committee was not in favor of ought to pass but wanted to retain the bill. **Vote 12-6.**

HB 678-FN-A-L, relative to games of chance and establishing a gaming oversight authority and video lottery gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for Ways and Means: This bill provides for six video slot parlors, limited to no more than one in any county, thereby spreading video slots gaming throughout the state. Four of these facilities shall have 600 video lottery machines and two facilities with 1300 video lottery machines. The State of NH will be the gaming operator. There would be licensees who would provide the space and receive 19 percent of the net machine income as a gross lease payment. These licensees would pay an application fee of \$150,000 upon approval of the license. The licensee could offer charity gaming next door to provide a full casino experience. The committee was concerned about the spread of video slots statewide. The NH House will have additional opportunity to consider a casino later in this session. The minority of the committee was interested in retaining this bill for further study. **Vote 12-6.**

BILLS REMOVED FROM CONSENT CALENDAR – MARCH 13

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

Rep. Philip E Ginsburg for Criminal Justice and Public Safety: The bill would provide that a person issued a summons for a misdemeanor or violation could obtain at no cost a copy of the police report and other dis-

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

EDUCATION

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

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

RESOURCES, RECREATION AND DEVELOPMENT

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

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

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

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

WAYS AND MEANS

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

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

LAID ON TABLE

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

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

HB 619-FN, prohibiting images of a person's residence to be taken from the air. (Pending question: adoption of the committee report of Ought to Pass with Amendment.)

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

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

COMMITTEE MEETINGS

FRIDAY, MARCH 15

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

9:00 a.m. Regular meeting.

FINANCE – (DIVISION I), Room 212, LOB**Budget Presentations:**

- 9:30 a.m. Work session on **HB 319-FN**, relative to benefits for state employees serving in the armed forces, **HB 615-FN-A**, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefor.
- 10:00 a.m. Department of Resources and Economic Development.
- 11:00 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.
- 1:00 p.m. Legislative Branch.
- 1:30 p.m. Executive Council.
- 2:00 p.m. Work session on **HB 671-FN**, restoring state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent.

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

- 9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.
- 1:00 p.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

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

- 12:00 p.m. Non-public session of the Complaint Review Committee.
- 1:00 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. Subcommittee work session on proposed capital budget lapse date extensions in the Governor's Capital Budget.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Public informational meeting on revenue items contained in **HB 2 -FN-A-LOCAL**, relative to state fees, funds revenues, and expenditures (currently in Finance), not already heard in committee: sections 27, saltwater Fishing License fees; 30, Business Profits Tax Net Operating Loss Carryovers; 130, Business Enterprise Tax Threshold Amounts for Taxation; 135, Tax on meals and rooms, disposition of revenue; 136 Carry Forward Credit Period Changes; 152 Business Profits Tax Credits Limited.
- 1:00 p.m. Full committee work session on revenue items contained in **HB 2 -FN-A-LOCAL**, relative to state fees, funds revenues, and expenditures (currently in Finance).

SUNDAY, MARCH 17**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community College, Room 234, Crocker Sweeney Building, Concord**

- 1:00 p.m. Regular meeting.

MONDAY, MARCH 18**FINANCE, Sugar River Valley Regional Technical Center, 111 South Street Claremont.**

- 5:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015 and **HB 2-FN-A-LOCAL**, relative to state fees, funds, revenues, and expenditures.

Rochester Community Center, 150 Wakefield Street, Rochester.

- 5:00 p.m. Public hearing on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015 and **HB 2-FN-A-LOCAL**, relative to state fees, funds, revenues, and expenditures.

FINANCE – (DIVISION I), Room 212, LOB

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

FINANCE – (DIVISION II), Room 209, LOB

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

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

- 9:30 a.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 131-FN-L**, relative to payment for medical services for county prisoners (if needed), **HB 432-FN**, relative to health care costs for county and state inmates (if needed), **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures, **HB 260-FN**, relative to voluntary services provided to children in need under RSA 169-D (if needed).
- 1:00 p.m. Work session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015, **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Society for the Protection of NH Forests, 54 Portsmouth Street, Concord

- 3:00 p.m. Quarterly meeting.

TUESDAY, MARCH 19**CHILDREN AND FAMILY LAW, Room 206, LOB**

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 399-FN**, establishing the New Hampshire liberty act.
- 10:30 a.m. Or immediately following the public hearing, executive session on **HB 399-FN**, establishing the New Hampshire liberty act, **HB 498**, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. Full committee work session on items contained in **HB 2-FN-A-LOCAL**, relative to state fees, funds revenues, and expenditures (currently in Finance) - Sections 111 on page 33 through Section 126, ending on page 48 regarding mechanical licensing.
- 1:30 p.m. Executive session on **HB 316-FN**, relative to regulating alkaline hydrolysis for the disposal of human remains, **HB 686**, relative to governor and council approval of state contracts.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **HB 131-FN-L**, relative to payment for medical services for county prisoners, **HB 260-FN**, relative to voluntary services provided to children in need under RSA 169-D, **HB 269-L**, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding, **HB 299-FN**, relative to tuition payments for chartered public school pupils, **HB 319-FN**, relative to benefits for state employees serving in the armed forces, **HB 344-FN-L**, relative to aid to school districts for the cost of special education, **HB 432-FN**, relative to health care costs for county and state inmates, **HB 570-FN**, relative to school building aid grant eligibility for the White Mountain Regional school district, **HB 615-FN-A**, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefore, **HB 671-FN**, restoring state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent.

FINANCE – (DIVISION I), Room 212, LOB

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

FINANCE – (DIVISION II), Room 209, LOB

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

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

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

JUDICIARY, Room 208, LOB

- 10:00 a.m. **SB 199**, authorizing the attorney general to join the settlement of accrued claims relating to the non-participating tobacco manufacturers adjustment disputes for 2003 to 2011 and the 2012 non-participating tobacco manufacturers adjustment.

- 10:30 a.m. Or immediately following the public hearing, executive session on **SB 199**, authorizing the attorney general to join the settlement of accrued claims relating to the non-participating tobacco manufacturers adjustment disputes for 2003 to 2011 and the 2012 non-participating tobacco manufacturers adjustment.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 524**, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

Capital budget presentations on the Governor's Capital Budget:

- 10:10 a.m. Rescheduled public hearing on **HB 25-FN-A**, making appropriations for capital improvements.
 10:15 a.m. Environmental Services.
 11:00 a.m. Liquor Commission.
 1:00 p.m. Department of Information Technology.
 2:00 p.m. Department of Health and Human Services.
 3:00 p.m. Department of Corrections.
 4:00 p.m. Full committee work session on **HB 25-FN-A**, making appropriations for capital improvements.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. **SB 74**, relative to an exemption for entities that furnish hot water through a district energy system.
 11:00 a.m. Energy investment briefing.

STATE RETIREE HEALTH PLAN COMMISSION (RSA 100-A:56), Room 302, LOB

- 3:00 p.m. Organizational meeting.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Subcommittee work session on **HB 654-FN**, relative to licensure and renewal fees, **HB 411-FN-A**, repealing a future reduction in vessel registration fees, **HB 304-FN**, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals.

Room 104, LOB

- 10:00 a.m. Subcommittee work session on **HB 652-FN**, relative to the judicial branch information technology fund, **HB 259-FN**, relative to special licenses for taking lobster while engaged in recreational scuba diving, **HB 295**, requiring criminal background checks for volunteers and employees at youth skill camps.

Room 202, LOB

- 11:00 a.m. Full committee work session on **HB 617-FN-A-L**, increasing the rate of the road toll and establishing the New Hampshire state and municipal road and bridge account.
 2:00 p.m. Executive session on **HB 259-FN**, relative to special licenses for taking lobster while engaged in recreational scuba diving, **HB 295**, requiring criminal background checks for volunteers and employees at youth skill camps, **HB 304-FN**, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals, **HB 411-FN-A**, repealing a future reduction in vessel registration fees, **HB 617-FN-A-L**, increasing the rate of the road toll and establishing the New Hampshire state and municipal road and bridge account, **HB 652-FN**, relative to the judicial branch information technology fund, **HB 654-FN**, relative to licensure and renewal fees, **HB 184-FN**, relative to the oil discharge cleanup fund, **HB 185-FN**, relative to the fuel oil discharge cleanup fund, **HB 507-FN**, relative to the maximum permit application fee for certain municipal dredging projects.

WEDNESDAY, MARCH 20

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 12:00 p.m. Or during the lunch break from session, executive session on **HB 524**, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

THURSDAY, MARCH 21

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Room 203, LOB

- 2:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Capital budget presentations on the Governor's Capital Budget:

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

10:15 a.m. Department of Safety.
1:00 p.m. Department of Transportation.
2:00 p.m. Full committee work session on **HB 25-FN-A**, making appropriations for capital improvements.

FRIDAY, MARCH 22

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

9:30 a.m. Regular meeting.

MONDAY, MARCH 25

FINANCE, Rooms 210-211, LOB

Division Budget Presentations to Full Committee:

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

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

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 26

CRIMINAL JUSTICE AND PUBLIC SAFETY, Meet in the LOB Lobby

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

FINANCE, Rooms 210-211, LOB

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

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

FRIDAY, MARCH 29

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

10:00 a.m. Regular meeting.

MONDAY, APRIL 1

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

1:15 p.m. Organizational meeting.

TUESDAY, APRIL 2

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

5:00 p.m. Regular meeting.

FRIDAY, APRIL 5

ADMINISTRATIVE RULES (RSA 541-A:2), Room 100, State House

9:00 a.m. Continued regular meeting.

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

9:30 a.m. Regular meeting.

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

9:00 a.m. regular meeting.

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

10:00 a.m. Regular business.

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

1:00 p.m. Regular meeting.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

Belknap County Delegation will meet on Tuesday, **March 19**, 2013 at 6:00 p.m. at the County Complex.

Rep. Colette Worsman, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Cheshire County Delegation will meet in the Jury Assembly Room of the Cheshire County Superior Court, 12 Court Street, Keene, NH on Monday, **March 18**, 2013 at 7:00 p.m. The purpose of this meeting is the following: 1. To review the Executive Committee's Proposed Budget for 2013. 2. To adopt the budget for 2013. 3. To approve taxes to be raised. 4. To discuss any other matters to come before the Delegation.

Rep. Bruce L. Tatro, Chairman
Cheshire County Delegation

COUNTY DELEGATION NOTICE

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

Rep. Mariellen MacKay, Clerk
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

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

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

REVISED FISCAL NOTES

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

Karen O. Wadsworth, Clerk of the House

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.

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

Colleagues who so desire may send cards and greetings to the address listed above.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

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

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

Rep. Gene G. Chandler

The Merrimack County and Concord GOP invite you to their Lincoln Day Dinner Friday, **March 15** at the Grappone Conference Center, 70 Constitution Avenue, Concord, NH. Social Hour – 5:30 p.m. Dinner - 6:30 p.m. Keynote Speaker will be Steve Forbes, Chairman & Editor-in-Chief of Forbes Media. Tickets are \$35 each. Tables of 8 are \$280. To make your reservation please contact Kerry Marsh at (603) 582-0119 at kerry@spectrummarketing.com.

Reps. Carol M. McGuire and Dan McGuire

The 2013 New Hampshire Poetry Out Loud (POL) program will hold a statewide Championship Competition in Representatives Hall, at the State House on Friday, **March 15** at 7:00 p.m. (snow date March 18). Eleven New Hampshire high school poetry champions will recite great poetry and compete for the opportunity to represent NH at the National Poetry Out Loud Championship in Washington, DC in April. The 11 students are the winning competitors, coming out of four semi-finals. Over 9,000 NH high school students participated. All legislators and their families are invited. This event, sponsored by the NH State Council on the Arts, is free and open to the public. To see a listing of high schools or for information contact Catherine O'Brian, Arts Education Coordinator, NH State Council on the Arts, 271-0795 or go to: www.nh.gov/nharts (click on the Poetry Out Loud button).

Terie Norelli, Speaker

Join Governor Maggie Hassan and other dignitaries on **March 18** at 1:00 p.m. in the Governor's Council Chamber, State House, Concord to hear a proclamation affirming the contributions of French language and culture to New Hampshire. This will be followed by a raising of the francophone flag. Contact the Franco-American Center at 624-7114 for information. Open to the public. Admission is free.

Rep. Raymond G. Gagnon

The American Red Cross cordially invites all legislative members and staff to the Annual State House Complex Blood Drive. The blood drive will take place on Tuesday, **March 19** from 9:00 a.m. to 3:00 p.m. The American Red Cross state of the art self-contained coach will be parked out in front of the State House for this event. Give blood and you could save three lives. Appointments are strongly encouraged. To schedule an appointment, please call State House Health Services, 271-2757. In the past, the blood drive has had overwhelming support – please help to make this year the best ever.

Rep. Stephen J. Shurtleff

The Legislative Caucus for Young Children (LCYC), will meet to reorganize on Tuesday, **March 19**, 2013 at 1:15 p.m. in Room 207, LOB. The LCYC which began in 1997, is a nonpartisan organization of NH legislators committed to legislative initiatives primarily affecting children from birth through age 8, including family and prenatal issues. Goals include: 1) To support policies and programs which maximize the developmental potential of children and prevent future social, health and educational problems; 2) To monitor and propose legislation in the realms of health, prenatal and early care, family support and education; and 3) To serve as a vehicle for information sharing and continuing education on these and related issues. All legislators are welcome.

Rep. Mary Stuart Gile

All pro-business members of the House are invited to attend the NH House Business Caucus meeting on Tuesday, **March 19**, from 4:00 – 5:00 p.m. in Room 203, LOB.

Reps. Laurie Sanborn, Adam Schroadter and
Patrick Abrami

Representatives Ulery and Shurtleff invite all to a light breakfast meeting with the Bishop of Manchester on **March 20** at 8:00 a.m. at the Upham Walker House, Park Street, Concord.

Reps. Jordon G. Ulery and Stephen J. Shurtleff

Granite State Coalition Against Expanded Gambling invites all representatives to join us for lunch at the Holiday Inn on **March 20** during the session lunch break. There will be a brief program and the opportunity to have questions answered.

Reps. Marjorie Smith and David Hess

The next meeting of the Capital Grange will be held on Wednesday, **March 20** during the lunch break from session in the State House cafeteria. All Grange members are invited to attend as well as anyone who is interested in learning more about the Grange. Please contact Reps. Dick Patten, Scott Burns and Bob Haefner for information.

Rep. Dick Patten

All legislators are invited to a meeting of the Tourism Caucus on Thursday, **March 21** from 12:00 to 1:00 p.m. at the NH State Library, second floor. Members from the NH Tourism Coalition will join us.

Reps. Peter Ramsey, Gene Chandler, Ed Butler and
David Kidder

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

Reps. Stephen J. Shurtleff and Gene G. Chandler

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

Rep. Laurie Harding

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

Reps. Jeff Goley and Gene Chandler

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Reception on Wednesday, **March 27** at 3:00 p.m. (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering. This year in particular the NHADA wants to recognize all of you for your support of New Hampshire automotive members and their 14,400 employees.

Reps. Stephen J. Shurtleff and Gene G. Chandler

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

Reps. Stephen J. Shurtleff and Gene G. Chandler

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

Reps. Alfred Baldasaro, Carol McGuire and
Pamela Tucker

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

Reps. Stephen Palmer, Warren Groen and
Stella Tremblay

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **2013**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

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

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>Group#/Grade</i>
March 15	9:00	Christa McAuliffe School – Concord	40/4
March 15	11:30	Moultonborough Central School	32/4
March 15	1:00	Tri City Christian Academy – Somersworth	25/4
March 18	10:45/12:15 SH/HM	Highbridge Hill Elementary School – New Ipswich	80/4
March 19	9:45/11:00 SH/Manse	Lincoln St. School – Exeter	88/4
March 20	9:45/11:00 SH/Manse	Lincoln St. School – Exeter	88/4
March 20	2:00	The Birches – Concord	10/Srs
March 21	8:00/8:45/9:15	Hillsboro Deering High School	150/HS
March 21	10:00	Paul School – Wakefield	50/4
March 21	11:30	Plymouth Elementary School	52/4
March 21	1:15	Vesta Roy Series Class	10/adults
March 22	9:00	St. Benedict Academy – Manchester	12/4
March 22	9:00	Victory Baptist School – Londonderry	4/4
March 22	10:15/11:30 SH/HM	Charlotte Ave. Elementary School – Nashua	85/4
March 25	9:30	Hanover St. School – Lebanon	55/4
March 25	12:45	Sant Bani School – Tilton	17/4
March 26	9:30	Greenland Central School	45/4
March 26	11:30	Newfields Elementary School	33/4
March 27	9:00	Barnstead Elementary School	40/4
March 27	10:00	Trinity Christian School – Keene	11/4
March 27	10:00	Goshen-Lempster Cooperative School	22/4
March 29	10:00/11:30 SH/SC	Sandown Central School	70/4
March 29	10:15	East Kingston Elementary School	33/4
March 29	11:15	Pierce School at Bennington	15/4
April 1	9:30/11:00 SH/HM	Maple Ave. School – Goffstown	75/4
April 2	9:00	Hanover High School German Club	20/HS
April 2	9:30	Maple Ave. School – Goffstown	50/4
April 2	11:00	Little Harbor School – Portsmouth	54/4
April 3	9:45	Maple Wood School – Somersworth	50/4
April 3	11:30	North Hampton School	56/4

DATE	TIME	GROUP	Group#/Grade
April 4	10:00	Mont Vernon Village School	36/4
April 4	11:00	Little Harbor School – Portsmouth	26/4
April 5	9:30/11:00 SH/HM	Jaffrey Grade School	64/4
April 8	9:45	Thornton Ferry School – Merrimack	50/4
April 8	11:00	Campton Elementary School	44/4
April 9	9:30	Greenfield Elementary School	13/4
April 9	9:30	Hancock Elementary School	19/4
April 9	11:00	Lancaster Elementary School	40/4
April 10	10:00/11:30 SH/HM	Crescent Lake School – Wolfeboro	80/4
April 10	1:00	Weare Home Schoolers	25
April 11	9:30/11:00	Northwest Elementary School	90/4
April 11	2:00	Lycee Lumiere – Lexeuil Les Bains	33/HS
April 12	9:00	Sunapee Middle School	13/8
April 12	9:45/11:00 SH/SC	Thornton Ferry School – Merrimack	80/4
April 15	9:15	Sunapee Middle High School	14/8
April 15	9:15/10:30 SH/SC	Epsom Central School	60/4
April 15	3:00	Teen Pact	26
April 16	9:30/11:00 SH/HM	Hillsboro-Deering Elementary School	112/4
April 16	1:00	Holderness Central School	26/4
April 17	10:00/11:30	Wm. Barron School – Salem	66/4
April 17	11:00	Unity Elementary School	39/4
April 18	10:00/11:30 SH/HM	Garrison School – Dover	100/4
April 19	9:30/11:00 SH/F&G	Symonds School – Keene	64/4
April 19	9:45/10:45 SH/HM	DAR Good Citizens	90/4
April 19	1:00	Teen Pact Families	34

WEDNESDAY, MARCH 20 AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 135 (2013-0341h)

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

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

AMENDED ANALYSIS

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

Amendment to HB 189 (2013-0511h)

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

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

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

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

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

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

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

AMENDED ANALYSIS

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

Amendment to HB 202-FN (2013-0669h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT relative to beverage and liquor licenses for bed and breakfasts.

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

1 Definitions; Bed and Breakfast. Amend RSA 175:1, VI to read as follows:

VI. "Bed and breakfast" means a building or buildings regularly used and kept open as such in a bona fide manner for the feeding and lodging of transient guests. A bed and breakfast shall have at least 4 rentable rooms and an area of dining capable of accommodating the number of registered guests ~~[and be housed in the primary residence of the owners or operators]~~ and whose posted room rates shall include breakfast.

2 Licenses; Bed and Breakfasts. Amend RSA 178:21, II(c) to read as follows:

(c) Bed and Breakfasts. The commission may issue a license to any bed and breakfast which has **at least** 4 rentable rooms and ~~[full service]~~ **a** dining area capable of seating the total number of registered guests and shall entitle the licensee to:

(1) Sell liquor and beverages to **registered** guests ~~[with meals in the dining room]~~ **in any approved area** or in the rooms of guests.

(2) Sell liquor and beverages by the bottle which shall be delivered to the rooms of registered guests, provided that the charge for such liquor and beverages is not below cost.

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

AMENDED ANALYSIS

This bill modifies eligibility for a bed and breakfast beverage and liquor license and service restrictions on bed and breakfast licensees.

Amendment to HB 224

(2013-0612h)

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

Amend the bill by replacing section 1 with the following:

1 Discretionary Sentences; Release for Certain Purposes. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment, Rehabilitation, or Home Confinement.

I. A sentencing court may ~~[order]~~ **recommend** any person who has been committed to a correctional institution other than state prison under a criminal sentence ~~[may]~~ **to** be released therefrom for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, under the terms of a day reporting program, provided the correctional facility has a day reporting program, or to serve the sentence under home confinement, provided the correctional facility has a home confinement program.

II. If the **court recommends a person for release and the** superintendent determines the person is inappropriate for such release, the court shall be notified and, at the request of the defendant, a hearing may be scheduled.

III. *If the court does not recommend a person for release pursuant to paragraph I but at any time during the sentence the superintendent deems such a release to be conducive to the person's rehabilitation, the superintendent may allow the release provided that the sentencing court and the prosecutor of the underlying offense have been notified of the proposed release, and there has been no objection within 10 days of the notice by either the sentencing court or the prosecutor of the underlying offense. If the prosecutor of the underlying offense objects to the proposed release, the prosecutor shall submit in writing to the sentencing court the reasons for objecting. If the sentencing court objects, or receives written notice of the prosecutor's objection, the sentencing court shall, within 10 days of receipt of the original notice or the prosecutor's objection, schedule a hearing on the proposed release. The sentencing court shall then approve or deny the proposed release.*

IV. In any case, the defendant shall first serve 14 consecutive days prior to eligibility for home confinement, or for such other purpose as the court may deem conducive to his or her rehabilitation, for such times or intervals of time and under such terms and conditions as the rules and regulations of the correctional facility may allow or as the court may order. Any part of a day spent in the free community, or in home confinement, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his or her conduct, custody, and employment, he or she shall be returned to the correctional facility. The superintendent may then require that the balance of the person's sentence be spent in actual confinement.

AMENDED ANALYSIS

This bill establishes a procedure for the superintendent of the county correctional facility to release a prisoner in order to obtain gainful employment, perform uncompensated public service, or serve the sentence under home confinement.

Amendment to HB 242

(2013-0454h)

Proposed by the Committee on Transportation - R

Amend the bill by replacing section 1 with the following:

1 Rules of the Road; Child Restraint System. Amend RSA 265:107-a, I-b to read as follows:

I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than [6] 7 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is [55] 56 inches or more in height, the provisions of this paragraph shall not apply.

AMENDED ANALYSIS

This bill increases the height exception to the child restraint system requirement for motor vehicle operation and adds 6-year-old children to the requirement.

Floor Amendment to HB 242

(2013-0806h)

Proposed by Rep. J. Webb

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

2 New Paragraph; Child Passenger Restraints; Seating. Amend RSA 265:107-a by inserting after paragraph I-b the following new paragraph:

I-c. No person shall drive a motor vehicle on any way with a passenger who is less than 7 years of age unless such passenger is in the back seat of the vehicle and restrained in accordance with paragraph I or I-b, as applicable. This prohibition shall not apply if the vehicle does not have a back seat or if there are more passengers less than 7 years of age than the back seat can accommodate. If the absence of a back seat or the number of passengers requires the placement of a passenger less than 7 years of age in the front seat, the driver shall, if possible, disable the air bag in front of such passenger.

AMENDED ANALYSIS

This bill increases the height exception to the child restraint system requirement for motor vehicle operation and adds 6-year-old children to the requirement. This bill also requires that passengers less than 7 years of age ride in the back seat, unless the vehicle does not have a back seat or cannot accommodate all such passengers.

Amendment to HB 286

(2013-0683h)

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

Amend the bill by replacing section 6 with the following:

6 Broadband Access. Amend RSA 38:38, II to read as follows:

II. *Except for municipally-owned networks which exclusively serve to connect municipal or school offices, or both*, a municipality [may] *shall* use its broadband infrastructure for the purpose of providing an open network [and assuring that third party access is available in accordance with current state and federal regulations] *and shall make use of open network interfaces. No municipality shall be a retail provider of broadband service.*

Amendment to HB 297

(2013-0292h)

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

Amend RSA 31:34 as inserted by section 1 of the bill by replacing it with the following:

31:34 Records. The trustees shall keep a record of all trusts in a record book *or maintained in electronic format*, which shall be open to the inspection of all persons in their town.

Amend RSA 31:38 as inserted by section 2 of the bill by replacing it with the following:

31:38 Reports. A copy of the reports required of the town and city trustees and of the auditor thereof shall be filed annually with the attorney general, *department of revenue administration, and the governing body of the town or city.*

Amend the bill by deleting section 5 and renumbering the original sections 6-12 to read as 5-11, respectively.

Amend the bill by replacing section 7 with the following:

7 New Section; Capital Reserve Funds of Counties, Towns, Districts, and Water Departments. Amend RSA 35 by inserting after section 18 the following new section:

35:19 Professional Banking or Brokerage Assistance.

I. In this section:

(a) "Bank" means any federally or state-chartered depository bank or association authorized to engage in a banking business in this state.

(b) "Brokerage firm" means a firm registered under the securities law effecting transactions in securities for the accounts of others.

(c) "Portfolio management department" means the department of a brokerage firm responsible for investment management of client accounts.

(d) "Investment advisor" means a qualified investment advisory firm registered with the appropriate regulatory authorities and licensed pursuant to RSA 421-B:7. Such firm may or may not be associated with a brokerage firm.

II. Any trustee or trustees of capital reserve funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm or investment advisor to assist in the management and investment of capital reserve fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm or investment advisor to facilitate transfers for such securities. Capital reserve fund records maintained by any bank or brokerage firm or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

III.(a) Any expenses incurred pursuant to paragraph II of this section by a trustee or trustees of trust funds authorized by this chapter may be charged against the annual income of the capital reserve funds involved provided:

(1) The capital reserve funds are held by qualified custodians pursuant to Securities and Exchange Commission rule 206(4)-2, as amended;

(2) The expenses are computed and invoiced in accordance with the investment management contract approved by the trustees;

(3) The trustees receive a voucher from the investment advisor acknowledging payment of the expenses charged;

(4) The trustees receive at least quarterly statements directly from the qualified custodians; and

(5) The trustees review the capital reserve funds custodian statements at least quarterly.

(b) The expenses shall be identified and reported in the annual report of the trustee or trustees as expenditures out of capital reserve funds made pursuant to paragraph II.

Amend the bill by replacing section 9 with the following:

9 New Section; Capital Reserve Funds for Cities; Professional Banking or Brokerage Assistance; Capital Gains. Amend RSA 34 by inserting after section 15 the following new section:

34:16 Professional Banking or Brokerage Assistance.

I. In this section:

(a) "Bank" means any federally or state-chartered depository bank or association authorized to engage in a banking business in this state.

(b) "Brokerage firm" means a firm registered under the securities law effecting transactions in securities for the accounts of others.

(c) "Portfolio management department" means the department of a brokerage firm responsible for investment management of client accounts.

(d) "Investment advisor" means a qualified investment advisory firm registered with the appropriate regulatory authorities and licensed pursuant to RSA 421-B:7. Such firm may or may not be associated with a brokerage firm.

II. Any trustee or trustees of capital reserve funds authorized by this chapter may hire or employ the trust department or departments of a bank or banks or a brokerage firm or investment advisor to assist in the management and investment of capital reserve fund resources or to provide bookkeeping services in connection therewith or to do both. They may also place securities in the nominee name of a trust department or departments or a brokerage firm or investment advisor to facilitate transfers for such securities. Capital reserve fund records maintained by any bank or brokerage firm or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees.

III.(a) Any expenses incurred pursuant to paragraph II of this section by a trustee or trustees of trust funds authorized by this chapter may be charged against the annual income of the capital reserve funds involved provided:

(1) The capital reserve funds are held by qualified custodians pursuant to Securities and Exchange Commission rule 206(4)-2, as amended;

(2) The expenses are computed and invoiced in accordance with the investment management contract approved by the trustees;

(3) The trustees receive a voucher from the investment advisor acknowledging payment of the expenses charged;

(4) The trustees receive at least quarterly statements directly from the qualified custodians; and

(5) The trustees review the capital reserve funds custodian statements at least quarterly.

(b) The expenses shall be identified and reported in the annual report of the trustee or trustees as expenditures out of capital reserve funds made pursuant to paragraph II.

Amendment to HB 305

(2013-0471h)

Proposed by the Committee on Municipal and County Government - R

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study tax obligations and state aid for towns and districts that have electric generation facilities, including renewable generation facilities subject to a payment in lieu of taxes under RSA 72:74, sited within the town or district. The committee shall study the laws governing the apportionment formula for cooperative and regional school districts, and may propose changes to remedy disproportionate tax assessments and tax obligations resulting from the electric generation facility. The committee may also study how electrical generation facilities affect the tax bases of surrounding municipalities and how the use of payments in lieu of taxes for renewable energy projects has worked, including whether the provisions in statute to establish them are sufficient to protect property taxpayers and whether they ensure proportionality.

Amendment to HB 306

(2013-0802h)

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

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

AN ACT relative to New Hampshire's regional greenhouse gas initiative.

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

1 Multiple Pollutant Reduction Program; Rulemaking. Amend RSA 125-O:8, I(f) to read as follows:

(f) Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers, ***provided that rulemaking under RSA 541-A shall not be required to update offset allowance quantification protocols to newer versions, after the initial incorporation by reference of date-specific quantification protocols.***

2 Definitions; Compliance Period. Amend RSA 125-O:20, IV to read as follows:

IV. "Compliance period" means a 3 calendar year time period [~~unless extended one calendar year by a stage-2 trigger event~~]. The first compliance period is from January 1, 2009 to December 31, 2011 [~~unless a stage-2 trigger event extends the first compliance period to December 31, 2012~~]. Each subsequent sequential 3 calendar year period is a separate compliance period [subject to a one-year extension if a stage-2 trigger event occurs during the compliance period. The compliance period shall never be longer than 4 calendar years].

3 New Paragraph; Definitions; FCPBA. Amend RSA 125-O:20 by inserting after paragraph VII the following new paragraph:

VII-a. "FCPBA" means "first compliance period banked allowances" which equals all of the 2009, 2010, and 2011 vintage RGGI allowances that are banked by any person, excluding any state participating in the RGGI program, as of January 1, 2014, multiplied by 8,620,460 and divided by the product of 165,184,246 times 7.

4 New Paragraph; Definitions; SCPBA. Amend RSA 125-O:20 by inserting after paragraph XV the following new paragraph:

XV-a. "SCPBA" means "second compliance period banked allowances" which equals all of the 2012 and 2013 vintage RGGI allowances that are banked by any person, excluding any state participating in the RGGI program, as of March 15, 2014, minus the total 2012 & 2013 CO2 emissions from all regional sources subject to RGGI, multiplied by 8,620,460 and divided by the product of 165,184,246 times 6.

5 Definitions; Regional Greenhouse Gas Initiative. Amend RSA 125-O:20, XII to read as follows:

XII. "Regional greenhouse gas initiative" or "RGGI" or "RGGI program" means the program to implement the memorandum of understanding (MOU) between signatory states, dated December 20, 2005, as amended [on August 8, 2006 and April 20, 2007], and the corresponding model rule ***as amended February 11, 2013***, to establish a regional CO2 emissions budget and allowance trading program for emissions from fossil fuel-fired electricity generating units.

6 Carbon Dioxide Emissions Budget Trading Program. RSA 125-O:21, II is repealed and reenacted to read as follows:

II. The program shall include a statewide budget allowance total for each year calculated as follows:

2014	4,749,011 minus FCPBA
2015	4,630,286 minus FCPBA minus SCPBA

2016	4,514,529 minus FCPBA minus SCPBA
2017	4,401,665 minus FCPBA minus SCPBA
2018	4,291,624 minus FCPBA minus SCPBA
2019	4,184,333 minus FCPBA minus SCPBA
2020	4,079,725 minus FCPBA minus SCPBA
2021 and thereafter	4,079,725

7 Unsold Allowances for Cost Containment. Amend RSA 125-O:21, III-a to read as follows:

III-a. Budget allowances that are required to be made available for sale at auction under paragraph III, but remain unsold, shall not be retired by the department, ***and may be used for cost containment purposes under RSA 125-O:29.***

8 Carbon Dioxide Emissions Budget Trading Program. Amend the introductory paragraph of RSA 125-O:21, VI to read as follows:

VI. The department and the commission shall report on an annual basis to the air pollution advisory committee under RSA 125-J:11 and the legislative oversight committee on electric utility restructuring under RSA 374-F:5, on the status of the implementation of RGGI in New Hampshire, with emphasis on the prices and availability of RGGI allowances to affected CO₂ sources, ***consumer protection mechanisms***, and the trends in electric rates for New Hampshire businesses and ratepayers. The report shall include but not be limited to:

9 Carbon Dioxide Emissions Budget Trading Program. Amend RSA 125-O:21, VI(h) to read as follows:

(h) The status of any proposed or adopted federal CO₂ cap and trade program, the impact on New Hampshire's RGGI program, and recommendations for any proposed legislation necessary to accommodate the federal program; ***and***

(i) Effectiveness of allowance price control and consumer protection mechanisms, including, but not limited to, offsets, cost containment reserves, cost thresholds, and consumer rebates.

10 Compliance; Permit Required. Amend RSA 125-O:22, I and II to read as follows:

I. Each affected CO₂ source shall obtain and retire a quantity of RGGI allowances equivalent to its CO₂ emissions from fossil-fuel fired generation for each compliance period. ***Such retirement shall be done in stages. At the end of both the first and second year of the compliance period, RGGI allowances equal to ½ of the affected source's CO₂ emissions during each respective year shall be retired. At the end of the third year of the compliance period, the balance of the total allowances due shall be retired. The retirement of allowances at the end of the first and second year shall not apply to the compliance period ending December 31, 2014.***

II. An affected CO₂ source may use offset allowances for up to 3.3 percent of its compliance obligation[; except that in a given compliance period:

(a) If a stage-one trigger event occurs, an affected CO₂ source may use offset allowances for up to 5 percent of its compliance obligation; and

(b) If a stage-2 trigger event occurs, the compliance period shall be extended to 4 years and an affected CO₂ source may use offset allowances for up to 10 percent of its compliance obligation, including offset allowances or credits permanently retired from eligible international trading programs, as approved by the department].

11 Threshold Price Rebate. Amend RSA 125-O:23, II to read as follows:

II. All amounts in excess of the threshold price of \$1 for any allowance sale shall be rebated to all [default service] ***retail*** electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

12 Auction of Budget Allowances. Amend RSA 125-O:26, II to read as follows:

II. Shall include the sale of allowances for current [and future] years ***and may include the sale of allowances for future years*** to promote transparency and price stability in a manner to be determined by the department in coordination with the regional organization;

13 Review of the New Hampshire RGGI Program. Amend RSA 125-O:27 to read as follows:

125-O:27 Review of the New Hampshire RGGI Program. At the time of the [2012] ***2016*** comprehensive review by the [signatory states as required in the MOU] ***participating states***, the commission and the department shall concurrently review New Hampshire specific elements of the RGGI program, [in particular RSA 125-O:23 and RSA 125-O:25,] and include the results of such review ***and any recommendations for revisions to the New Hampshire regional greenhouse gas initiative program under RSA 125-O:19-29, resulting from this review*** in the agencies' annual report under RSA 125-O:21, VI.

14 New Section; Allowances Used for Cost Containment. Amend RSA 125-O by inserting after section 28 the following new section:

125-O:29 Cost Containment Allowances in Addition to the Budget.

I. For the purposes of cost containment, the department shall make available for sale at one or more auctions up to 260,935 allowances for 2014 or, for any year thereafter, up to 521,869 allowances, that shall be in addition to the budget allowance total for the given year under RSA 125-O:21, II, if:

- (a) The CO2 allowance auction price equals or exceeds \$4 in 2014;
- (b) The CO2 allowance auction price equals or exceeds \$6 in 2015;
- (c) The CO2 allowance auction price equals or exceeds \$8 in 2016;
- (d) The CO2 allowance auction price equals or exceeds \$10 in 2017;
- (e) The CO2 allowance auction price equals or exceeds \$10.25 in 2018;
- (f) The CO2 allowance auction price equals or exceeds \$10.51 in 2019;
- (g) The CO2 allowance auction price equals or exceeds \$10.77 in 2020; or

(h) In any year thereafter, the CO2 allowance auction price equals or exceeds 1.025 multiplied by the auction price at which cost containment allowances were required to be made available in the previous calendar year rounded to the nearest whole cent, until further legislative action.

II. The allowances sold pursuant to paragraph I shall be replenished, such that the full 521,869 allowances, if needed, are available the following calendar year.

15 Repeal. RSA 125-O:20, V, VIII, XVI, and XVII relative to regional greenhouse gas initiative definitions, are repealed.

16 Effective Date. This act shall take effect January 1, 2014.

AMENDED ANALYSIS

This bill modifies New Hampshire's regional greenhouse gas initiative.

Amendment to HB 339-FN

(2013-0720h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT establishing a committee to study existing debt collection laws and practices.

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

1 Committee Established. There is established a committee to study existing debt collection laws and practices.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study existing debt collection laws and practices and determine and recommend any statutory changes needed to balance industry needs and consumer needs.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

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

AMENDED ANALYSIS

This bill creates a committee to study existing debt collection laws and practices.

Amendment to HB 346

(2013-0722h)

Proposed by the Committee on Commerce and Consumer Affairs - R

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

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

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

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

Amend the bill by replacing section 4 with the following:

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

**Amendment to HB 349
(2013-0728h)**

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

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

1 Trails on State Lands; Jericho Mountain State Park. Amend RSA 215-A:43, VII(c) to read as follows:

(c) A person may operate an OHRV within Jericho Mountain state park which weighs up to [1,600] **1,700** pounds and is no wider than 65 inches on specifically designated trails within Jericho Mountain state park, ***provided that, in addition, the bureau of trails may permit operation of wider or heavier 4-wheel drive motor vehicles, as referenced in the Jericho Mountain state park master development plan, registered as OHRVs, at specific times and on specific trails.***

2 Trails on State Lands; Jericho Mountain State Park; Version Effective January 1, 2016. RSA 215-A:43, VII(c) is repealed and reenacted to read as follows:

(c) A person may operate an OHRV within Jericho Mountain state park which weighs up to 1,700 pounds and is no wider than 65 inches on specifically designated trails within Jericho Mountain state park.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2016.

II. The remainder of this act shall take effect 60 days after its passage.

**Amendment to HB 364
(2013-0678h)**

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

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

AN ACT relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

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

1 New Section; Retirement System; Part Time Employment; Notices Required. Amend RSA 100-A by inserting after section 7 the following new section:

100-A:7-a Certain Part-time Employment; Notices Required.

I. An employer shall provide written notice of the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits because of restoration to service as required in RSA 100-A:7, as follows:

(a) Prior to employment and as part of employment documentation, to any prospective employee who is a retired member of the retirement system.

(b) Annually, to each existing part-time employee who is a retired member of the retirement system.

II. The executive director shall provide employers the form of such notices required in paragraph I.

III. An employer who provides the notices required in paragraph I shall not be held liable for any consequences to the employee resulting from the employee's restoration of service due to exceeding the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV.

IV. The retirement system shall annually provide written notice to all retired members of the retirement system of the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits because of restoration to service as required in RSA 100-A:7.

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

AMENDED ANALYSIS

This bill requires New Hampshire retirement system employers to notify existing and prospective part-time employees, who are retired members in the retirement system, of the annual limitations on hours for part-time employment. The bill also requires the retirement system to provide similar notice to all retired members.

**Floor Amendment to HB 364
(2013-0898h)**

Proposed by Reps. Byron and Copeland

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

AN ACT relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

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

1 New Section; Retirement System; Part Time Employment; Notice Required. Amend RSA 100-A by inserting after section 7 the following new section:

100-A:7-a Certain Part-time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits because of restoration to service as required in RSA 100-A:7.

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

AMENDED ANALYSIS

This bill requires the New Hampshire retirement system to annually notify retired members in the retirement system of the annual limitations on hours for part-time employment with retirement system employers.

Amendment to HB 390

(2013-0729h)

Proposed by the Committee on Commerce and Consumer Affairs - R

Amend RSA 466:44, III as inserted by section 1 of the bill by replacing it with the following:

III. A restaurant owner may allow properly disciplined and leashed companion dogs of restaurant patrons onto any outdoor patio areas owned by the restaurant. Such dogs shall not be allowed in food preparation or production areas, and there shall be no more than one dog per patron. The restaurant owner shall prominently display a sign at all outdoor patio entrances advising patrons as follows: "To preserve the rights of patrons with service animals, patrons with companion dogs shall be asked to move if the presence of that companion dog interferes with the service animal's ability to obey commands or assist its handler."

Amendment to HB 398-FN

(2013-0530h)

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

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

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

Amendment to HB 443-FN

(2013-0563h)

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

Amend RSA 21-H:8, VII as inserted by section 2 of the bill to read as follows:

VII.(a) The commissioner may order the assignment and transfer of persons committed to his *or her* custody to correctional facilities of the department or *correctional facilities operated by state governments in other jurisdictions, or public* facilities under contract with the department. *The commissioner shall not enter into a contract with a private or for-profit entity for the custody of state or county inmates.*

(b) Notwithstanding subparagraph (a), if the governor, upon recommendation of the commissioner, declares by executive order that a corrections emergency exists that requires the commissioner to enter into a temporary contract with a private or for-profit entity to secure provisional housing for displaced inmates, the commissioner may enter into such a contract, pending approval of the governor and the council. Any such contract shall be for no more than 3 months and may be extended, with executive council approval, for no more than 3 months at a time and for no more than 21 months after the governor first determines that the prison emergency exists. Temporary contracts entered into under this section shall not permanently or indefinitely replace New Hampshire department of corrections correctional facilities or contracts with other publicly-operated facilities.

AMENDED ANALYSIS

This bill prohibits the department of corrections from transferring custody of prisoners to a correctional facility operated by a private or for-profit entity, except when the governor, upon recommendation of the commissioner of the department of corrections, declares by executive order that a corrections emergency e

Amendment to HB 481-FN

(2013-0778h)

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

Amend the bill by replacing sections 1 and 2 with the following:

1 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Liability for Support.

Amend RSA 167:2 to read as follows:

167:2 Liability for Support; Recovery. Assistance rendered under this chapter or RSA 161 to anyone having a father, mother, [stepfather, stepmother, son, daughter,] husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health,

may be recovered in an appropriate proceeding in the superior court brought by the commissioner of health and human services, in the name of the state, from either a father, mother, ~~[stepfather, stepmother, son, daughter,]~~ husband, or wife, who are declared jointly and severally liable for such assistance. ***A parent may be liable under this section only for assistance provided to a child under the age of 18, or for so long as the department of health and human services is mandated to recover support under Title IV of the Social Security Act.*** Such action shall be brought by the attorney general or the county attorney for the county in which any such relative resides when so requested by the commissioner of health and human services. ***Nothing in this section shall affect assistance eligibility or the amount of services that an applicant or recipient may be eligible for.***

2 Uniform Civil Liability for Support; Liability. Amend RSA 546-A:2 to read as follows:

546-A:2 Liability. Every person whose income or other resources are more than sufficient to provide for his or her reasonable subsistence compatible with decency or health owes a duty to support or contribute to the support of ***the following persons when in need:*** his or her wife, husband, ***or child***~~[, father or mother when in need]~~ ***under the age of 18 or for so long as the department of health and human services is mandated to recover support for the child under Title IV of the Social Security Act.***

AMENDED ANALYSIS

This bill removes the state's ability under RSA 167:2 to recover public assistance from the recipient's child and stepparent and limits parental liability to children under the age of 18 or for so long as the department of health and human services is mandated to recover support under Title IV of the Social Security Act. The bill also revises RSA 546-A, relative to civil liability for support, by removing a child's obligation to support his or her parents and limiting a parent's liability to support his or her children.

Amendment to HB 505

(2013-0572h)

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend RSA 12-A:22-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The advisory council shall consist of the director of the division of economic development, 3 at-large members who have an interest in economic development, and a representative of each of the following:

(a) ~~A chamber of commerce.~~

~~(b)]~~ The manufacturing sector.

~~(c)]~~ **(b)** The field of higher education ***or workforce development.***

~~(d)]~~ A venture capital formation expert or specialist.

~~(e)]~~ A workforce development organization.

~~(f)]~~ The biotechnology sector.

~~(g)]~~ The information technology or software sector.

~~(h)]~~ Commercial real estate or real estate development.]

~~(i)]~~ **(c)** A regional or municipal development official.

~~(j)]~~ The insurance, banking, or financial services sector.]

~~(k)]~~ **(d)** The retail sector.

~~(l)]~~ **(e)** The travel and tourism sector.

~~(m)]~~ The forest-based products sector.]

~~(n)]~~ **(f)** An electric utility or energy-related interest.

~~(o)]~~ **(g)** An economist.

~~(p)]~~ The telecommunications sector.

~~(q)]~~ The governor's office.]

(h) The high technology sector.

(i) The entrepreneurial sector.

(j) The financial services or venture capital sector.

~~(r)]~~ **(k)** A senator, appointed by the president of the senate.

~~(s)]~~ **(l)** A house member, appointed by the speaker of the house of representatives.

~~(t)]~~ One representative of organized labor.

~~(u)]~~ The residential building community.

~~(v)]~~ A state or local housing agency.]

Amend RSA 12-A:22-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The council shall make an annual report no later than the first day of December to the commissioner of the department of resources and economic development, governor, senate president, and speaker of the house of representatives, detailing its activities, results, and any recommendations made to the division of economic development.

AMENDED ANALYSIS

This bill revises the mission of the economic development advisory council, reduces the number of council members, and permits removal from the council for lack of participation.

**Amendment to HB 508
(2013-0424h)**

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

Amend RSA 125-C:10-d as inserted by section 1 of the bill by replacing it with the following:

125-C:10-d Idling by Diesel Locomotives.

I. For purposes of this section "commuter rail" means urban passenger train service consisting of local short distance travel operating between adjacent cities and towns, or between a central city and adjacent suburbs, using either locomotive hauled or multiple unit railroad passenger cars.

II. No person shall cause or permit the unnecessary and foreseeable idling of a commuter rail diesel locomotive for a continuous period of time longer than 30 minutes. This section shall not apply to commuter rail diesel locomotives being serviced, provided that idling is essential to the proper repair of said locomotive and that such idling does not cause or contribute to a condition of air pollution. Diesel locomotives other than commuter rail shall not be subject to the idling restriction in this section, unless the location where a locomotive idles is less than 1000 feet from any residential area, school, nursing home, day care, hospital, or other sensitive receptor.

III. Local law enforcement may enforce the provisions of this section. Any person who violates any provision of this section shall be guilty of a violation and may be assessed by local law enforcement, after notice and hearing, a fine for the first offense not to exceed \$500 and for each subsequent offense not to exceed \$2000 which shall be paid to the clerk of the town or city where the violation occurred.

IV. Nothing in this section shall be construed to limit the authority of a municipality or the department of health and human services to prevent and remove nuisances and protect public health in accordance with RSA 147, or of a municipality to adopt and enforce land use ordinances and regulations pursuant to RSA 674 and RSA 675 relative to idling of locomotives. A municipality shall not establish quantifiable emission limits, require testing, monitoring, or certification, or specify the types of fuels used. In exercising its authority under this section, a municipality shall not unreasonably limit the operation of locomotives.

V. This section shall not apply to diesel locomotives used for amusement railroads. The term "amusement railroad" shall have the same definition as in RSA 82:1, III.

**Amendment to HB 510
(2013-0404h)**

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

Amend the bill by replacing section 1 with the following:

1 Backflow Device Requirements and Tests. RSA 485:11 is repealed and reenacted to read as follows:

485:11 Backflow Device Requirements and Tests. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department of environmental services. The facility receiving water from a public water supply shall be responsible for having such backflow prevention devices installed, serviced and tested by individuals qualified by license or certification to perform these activities. Testing of backflow devices shall occur twice annually unless the public water supplier determines the facility poses a low hazard, in which case testing shall be performed on an annual basis. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention device is working properly to prevent backflow into the public water system.

AMENDED ANALYSIS

This bill requires the installation of a backflow device at every connection to a public water system under certain conditions.

This bill also requires testing of such devices under certain conditions.

**Amendment to HB 518
(2013-0794h)**

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

Amend the bill by replacing section 1 with the following:

1 Documents Used to Establish Veteran Status. Amend RSA 21:50, I(b)(21) to read as follows:

(21) *Notarized statement of service letter signed by the individual's commanding officer or administrative officer.*

(22) *Completed DD FORM 4/2, October 2007 from the National Guard.*

(23) Other documents approved by the director, state office of veterans services.

AMENDED ANALYSIS

This bill adds a notarized statement of service letter and a completed DD FORM 4/2, October 2007 from the National Guard to the documents accepted to establish an individual's status as a veteran. This bill also specifies that training for active duty shall be included as service for purposes of the veterans' tax credit.

Amendment to HB 542**(2013-0634h)****Proposed by the Committee on Science, Technology and Energy - R**

Amend RSA 362-F:10, II(b) and (c) as inserted by section 2 of the bill by replacing it with the following:

(b) Class II--~~[\$55]~~ **\$171.83.**

(c) Class III--~~[\$31.50]~~ **\$32.08.**

Amend RSA 362-F:10, V as inserted by section 2 of the bill by replacing it with the following:

V. The public utilities commission shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation facility, that would qualify as a Class I or Class II source of electricity, has a total peak generation capacity of ~~[less than 5]~~ **10** kilowatts **or fewer**, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

Amendment to HB 573-FN**(2013-0797h)****Proposed by the Committee on Health, Human Services and Elderly Affairs - R**

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

AN ACT relative to the use of cannabis for therapeutic purposes.

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

1 New Chapter; Use of Cannabis for Therapeutic Purposes. Amend RSA by inserting after chapter 126-V the following new chapter:

CHAPTER 126-W**USE OF CANNABIS FOR THERAPEUTIC PURPOSES**

126-W:1 Definitions. In this chapter:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-W:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients.

II. "Alternative treatment center agent" means a principal officer, board member, employee, manager, or volunteer of an alternative treatment center who is 21 years of age or older and has not been convicted of a felony or any drug-related offense.

III. "Cannabis" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

IV. "Cultivation location" means a locked and enclosed site, under the control of the qualifying patient or designated caregiver who has reported the location of the site to the department, where cannabis is cultivated in accordance with the provisions of this chapter. A cultivation location may be a closet, a room, a greenhouse, a building, or another enclosed area that is secured with one or more locks or other security devices.

V. "Department" means the department of health and human services.

VI. "Designated caregiver" means an individual:

- (a) Who is at least 21 years of age;
- (b) Who has agreed to assist with a qualifying patient's therapeutic use of cannabis;
- (c) Who has never been convicted of a felony or any drug-related offense; and
- (d) Who possesses a valid registry identification card issued pursuant to RSA 126-W:4.

VII.(a) "Provider" means a physician licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances. "Provider" shall also mean an advanced practice registered nurse licensed pursuant to RSA 326-B:18.

(b) If the qualifying patient's qualifying medical condition is post-traumatic stress disorder, the provider shall also be a licensed psychiatrist.

(c) For a visiting qualifying patient, "provider" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

VIII. "Provider-patient relationship" means at least a 3-month medical relationship between a licensed provider and a patient that includes an in-person exam, a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage.

IX(a). "Qualifying medical condition" means the presence of:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, chronic pancreatitis, or post-traumatic stress disorder; and

(2) A severely debilitating or terminal medical condition or its treatment that produces at least one of the following: cachexia, chemotherapy-induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

(b) The commissioner may include a medical condition which is not listed in subparagraph (a) and which the commissioner determines, on a case by case basis, is severely debilitating or terminal, based upon the written request of a provider who furnishes written certification to the commissioner.

X. "Qualifying patient" means a resident of New Hampshire who has been diagnosed by a provider as having a qualifying medical condition and who possesses a valid registry identification card issued pursuant to RSA 126-W:4.

XI. "Registry identification card" means a document issued by the department pursuant to RSA 126-W:4 that identifies an individual as a qualifying patient or a designated caregiver.

XII. "Seedling" means a cannabis plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter.

XIII. "Therapeutic use" means the acquisition, possession, cultivation, preparation, use, delivery, transfer, or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's qualifying medical condition or symptoms or results of treatment associated with the qualifying patient's qualifying medical condition. It does not include:

(a) The use of cannabis by a designated caregiver who is not a qualifying patient; or

(b) Cultivation or purchase by a visiting qualifying patient; or

(c) Cultivation by a designated caregiver or qualifying patient who is not designated as being allowed to cultivate.

XIV. "Unusable cannabis" means any cannabis, other than usable cannabis, including the seeds, stalks, and roots of the plant.

XV. "Usable cannabis" means the dried leaves and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-cannabis ingredients combined with cannabis and prepared for consumption as food or drink.

XVI. "Visiting qualifying patient" means a patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days.

XVII. "Written certification" means documentation of a qualifying medical condition by a provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of issuing registry identification cards, after having completed a full assessment of the patient's medical history and current medical condition made in the course of a provider-patient relationship of at least 3 months in duration. The 3-month requirement for the provider-patient relationship required in this paragraph shall not apply if the provider issuing the written certification certifies that the onset of the patient's qualifying medical condition occurred within the past 3 months; and the certifying provider is primarily responsible for the patient's care related to his or her qualifying medical condition. The date of issuance and the patient's qualifying medical condition shall be specified on the written certification.

126-W:2 Therapeutic Use of Cannabis Protections.

I. A qualifying patient shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if the qualifying patient possesses, cultivates, or possesses and cultivates, an amount of cannabis that does not exceed the following:

(a) If the qualifying patient does not have a designated caregiver, for the possession and cultivation of cannabis that occurs at the cultivation location reported to the department, or while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

(1) Six ounces of usable cannabis;

(2) Any amount of unusable cannabis; and

(3) Three mature cannabis plants and 12 seedlings, with a total canopy of no more than 50 square feet.

(b) If the qualifying patient is not at a cultivation location reported to the department:

(1) Two ounces of usable cannabis; and

(2) Any amount of unusable cannabis.

II. A designated caregiver shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter on behalf of a qualifying patient if the designated caregiver possesses or cultivates, or both, an amount of cannabis that does not exceed the following:

(a) If at the cultivation location reported to the department, or while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

- (1) Six ounces of usable cannabis; and
 - (2) Any amount of unusable cannabis; and
 - (3) Three mature cannabis plants and 12 seedlings, with a total canopy of no more than 50 square feet.
- (b) If not at a cultivation location reported to the department:
- (1) Two ounces of usable cannabis; and
 - (2) Any amount of unusable cannabis.

III. A designated caregiver may receive compensation for costs, not including labor, associated with assisting a qualifying patient who has designated the designated caregiver to assist him or her with the therapeutic use of cannabis. Such compensation shall not constitute the sale of controlled substances.

IV.(a) A qualifying patient is presumed to be lawfully engaged in the therapeutic use of cannabis in accordance with this chapter if the qualifying patient possesses a valid registry identification card and possesses an amount of cannabis that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is presumed to be lawfully engaged in assisting with the medical use of cannabis in accordance with this chapter if the designated caregiver possesses a valid registry identification card and possesses an amount of cannabis that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the qualifying patient's qualifying medical condition or symptoms or effects of the treatment associated with the qualifying medical condition, in accordance with this chapter.

V. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, shall have the same force and effect as a valid registry identification card issued by the department in this state, provided that:

(a) The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-W:1, X; and

(b) A visiting qualifying patient shall not cultivate or purchase cannabis in New Hampshire or obtain cannabis from alternative treatment centers.

VI. A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied such a right solely for conduct allowed under this chapter, and there shall be no presumption of neglect or child endangerment.

VII. For the purposes of medical care, including organ transplants, a qualifying patient's authorized use of cannabis in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a provider, and shall not constitute the use of an illicit substance.

VIII. A provider shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing entity, solely for providing written certifications, provided that nothing shall prevent a professional licensing entity from sanctioning a provider for failing to properly evaluate a patient's medical condition.

IX. An alternative treatment center shall not be subject to prosecution under state or municipal law; search or inspection, except by the department pursuant to RSA 126-W:7, XI; seizure; or penalty in any manner under state or municipal law for acting pursuant to this chapter and department rules to:

- (a) Acquire or purchase cannabis seeds, seedlings, plants, or cannabis from other sources;
- (b) Possess, cultivate, manufacture, or transport cannabis and seedlings; or
- (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and educational materials to qualifying patients and visiting qualifying patients who have designated the alternative treatment center to provide for them, to designated caregivers on behalf of the qualifying patients who have designated the alternative treatment center, or to other alternative treatment centers.

X. An alternative treatment center agent shall not be subject to arrest by state or local law enforcement, prosecution or penalty in any manner under state or municipal law, search, or be denied any right or privilege for working for an alternative treatment center pursuant to this chapter and department rules to engage in any of the actions listed in paragraph IX.

XI. Any cannabis, cannabis paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the therapeutic use of cannabis as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited if the basis for the seizure or forfeiture is activity related to cannabis that is exempt from state criminal penalties under this chapter.

XII. An individual shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing entity, simply for being in the presence or vicinity of the therapeutic use of cannabis as allowed under this chapter.

XIII. If a state or local law enforcement agency or agent encounters an alternative treatment center or an individual who the agent or agency knows is an alternative treatment center agent, a designated caregiver, or a qualifying patient, or who credibly asserts he or she is an alternative treatment center agent, a designated caregiver, or a qualifying patient, the law enforcement agency or agent shall not provide any information from any cannabis-related investigation of the individual or entity to any law enforcement agency that does not recognize the protection of this chapter, and any prosecution of the individual or entity for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing cannabis to a person who is not allowed to possess it under this chapter.

XIV. A person who ceases to be a qualifying patient or designated caregiver shall have 10 days after notification by the department to dispose of cannabis in one of the following ways:

(a) If the person was a designated caregiver and the qualifying patient who designated the caregiver is still a qualifying patient, but has designated a new caregiver or will cultivate plants himself or herself, the designated caregiver may transfer cannabis to the new person who will cultivate for the qualifying patient;

(b) The person may notify local law enforcement and request that they dispose of the cannabis; or

(c) The person may dispose of cannabis, after mixing cannabis with other ingredients such as soil to render it unusable.

126-W:3 Prohibitions and Limitations on the Therapeutic Use of Cannabis.

I. A qualifying patient may use cannabis on privately-owned real property only with the permission of the property owner or in the case of leased property with the permission of the tenant in possession of the property, except that a tenant shall not allow a qualifying patient to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant may permit a qualifying patient to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of cannabis while:

(1) Operating a motor vehicle, commercial vehicle, boat, or vessel, or any other vehicle propelled or drawn by power other than muscular power; or

(2) In his or her place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of cannabis by a qualifying patient or designated caregiver for purposes other than for therapeutic use as permitted by this chapter;

(c) The smoking or vaporization of cannabis in any public place, including:

(1) A school bus, public bus, or other public vehicle; or

(2) A place of employment, without the written permission of the employer; or

(3) The grounds of any preschool, elementary, or secondary school; or

(4) Any correctional facility; or

(5) Any public park, public beach, public recreation center, public field, or youth center; or

(6) Any law enforcement facility.

III. Nothing in this chapter shall be construed to require:

(a) Any health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the therapeutic use of cannabis; or

(b) Any individual or entity in lawful possession of property to allow a guest, client, customer, or other visitor to use cannabis on or in that property; or

(c) Any accommodation of the therapeutic use of cannabis on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting cannabis in the workplace or for working while under the influence of cannabis.

IV. Any person who makes a fraudulent representation to a law enforcement official of any fact or circumstance relating to the therapeutic use of cannabis to avoid arrest or prosecution shall be guilty of a violation and shall be fined \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken pursuant to this chapter.

V. A qualifying patient or designated caregiver who is found to be in possession of cannabis outside of his or her home and is not in possession of his or her registry identification card may be subject to a \$100 fine.

VI. Any qualifying patient or designated caregiver who sells cannabis to another person who is not a qualifying patient or designated caregiver under this chapter shall be subject to the penalties specified in RSA 318-B:26, IX-a, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26.

VII. The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of rules adopted by the department or for violation of any other provision of this chapter, and the qualifying patient or designated caregiver shall be subject to any other penalties established in law for the violation.

126-W:4 Departmental Administration; Registry Identification Cards.

I. Except as provided in paragraph V, the department shall issue a registry identification card to a person applying as a qualifying patient who submits all of the following information:

- (a) Written certification as defined in RSA 126-W:1.
- (b) An application or a renewal application accompanied by the application or renewal fee.
- (c) A recent passport-sized photograph of the applicant's face.
- (d) Name, residential and mailing address, and date of birth of the applicant, except that if the applicant is homeless, no residential address is required.
- (e) Name, address, and telephone number of the applicant's provider.
- (f) Name, address, and date of birth of the applicant's designated caregiver, if any. A qualifying patient shall have only one designated caregiver.
- (g) Name of the alternative treatment center that the qualifying patient designates. A qualifying patient may designate no more than one alternative treatment center at any time.
- (h) Street address of the cultivation location, if any, if the qualifying patient does not have a designated caregiver.
- (i) A statement signed by the applicant, pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that his or her diversion of cannabis is punishable as a class B felony and revocation of his or her registry identification card, in addition to other penalties for the illegal sale of cannabis.

II.(a) Except as provided in paragraph V, the department shall issue a registry identification card to a person applying as a designated caregiver who submits all of the following information:

- (1) An application or a renewal application.
- (2) A recent passport-sized photograph of the applicant's face.
- (3) Name, residential and mailing address, and date of birth of the applicant.
- (4) Name, residential and mailing address, and date of birth of the qualifying patient for whom the applicant will act as designated caregiver, except that if the qualifying patient is homeless, no residential address is required. A designated caregiver shall act on behalf of only one qualifying patient.
- (5) Street address of the cultivation location, except that the designated caregiver may not include a cultivation location if the designated caregiver's qualifying patient has designated an alternative treatment center.
- (6) A signed statement from the applicant agreeing to act as the designated caregiver for the qualifying patient named in the application and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that the diversion of cannabis is punishable as a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of cannabis.

(7) A person who is applying to be a designated caregiver shall submit the results of a state and federal criminal records check obtained through the department of safety. The department of safety may exchange necessary data including fingerprint data with the Federal Bureau of Investigation without disclosing that the records check is related to the provisions of this chapter and acts permitted by it.

(b) In the case of a designated caregiver applying for a renewal, the applicant shall submit a sworn statement that he or she has not been convicted of a felony or other drug-related offense.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section. The department shall approve or deny an application or renewal for a qualifying patient within 15 days of receipt of the application. The department shall approve or deny an application or renewal to serve as a designated caregiver within 45 days of receipt of the application. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the applicant previously had a registry identification card revoked for violating the provisions of this chapter or rules adopted by the department, or if the department determines that the information provided was falsified or did not meet the requirements of this chapter or rules adopted by the department. The department shall notify an applicant of the denial of an application. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

IV. The department shall issue a registry identification card to a person applying as a qualifying patient or designated caregiver within 5 days of approving an application or renewal. Each registry identification card

shall expire one year after the date of issuance, unless the provider states in the written certification that the certification should expire at an earlier specified date, then the registry identification card shall expire on that date. Registry identification cards shall contain all of the following:

- (a) Name, mailing address, and date of birth of the qualifying patient or designated caregiver.
- (b) The date of issuance and expiration date of the registry identification card.
- (c) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the qualifying patient or the designated caregiver.
- (d) A designation that the person is either a “qualifying patient” or a “designated caregiver.” If the person is a designated caregiver, the identification card shall include the random 10-digit identification number of the qualifying patient for whom he or she is providing care.
- (e) The registry identification number corresponding with the alternative treatment center the qualifying patient designated, if any.
- (f) A passport-sized photograph of the qualifying patient’s or designated caregiver’s face.
- (g) A statement that the qualifying patient or designated caregiver is permitted under state law to possess cannabis pursuant to this chapter for the medical use of the qualifying patient.
- (h) A statement noting whether or not the cardholder is exempt from state penalties for cultivating cannabis. The statement shall be determined as follows:

(1) A qualifying patient is exempt from state penalties for cultivating cannabis in accordance with this chapter if he or she does not have a designated caregiver. If a qualifying patient has selected a designated caregiver, he or she is not exempt from state penalties for cultivating cannabis.

(2) A designated caregiver is exempt from state penalties for cultivating cannabis in accordance with this chapter if the designated caregiver’s qualifying patient has not also designated an alternative treatment center. If the designated caregiver’s qualifying patient has also designated an alternative treatment center, the designated caregiver is not exempt from state penalties for cultivating cannabis.

V. The department shall not issue a registry identification card to an applicant under 18 years of age who is applying as a qualifying patient unless:

- (a) A custodial parent or legal guardian responsible for health care decisions for the qualifying patient submits a written certification from 2 providers, one of whom shall be a pediatrician.
- (b) The applicant’s provider has explained the potential risks and benefits of the therapeutic use of cannabis to the custodial parent or legal guardian with responsibility for health care decisions for the applicant; and
- (c) The custodial parent or legal guardian with responsibility for health care decisions for the applicant consents in writing to:

- (1) Allow the applicant’s therapeutic use of cannabis; and
- (2) Serve as the applicant’s designated caregiver and control the acquisition of the cannabis and the frequency of the therapeutic use of cannabis by the applicant; and
- (3) The custodial parent or legal guardian completes an application in accordance with the requirements of paragraph I on behalf of the applicant.

VI. The department shall provide each approved qualifying patient and caregiver a statement with the registry identification card explaining federal law on the possession of cannabis and that possession of a state registry identification card does not protect a person from federal criminal penalties.

VII. The department shall track the number of qualifying patients who have designated each alternative treatment center and issue a monthly written statement to the alternative treatment center identifying the number of qualifying patients who have designated that alternative treatment center along with the registry identification numbers of each patient and each patient’s designated caregiver.

VIII. In addition to the monthly reports, the department shall also provide written notice to an alternative treatment center which identifies the names and registration identification numbers of a qualifying patient and his or her designated caregiver whenever any of the following events occur:

- (a) A qualifying patient designates the alternative treatment center to serve his or her needs under this chapter;
- (b) An existing qualifying patient revokes the designation of the alternative treatment center; or
- (c) A qualifying patient who has designated the alternative treatment center loses his or her status as a qualifying patient under this chapter.

IX.(a) A qualifying patient shall notify the department before changing his or her designated caregiver or alternative treatment center.

(b) A qualifying patient and designated caregiver shall notify the department before changing his or her cultivation location.

(c) A qualifying patient shall notify the department of any change in his or her name or address within 10 days of such change. If the qualifying patient’s certifying provider notifies the department in writing that the qualifying patient no longer suffers from a qualifying medical condition or should discontinue using cannabis for another compelling reason, the registry identification card shall become void upon notification by the department to the qualifying patient.

(d) When a qualifying patient or a designated caregiver notifies the department of any change to a name, address, or alternative treatment center, the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random 10-digit identification number within 20 days of receiving the updated information.

(e) If a qualifying patient notifies the department of a change in his or her designated caregiver and the prospective designated caregiver meets the requirements of this chapter, the department shall issue the designated caregiver a registry identification card with a new random 10-digit identification number within 50 days of receiving the designated caregiver's application.

(f) A qualifying patient or designated caregiver who fails to notify the department of any changes to his or her name, address, designated caregiver, or cultivation location shall be guilty of a violation and may be subject to a fine not to exceed \$150 under rules adopted by the department.

(g) If a qualifying patient or designated caregiver loses his or her registry identification card, he or she shall notify the department within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 10-digit identification number. The fee for new registry cards shall be established in rules set by the department pursuant to RSA 541-A.

X. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

XI.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, date of registry identification card expiration, random 10-digit identification number, street address at which the cannabis plants will be cultivated or possessed, effective date of any change of cultivation location, and registry identification number of the qualifying patient's designated alternative treatment center, if any. The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers and alternative treatment centers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the therapeutic use of cannabis.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe cannabis is possessed or cultivated at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, cultivation location, or alternative treatment center location.

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe a specific individual possesses or cultivates cannabis, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

(4) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has made a legal determination that there is probable cause to believe the information is false or falsified.

XII. Within 5 days of learning of the death of a qualifying patient, a surviving family member, caretaker, executor, or the patient's designated caregiver shall notify the department that the qualifying patient has died. Within 5 days of learning of the death of a qualifying patient, the surviving family member, caretaker, executor, or the patient's designated caregiver shall either request that the local law enforcement agency remove any remaining cannabis or shall dispose of the cannabis in a manner that is specified in 126-W:2, XIV.

126-W:5 Affirmative Defense.

I. Except as provided in RSA 126-W:3, it shall be an affirmative defense to any prosecution for an offense involving cannabis or cannabis paraphernalia intended for therapeutic use if:

(a) The defendant is a qualifying patient in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of cannabis that was not more than allowed under this chapter, and the qualifying patient was engaged in the therapeutic use of cannabis in accordance with the provisions of this chapter; or

(b)(1) The defendant is a designated caregiver in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of cannabis that was not more than allowed under this chapter; and

(2) The designated caregiver was engaged in the therapeutic use of cannabis on behalf of a qualifying patient in accordance with the provisions of this chapter.

If a defendant proves the elements of the affirmative defense listed in subparagraph (I)(a) or (b), the charges shall be dismissed with prejudice.

II. A person who is arrested or cited for possession, cultivation, or transportation of cannabis, or possession of cannabis paraphernalia, may raise as an affirmative defense that he or she is person with a qualifying medical condition who is not yet in possession of a valid registry identification card if:

(a) Prior to the arrest, the person submitted to the department a valid application to become a qualifying patient, complete with a written certification, but the person had not yet received a registry identification card from the department; and

(1) The person does not possess more than 2 ounces of usable cannabis and any amount of unusable cannabis, if the cannabis is not on the person's property; or

(2) If the cannabis is on the person's property, the person does not possess more than 6 ounces of usable cannabis and any amount of unusable cannabis and does not possess or is not cultivating more than 3 mature cannabis plants with a total canopy of no more than 50 square feet, and 12 seedlings, which shall be in a locked and enclosed location on the person's property.

(b) The affirmative defense under this section shall not be available to a person who has violated any of the provisions of RSA 126-W:3, I-IV.

(c) If a defendant proves the elements of the affirmative defense listed in this paragraph, the defendant shall be acquitted of any charge to which the defendant proved the affirmative defense.

III. A person who is arrested or cited for possession, cultivation, or transportation of cannabis, or possession of cannabis paraphernalia, prior to the date on which the department begins accepting registry identification card applications may raise as an affirmative defense that he or she is a person with a qualifying medical condition who is not yet in possession of a valid registry identification card if:

(a) The person produces a written statement signed by a provider stating that in the provider's professional opinion, after having completed a full assessment made in the course of a provider-patient relationship of at least 3 months duration, the person has a qualifying medical condition. The 3-month requirement for the provider-patient relationship required in this paragraph shall not apply if the provider issuing the written certification certifies that the onset of the patient's qualifying medical condition occurred within the past 3 months and the certifying provider is primarily responsible for the patient's care related to his or her qualifying medical condition; and

(1) The person does not possess more than 2 ounces of usable cannabis and any amount of unusable cannabis, if the cannabis is not on the person's property; and

(2) If the cannabis is on the person's property, the person does not possess more than 6 ounces of usable cannabis and any amount of unusable cannabis and does not possess or is not cultivating more than 3 mature cannabis plants with a total canopy of no more than 50 square feet, and 12 seedlings which shall be in a locked and enclosed location.

(b) The affirmative defense under this section shall not be available to a person who has violated any of the provisions of RSA 126-W:3, I-IV.

(c) If a defendant proves the elements of the affirmative defense listed in this paragraph, the defendant shall be acquitted of any charge to which the defendant proved the affirmative defense.

126-W:6 Departmental Rules.

I. Not later than 6 months days after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing:

(a) The form and content of applications for issuance and renewals of registry identification cards for qualifying patients and designated caregivers.

(b) The form and content of providers' written certifications.

(c) Procedures for considering, approving, and denying applications for issuance and renewals of registry identification cards, and for revoking registry identification cards.

(d) Fees, pursuant to RSA 126-W:4, I(b) and paragraph II of this section for applications for registry identification cards, and pursuant to RSA 126-W:4, IX(g) for re-issuance of replacement registry identification cards.

(e) Fines pursuant to RSA 126-W:4, IX(f) for failure of the qualifying patient or designated caregiver to notify the department of any changes to his or her name, address, designated caregiver in the case of a qualifying patient, or cultivation location.

II. The department's rules shall establish application and renewal fees for registry identification cards in accordance with the following:

(a) The fee structure by the department for alternative treatment centers and registry identification cards shall generate revenues sufficient to offset all state expenses of implementing and administering this chapter; however,

(b) The department may accept donations from private sources without the approval of the governor and council in order to reduce the application and renewal fees for qualifying patients.

III.(a) Not later than one year after the effective date of this section, the department shall adopt rules, pursuant to RSA 541-A, governing alternative treatment centers and the manner in which it shall consider applications for registration certificates for alternative treatment centers, including, but not limited to:

- (1) The form and content of registration and renewal applications.
- (2) Administrative requirements.
- (3) Security requirements, which shall include at a minimum, lighting, physical security, video security, alarm requirements, measures to prevent loitering, and on-site parking.
- (4) Sanitary requirements.
- (5) Electrical safety requirements.
- (6) The specification of acceptable forms of picture identification that an alternative treatment center may accept when verifying a sale.
- (7) Personnel requirements including how many volunteers an alternative treatment center is permitted to have and requirements for supervision.
- (8) Labeling standards.
- (9) Procedures for suspending or terminating the registration of alternative treatment centers that violate the provisions of this chapter or the rules adopted pursuant to this chapter, a schedule of fines for such violations, procedures for appealing any enforcement actions, and a schedule of fines.
- (10) Procedures for inspections and investigations.
- (11) Advertising restrictions, including a prohibition of misrepresentation and unfair practices.
- (12) Permissible hours of operation.
- (13) The fees for the processing and review of applications for registration as an alternative treatment center and regulation of an alternative treatment center after it has been approved by the department. Such fees shall be established in an amount that covers all costs of the department for the review, registration, and regulation of alternative treatment centers.

(b) The department shall adopt rules with the goal of protecting against diversion and theft, without imposing an undue burden on the alternative treatment centers or compromising the confidentiality of qualifying patients and their designated caregivers.

126-W:7 Departmental Administration, Alternative Treatment Centers.

I. Within 30 days of the adoption of rules pursuant to RSA 126-W:6, the department shall begin accepting applications for the operation of alternative treatment centers.

II. Within 18 months of the effective date of this section, provided that at least 5 applications have been submitted that score sufficiently high to receive a certificate, the department shall issue alternative treatment center registration certificates to the 5 highest-scoring applicants. Each registration certificate shall include a registry number that is unique to the alternative treatment center.

III. Any time an alternative treatment center registration certificate is revoked, relinquished, or expires without a renewal application being submitted, the department shall accept applications for a new alternative treatment center and issue registration certificates to the applicant who scores the highest.

IV. If at any time after one year after the effective date of this section, fewer than 5 alternative treatment centers hold valid registration certificates in New Hampshire, the department shall accept applications for a new alternative treatment center. Except as provided in paragraph V, no more than 5 alternative treatment centers may hold valid registration certificates at one time.

V.(a) An alternative treatment center applicant shall submit a completed department-approved application form with all required documentation and a non-refundable fee in an amount set by department rule. The alternative treatment center application and supporting materials shall include, at a minimum:

- (1) The legal name, articles of incorporation, and bylaws of the alternative treatment center.
- (2) The proposed physical address of the alternative treatment center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of cannabis.
- (3) A description of the enclosed, locked facility that would be used in the cultivation of cannabis by the alternative treatment center.
- (4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center. The board of directors for the non-profit shall include at least one physician, nurse, or pharmacist licensed to practice in New Hampshire and at least 3 patients qualified to register as qualifying patients. The majority of board members shall be New Hampshire residents.
- (5) Proposed security and safety measures that comply with the rules issued pursuant to RSA 126-W:6, including a description of interior and exterior lighting and security systems.
- (6) The distance from any pre-existing private or public school.
- (7) A copy of the proposed policy regarding services to qualifying patients who cannot afford to purchase cannabis for therapeutic use.
- (8) Information demonstrating the applicant's knowledge of organic growing methods to be used in their growing and cultivation of cannabis.

(9) Steps that will be taken to ensure the quality of the cannabis, including purity and consistency of dose.

(10) A start-up timetable that provides an estimated time from registration of the alternative treatment center to full operation and the assumptions used for the basis of those estimates.

(11) Information showing the applicant's experience running a non-profit or other business.

(12) A description of any additional services that will be available to patients.

(13) The applicant's plans for record keeping and inventory control.

(b) Any time one or more alternative treatment center registration applications are being considered, the department may, in partnership with the local governing body of the town or city where the applicants would be located, solicit input from the qualifying patients, designated caregivers, and the residents of the towns or cities.

(c) Each time an alternative treatment center certificate is granted, the decision shall be based on the overall health needs of qualifying patients and the safety of the public. The department shall evaluate applications for alternative treatment center registration certificates using an impartial and numerically scored competitive bidding process developed by the department in accordance with this chapter. The department shall require applicants to meet a minimum score to be considered. The registration considerations shall include the following criteria:

(1) The suitability of the proposed location or locations, including compliance with any local zoning laws and geographic convenience to patients from throughout the state of New Hampshire to alternative treatment centers if the applicant were approved.

(2) The proposed alternative treatment center's plan for operations and services, whether it has sufficient capital to operate, and ability to provide a steady supply of cannabis to the qualifying patients in the state.

(3) The principal officer and board members' character and relevant experience, including any training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, or cannabis cultivation and preparation and their experience running a non-profit organization or business.

(4) The applicant's plan for making cannabis available on an affordable basis to qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance.

(5) The applicant's plan for safe and accurate packaging and labeling of cannabis, including the applicant's plan for ensuring that all cannabis is free of contaminants.

(6) The sufficiency of the applicant's plans for record keeping and inventory control. Records shall be considered confidential health care information under New Hampshire law and shall be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended. Any dispensing records that an alternative treatment center is required to keep shall document transactions according to qualifying patients' and designated caregivers' registry identification numbers, rather than their names, to protect their confidentiality.

(7) The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed.

(8) Whether the entity possesses or has the right to use sufficient land, buildings, and equipment to properly carry out its duties as an alternative treatment center.

VI. After an alternative treatment center is approved, but before it begins operations, it shall submit the registration and regulation fee paid to the department in accordance with the rules adopted by the department.

VII. Information required to be submitted to the department on an application for an alternative treatment center identifying the locations where cannabis is proposed to be grown, cultivated, harvested, and otherwise prepared for distribution to qualifying patients, designated caregivers, and alternative treatment centers, and any other department records identifying such location, shall be considered to be confidential information and not subject to disclosure pursuant to RSA 91-A, except that:

(a) Such information may be disclosed to a law enforcement agency upon request for purposes of enforcement under this chapter;

(b) The location may be disclosed to towns and cities when seeking input on locations, provided that town and city representatives keep the information confidential; and

(c) The name, address, and phone number of alternative treatment centers may be disclosed to qualifying patients.

VIII. The alternative treatment center's certificate may be revoked at any time it commits a violation of this chapter or rules adopted by the department, including if it negligently or knowingly allows cannabis to be distributed to someone who is not exempt from penalties pursuant to this chapter.

IX. Not more than one year after an alternative treatment center receives its first registry certificate, an alternative treatment center shall pay a fee in an amount determined by the department.

X. Not more than one year after an alternative treatment center receives its first registry certificate, the department shall evaluate an alternative treatment center's operations. A registration certificate may be revoked if the alternative treatment center:

- (a) Committed violations of this act or department rules; or
- (b) Is not operational.

XI. Alternative treatment centers shall be subject to inspection by the department. During an inspection, the department may review the alternative treatment center's records, including its confidential dispensing records, which shall track transactions according to qualifying patients' registry identification numbers to protect their confidentiality.

126-W:8 Alternative Treatment Centers; Requirements.

I. An alternative treatment center shall be operated on a not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

II. An alternative treatment center shall not be located in a residential district or within 1,000 feet of the property line of a pre-existing public or private elementary or secondary school.

III. An alternative treatment center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing cannabis and the theft of cannabis and shall ensure that each location has an operational security alarm system.

IV.(a) An alternative treatment center shall conduct a state and federal criminal records check for every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at the alternative treatment center. An alternative treatment center shall not allow any person to be an alternative treatment center agent who:

- (1) Was convicted of a felony or any drug-related offense; or
- (2) Is under 21 years of age.

(b) An alternative treatment center shall create an identification badge for each alternative treatment center agent before the alternative treatment center agent possesses, cultivates, or transports cannabis on behalf of the alternative treatment center. The badges may include the alternative treatment center's registration certificate number and either a unique number for each agent or his or her name.

(c) An alternative treatment center agent shall wear his or her badge at all times when working at an alternative treatment center, including at any cultivation location.

V. No person who has been convicted of a felony or any drug-related offense shall be an alternative treatment center agent. A person who is employed by or is an agent, volunteer, principal officer, or board member of an alternative treatment center who violates this paragraph shall be guilty of a violation punishable by a fine of up to \$1,000. A subsequent violation of this paragraph shall be a misdemeanor.

VI. The operating documents of an alternative treatment center shall include procedures for the oversight of the alternative treatment center and procedures to ensure accurate record keeping.

VII. Each alternative treatment center shall keep the following records, in accordance with a records retention schedule established by the department:

(a) Records of the disposal of cannabis that is not distributed by the alternative treatment center to qualifying patients who have designated the alternative treatment center to cultivate for them.

(b) A record of each transaction, including the amount of cannabis dispensed, the amount of consideration, and the registry identification number of the qualifying patient, designated caregiver, or alternative treatment center.

VIII. Each alternative treatment center shall:

(a) Conduct an initial comprehensive inventory of all cannabis, including usable cannabis available for dispensing and mature cannabis plants at each authorized location on the date the alternative treatment center first dispenses cannabis.

(b) Conduct a monthly comprehensive inventory of all cannabis, including usable cannabis available for dispensing, mature cannabis plants, and seedlings at each authorized location.

IX. An alternative treatment center shall submit a department-approved incident report form on the next business day after it discovers a reportable incident. The report shall indicate the nature of the breach and the corrective actions taken by the alternative treatment center. Reportable incident shall mean:

- (a) Confidential information accessed or disclosed in violation of department rules;
- (b) Loss of inventory by theft or diversion;
- (c) Unauthorized intrusion into the alternative treatment center or the additional location, if any;
- (d) Any known violation of this chapter or department rules by an alternative treatment center agent; or
- (e) Any other incident that the department by rule requires to be reported.

X. Alternative treatment centers shall not use pesticides in cannabis.

XI. No cannabis or paraphernalia at an alternative treatment center shall be visible from outside the property of the alternative treatment center.

XII. An alternative treatment center shall submit an annual report to the department that shall provide information required by the department in order to allow the department to evaluate the effectiveness and operations of the alternative treatment center.

XIII.(a) Each time an alternative treatment center agent dispenses cannabis to a qualifying patient directly or through the qualifying patient's designated caregiver, he or she shall consult the alternative treatment center's records to verify that the records do not indicate that the dispensing of the cannabis would cause the qualifying patient to receive more cannabis than is permitted in a 10-day period. Each time cannabis is dispensed, the alternative treatment center agent shall record the date the cannabis was dispensed and the amount dispensed. All records shall be kept according to the registry identification number of the qualifying patient and designated caregiver, if any.

(b) Except as provided in subparagraph (c), a qualifying patient shall not obtain more than 2 ounces of usable cannabis directly or through the qualifying patient's designated caregiver during a 10-day period.

(c) After providing an opportunity for patients, experts, researchers, and physicians to be heard, the department may issue a rule adjusting the limit specified in subparagraph (a) to an amount that is reasonably necessary for a 10-day supply.

XIV.(a) Except when transporting cannabis in accordance with subparagraphs (b) or (c), an alternative treatment center agent shall only possess and manufacture cannabis at the alternative treatment center location or locations at which the alternative treatment center agents are employed. Volunteers shall only possess and manufacture cannabis at an alternative treatment center location. Volunteers shall not dispense cannabis.

(b) Distributions of cannabis to a qualifying patient or a designated caregiver for use by a qualifying patient shall be labeled with a document to identify the alternative treatment center, the patient's registry number, or the caregiver's number, the amount and form, the time and date of origin, and destination of the product.

(c) An alternative treatment center with an additional growing location shall label the cannabis that is being moved between the additional growing location and the alternative treatment center with a document that identifies the alternative treatment center by registry number, the time, date, origin, and destination of the material being transported, and the amount and form of cannabis and cannabis material that is being transported. Cannabis shall be transported only by an alternative treatment center agent who is not a volunteer.

XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of the greater of the following quantities:

(1)(A) 80 cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6 ounces of usable cannabis per qualifying patient; and

(B) Three mature cannabis plants, 12 seedlings, and six ounces for each qualifying patient who has designated the alternative treatment center to provide him or her with cannabis for medical use. An alternative treatment center may also possess cannabis seeds, stalks, and unusable roots.

(b) An alternative treatment center may possess cannabis seeds, stalks, and unusable roots.

(c) An alternative treatment center or alternative treatment center agent shall not dispense, deliver, or otherwise transfer cannabis to a person other than:

(1) A qualifying patient who has designated the relevant alternative treatment center; or

(2) Such patient's designated caregiver.

(d) All cultivation of cannabis shall take place in an enclosed, locked facility registered with the department and which can only be accessed by alternative treatment center agents.

XVI.(a) All cannabis dispensed by an alternative treatment center shall include a label specifying the weight of the cannabis and any other information the department requires to appear on the label. The label shall also specify that the cannabis is for therapeutic use and that diversion is a class B felony requiring revocation of one's registry identification card.

(b) An alternative treatment center shall provide educational materials about cannabis to qualifying patients and their registered primary caregivers. Each alternative treatment center shall have an adequate supply of up-to-date educational material available for distribution. Educational materials shall be available for inspection by the department upon request. The educational material shall at least include information about the following:

(1) Strains of cannabis, routes of administration, and their different effects. Alternative treatment centers shall have educational materials available to assist in the selection of prepared cannabis. Alternative treatment centers shall provide tracking sheets to qualifying patients and registered primary caregivers who request them to keep track of the strains used and their effects.

(2) How to achieve proper dosage for different modes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency shall also be explained.

(3) Information on tolerance, dependence, and withdrawal shall be provided.

(4) Information regarding substance abuse signs and symptoms shall be available, as well as referral information.

(5) Information on whether the alternative treatment center's cannabis and associated products meet organic certification standards.

(6) Information about possible side effects from the use of cannabis for medical purposes.

XVII.(a) Each alternative treatment center shall develop, implement, and maintain on the premises employee and agent policies and procedures to address the following requirements:

(1) A job description or employment contract developed for all employees and a volunteer agreement for all volunteers, which includes duties, authority, responsibilities, qualifications, and supervision.

(2) Training in and adherence to confidentiality laws.

(3) The proper use of security measures and controls that have been adopted.

(4) Specific procedural instructions on how to respond to an emergency.

(b) All alternative treatment centers shall prepare training documentation for each employee and have employees sign a statement indicating the date, time, and place the employee received said training and topics discussed, to include name and title of presenters. The alternative treatment center shall maintain documentation of an employee's and a volunteer's training for a period of at least 6 months after termination of an employee's period of employment or the volunteer's period of voluntary service.

(c) Each alternative treatment center shall maintain a personnel record for each alternative treatment center agent that includes an application for employment or to volunteer and a record of any disciplinary action taken.

XVIII. A provider shall not:

(a) Accept, solicit, or offer any form of pecuniary remuneration from or to an alternative treatment center, except if the provider is employed by an alternative treatment center.

(b) Offer a discount or other thing of value to a patient who uses or agrees to use a particular alternative treatment center.

(c) Examine a patient in relation to issuing a written certification at a location where cannabis is sold or distributed.

(d) Hold an economic interest in an alternative treatment center if the provider issues written certifications to patients.

126-W:9 Therapeutic Use of Cannabis Advisory Council.

I. There is hereby established a therapeutic use of cannabis advisory council comprised of:

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

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

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

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

(e) The attorney general, or designee.

(f) One physician with experience in therapeutic use of cannabis issues, appointed by the New Hampshire Medical Society.

(g) One nurse practitioner, appointed by the New Hampshire Nurse Practitioner Association.

(h) One representative of a community hospital, appointed by the governor.

(i) One representative of the New Hampshire Civil Liberties Union.

(j) One qualifying patient, appointed by the governor.

(k) One member of the public, appointed by the governor.

(l) One member from a hospital in New Hampshire, appointed by the governor.

(m) One member from the board of medicine, appointed by the executive director of the board of medicine.

(n) One member from the board of nursing, appointed by the executive director of the board of nursing.

II. The advisory council shall:

(a) Assist the department in adopting and revising rules to implement this chapter.

(b) Collect information, including:

(1) Satisfaction of qualifying patients with the therapeutic use of cannabis program.

(2) Any effect the therapeutic use of cannabis law has had on referrals to regulatory boards.

(3) Best practices in other states that allow the therapeutic use of cannabis.

(4) The ability of qualifying patients in all areas of the state to obtain timely access to high-quality cannabis.

(5) Any research studies regarding health effects of cannabis for patients.

(6) The effectiveness of New Hampshire's therapeutic use of cannabis program.

(7) Efforts to educate New Hampshire physicians about research relating to the therapeutic use of cannabis.

(8) The effectiveness of alternative treatment centers, individually and collectively, in serving the needs of qualifying patients, including the provision of educational and support services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the registered qualifying patients of New Hampshire.

(9) The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the department to ensure that access to and use of cannabis cultivated is provided only to persons authorized for such purposes.

(10) Any illegal distribution or diversion of cannabis cultivated pursuant to this chapter to individuals who are not alternative treatment center agents, qualifying patients, visiting qualifying patients, or designated caregivers.

(c) Make recommendations to the legislature and the department for any additions or revisions to the department rules or this chapter.

(d) Five years after the effective date of this chapter, issue a formal opinion on whether the program should be continued or repealed.

III. The advisory council may meet as often as is necessary to effectuate its goals. The first meeting shall be called by the commissioner of the department of health and human services, or designee within 45 days of the effective date of this chapter. At the first meeting, a chairman shall be elected by the members.

IV. On or before January 1 of each year, the advisory council shall provide a report to the department of health and human services and the health and human services oversight committee established under RSA 126-A:13 on its findings.

126-W:10 Annual Report. The commissioner of the department of health and human services shall report annually on the therapeutic use of cannabis program established under this chapter to the health and human services oversight committee established under RSA 126-A:13. The initial report shall be filed with the chairman of the committee no later than December 1, 2014. The commissioner's report shall include the following information:

I. The number of designated caregivers and the number of qualifying patients, by county.

II. Any other issues related to the implementation of the therapeutic use of cannabis permitted under this chapter that the committee shall request.

III. A summary of the report submitted by alternative treatment centers as required under RSA 126-W:8, XII.

126-W:11 Registry Identification Card and Certificate Fund. There is hereby established in the office of the state treasurer a fund to be known as the registry identification card and certificate fund which shall be kept separate and distinct from all other funds. The fund is established to pay for the operational expenses of permitting the therapeutic use of cannabis as established in this chapter. The moneys in this fund shall be nonlapsing and continually appropriated to the department. Interest on fund balances shall accrue to the fund. All fines and other income received by the department and all monetary fees, gifts, grants, and donations received by the department pursuant to this chapter shall be deposited in the fund.

2 New Subparagraph; Application of Receipts; Registry Identification Card and Certificate Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited in the registry identification card and certificate fund established in RSA 126-W:11.

3 New Paragraph; Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph I-a the following new paragraph:

I-b. It shall be unlawful for a qualifying patient or designated caregiver as defined under RSA 126-W:1 to sell cannabis to another person who is not a qualifying patient or designated caregiver. A conviction for the sale of cannabis to a person who is not a qualifying patient or designated caregiver shall not preclude or limit a prosecution or conviction of any person for sale of cannabis or any other offense defined in this chapter.

4 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph IX the following new paragraph:

IX-a. A qualifying patient or designated caregiver as defined in RSA 126-W:1 who is convicted of selling cannabis to a person who is not a qualifying patient or designated caregiver shall be guilty of a class B felony and shall be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$300,000, or both.

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

AMENDED ANALYSIS

This bill authorizes the use of therapeutic cannabis in New Hampshire.

Amendment to HB 574

(2013-0727h)

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

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

AN ACT increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties.

Amend the bill by replacing section 1 with the following:

1 ATV and Trail Bike Operation on State Lands; Size Limitations Increased. Amend RSA 215-A:43, IV to read as follows:

IV. No person shall operate an OHRV wider than 50 inches or over 1000 pounds on any state-owned trails, ***except that no person shall operate an OHRV wider than 62 inches or over 1,700 pounds on any state-owned trails in Coos or Grafton counties.***

AMENDED ANALYSIS

This bill increases the width and weight limitations for OHRVs that operate on state-owned trails in Coos and Grafton counties.

Amendment to HB 575

(2013-0668h)

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

Amend the bill by replacing section 1 with the following:

1 Hours of Sales; On-Premises Liquor Licensees. Amend RSA 179:17, II(b) to read as follows:

(b) On-premises licensees may sell from 6:00 a.m. to ~~[1:00]~~ **2:00** a.m., 7 days a week. ***If the legislative body of a city or town adopts an ordinance prohibiting sales by on-premises licensees after 1:00 a.m., the licensee shall comply with such ordinance.***

AMENDED ANALYSIS

This bill allows on-premises liquor licensees to sell beverages or liquor until 2:00 a.m., unless prohibited from selling after 1:00 a.m. by local ordinance.

Amendment to HB 584

(2013-0807h)

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

Amend the bill by replacing sections 1 and 2 with the following:

1 Covered Prescription Drugs. Amend RSA 415:6-aa to read as follows:

415:6-aa 90-Day Supply of Covered Prescription Drugs. An insurer issuing or renewing accident and health insurance policies shall allow its insureds to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health plan formulary at one time ***at a pharmacy of the insured's choice within the insurer's network***, provided that the insured can demonstrate that such drug has been taken by the insured for a continuous period of one year and provided that such drug is not subject to the health plan's utilization management, prior authorization, or pre-certification requirements. Controlled substances as identified by the United States Drug Enforcement Administration are exempt from this section. Nothing in this section shall be construed to limit the health plan's ability to establish co-payments, coinsurance deductibles, or other member cost shares. A ***retail*** pharmacy dispensing a 90-day supply of covered prescription drugs under this section ~~[shall]~~ ***may*** comply with any specified terms, conditions, and ~~[price]~~ ***reimbursement rate, with no cost-sharing difference to the patient***, which the plan may require for ***mail order*** pharmacies that fill 90-day prescriptions.

2 Covered Prescription Drugs; Managed Care. Amend RSA 420-J:7-b, VIII to read as follows:

VIII. Every health benefit plan that provides prescription drug benefits shall allow its covered persons to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health benefit plan formulary at one time ***at a pharmacy of the insured's choice within the insurer's network***, provided that the insured can demonstrate that such drug has been taken by the insured for a continuous period of one year and provided that such drug is not subject to the health benefit plan's utilization management, prior authorization, or pre-certification requirements. Controlled substances as identified by the United States Drug Enforcement Administration are exempt from this paragraph. Nothing in this paragraph shall be construed to limit the health benefit plan's ability to establish co-payments, coinsurance deductibles, or other member cost shares. A ***retail*** pharmacy dispensing a 90-day supply of covered prescription drugs under this paragraph ~~[shall]~~ ***may*** comply with any specified terms, conditions, and ~~[price]~~ ***reimbursement rate, with no cost-sharing difference to the patient***, which the health benefit plan may require for ***mail order*** pharmacies that fill 90-day prescriptions.

AMENDED ANALYSIS

This bill requires insurers to allow covered persons to purchase their 90-day supply of covered prescription drugs at the pharmacy of their choice within the insurer's network.

Amendment to HB 591

(2013-0761h)

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

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

1 Abusive Work Environment; Purpose Statement. The state of New Hampshire is committed to providing a positive work environment for state employees free from intimidation, ridicule, and harassment. The abuse

of employees in the workplace is declared to be against public policy. Such harassment can inflict serious harm upon targeted employees such as increased stress and anxiety, concentration problems, loss of self-confidence and reduced performance, reduced quality of family life, depression, or a sense of isolation, and in extreme cases, risk of suicide. Abusive work environments can have serious consequences for employers including reduced employee productivity and morale, higher turnover and absenteeism rates, unsafe work environment, and increases in medical and worker compensation claims. If mistreated employees who have been subjected to abusive treatment at work cannot establish that the behavior was motivated by race, creed, color, age, marital status, familial status, physical or mental disability, or national origin, they are unlikely to be protected by the law against such treatment. Protection from abusive work environments should not be limited to behavior grounded in protected class status as that provided by employment discrimination statutes, and there does not exist in New Hampshire law appropriate pathways to provide adequate relief to employees who have been harmed by abusive environments. Therefore, it is necessary to prevent and respond to abusive mistreatment of state employees at work.

2 Abusive Work Environments. Amend the chapter heading of RSA 275-E to read as follows:

CHAPTER 275-E

WHISTLEBLOWERS' PROTECTION ACT **AND ABUSIVE WORK ENVIRONMENTS**

3 New Subdivision; Abusive Work Environment. Amend RSA 275-E by inserting after section 9 the following new subdivision:

Abusive Work Environment

275-E:10 Definitions. In this subdivision:

I. "Abusive conduct" means an ongoing pattern of unreasonable actions of an employee or a group of employees directed towards an employee or group of employees which intimidate, degrade, or humiliate the victim. Such actions may be overt or covert behavior, or both. A single event may qualify as abusive conduct if it is particularly egregious.

II. "Abusive work environment" means an employment condition where any employee or group of employees subjects another employee or a group of employees to abusive conduct so severe that it causes tangible harm.

III. "Employee" shall mean any full or part-time, classified or unclassified officer or employee of any branch, department, commission, bureau, institution, or agency of the state government including employees of the general court, the retirement system, the judicial system, the community college system, and the state college and university system of New Hampshire.

IV. "Employer" shall mean any branch, department, commission, bureau, agency, or agent of the state of New Hampshire, but shall not mean any political subdivisions of the state.

275-E:11 Written Policy. Each employer shall within 6 months after the effective date of this subdivision adopt and communicate to all employees a written policy prohibiting abusive conduct and an abusive work environment. This policy shall include at minimum:

I. A clear policy statement that no employer or employee shall subject another to an abusive work environment.

II. A prohibition of retaliation for any claim of abusive conduct.

III. A requirement to distribute the policy to all new and current employees immediately upon adoption, and training for each employee and supervisor upon hiring or promotion and annually thereafter.

IV. A procedure for employees to obtain trained conflict resolution assistance within the workplace.

V. A procedure permitting an employee to bypass his or her supervisor to report concerns of abusive conduct or abusive work environment.

VI. A written procedure for investigating a report of abusive conduct including:

- (a) Appointment of an impartial investigator.
- (b) A time limit for investigation.
- (c) A provision for confidentiality of the investigation.
- (d) A procedure for reporting investigation conclusions.
- (e) A provision for records retention.

VII. A neutral and timely appeals process to the commissioner of labor or the public employees labor relations board if the complaint involves the department of labor.

VIII. A requirement for all documentation regarding the initial claim and all follow up investigation to be provided to the commissioner of labor, or the public employees labor relations board as appropriate for appealed cases.

IX. A provision outlining remedies available up to and including termination of the offending party.

X. A provision for annual policy review and provision for change if needed.

4 New Paragraph; Powers and Duties of Commissioners. Amend RSA 21-G:9 by inserting after paragraph VI the following new paragraph:

VII. The commissioner shall comply with all requirements of RSA 275-E:11.

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

**Amendment to HB 594-FN
(2013-0716h)**

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 Banks and Banking; Fidelity Bond Coverage. Amend RSA 383:14, I to read as follows:

I. Each institution under the supervision of the commissioner *except for institutions supervised under RSA 361-A, RSA 397-A, RSA 397-B, RSA 399-A, RSA 399-D, and RSA 399-G*, shall purchase fidelity bond coverage for protection or indemnity against losses from dishonest or criminal acts of officers, employees, and agents of the institution, and acts such as robbery, burglary, or forgery by persons not associated with the institution.

2 Mortgage Bankers and Brokers; Definitions. Amend RSA 397-A:1, I-a to read as follows:

I-a. "Affiliate" means a relationship between **2 or more** persons if either person has the power to control the other, or *where* a third person [who] controls or has the power to control [both] **such persons**. Affiliates shall include but not limited to:

- (a) Interlocking directorates or ownership; or
- (b) Identity of interests among members of a family.

3 Definition; Mortgage Banker. RSA 397-A:1, XII is repealed and reenacted to read as follows:

XII. "Mortgage banker" means a person not exempt under RSA 397-A:4 who, for compensation or gain, or in the expectation of compensation or gain, whether such compensation or gain is direct or indirect:

- (a) Makes or originates a mortgage loan as payee on the note evidencing the loan;
- (b) Advances, or offers to advance, or makes or offers to make, a commitment to advance a banker's funds for a mortgage loan, or closes a mortgage loan in its own name or with the banker's funds; or
- (c) Otherwise funds or offers to fund a mortgage loan.

4 Definition; Mortgage Broker. Amend RSA 397-A:1, XIII to read as follows:

XIII. "Mortgage broker" means a person not exempt under RSA 397-A:4 who for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly:

- (a) Acts **or offers to act** as an intermediary, finder, or agent of a lender or borrower for the purpose of negotiating, arranging, finding, or procuring mortgage loans, or commitments for mortgage loans.
- (b) Offers to serve as agent for any person in an attempt to obtain a mortgage loan.
- (c) Offers to serve as agent for any person who has money to lend for a mortgage loan.

5 Definition; Originator. Amend the introductory paragraph of RSA 397-A:1, XVII to read as follows:

XVII.(a) "Originator" or "mortgage loan originator" or "mortgage originator" or "loan originator" means an individual who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain, takes a mortgage application or offers, negotiates, solicits, arranges, or finds a mortgage loan or who offers or negotiates terms of a residential mortgage loan. ~~[No individual may act as an originator for more than one mortgage broker, mortgage servicer, or mortgage banker. A sole proprietor licensed as a mortgage broker, mortgage servicer, or mortgage banker shall also obtain a license as a mortgage originator prior to engaging in the activities of a mortgage originator.]~~ Mortgage loan originator does not include:

6 Mortgage Bankers and Brokers; Application of Chapter. Amend RSA 397-A:2, III to read as follows:

III. Persons subject to or licensed under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, order, or rule is a violation of this chapter. ***Such federal laws and regulations include but are not limited to the Bank Secrecy Act (BSA), 31 U.S.C. section 5311 et seq. and 31 C.F.R. Part X et seq. when required by the BSA, and include interpretive orders and similar directives.***

7 License Required. Amend RSA 397-A:3, V to read as follows:

V.(a) ~~[In this paragraph, "governmental entities" means federal, New Hampshire state, and New Hampshire municipal governments, and the agencies, instrumentalities, and corporations thereof.~~

~~(b)]~~(1) In this paragraph, "exempt nonprofit entities" means nonprofit agencies or persons which have a tax exempt status granted under the provisions of section 501(c)(3) or 501(c)(4) of the Internal Revenue Code; and

(A) exclusively make or issue commitments for mortgage loans on residential property to be financed by a governmental entity with public funds, or negotiate, place, assist in placement of, find, or offer to negotiate, place, assist in placement of, or find mortgage loans on residential property to be financed with public funds exclusively under a contract with a governmental entity; or

(B) make or issue commitments for mortgage loans on residential property and are determined by the commissioner to be organized exclusively for benevolent or charitable purposes for the benefit of New Hampshire consumers.

(2) For purposes of this definition, the making of a mortgage loan includes being named as the lender or mortgagee on the note, mortgage, or other loan documents.

~~[(c) Governmental entities and]~~ (b) Exempt nonprofit entities may not be required to obtain a mortgage banker or mortgage broker license when such entity:

(1) Is authorized to conduct mortgage banker or mortgage broker business in this state by an order of the commissioner or is authorized by New Hampshire statute to do mortgage lending;

(2) Files as an exempt entity on the Nationwide Mortgage Licensing System and Registry;

(3) Conforms to the requirements of the Nationwide Mortgage Licensing System and Registry including but not limited to the reporting requirements;

(4) Files and maintains a bond in accordance with RSA 397-A:5, III(c) to cover the business conducted by its originators; and

(5) Licenses its originators in this state through the Nationwide Mortgage Licensing System and Registry.

~~[VI. Governmental entities, as defined in subparagraph V(a), may not be required to obtain a mortgage banker or mortgage broker license when such entity only provides the funds and the residential mortgage loan is originated and effected exclusively by a New Hampshire licensed mortgage broker and its duly licensed originators.]~~

8 New Section; Mortgage Bankers and Brokers; Prohibitions. Amend RSA 397-A by inserting after section 3 the following new section:

397-A:3-a Prohibitions.

I. No individual may act as an originator for more than one mortgage broker, mortgage servicer, mortgage banker, or other financial institution at the same time, unless the entities are affiliates.

II. A sole proprietor licensed as a mortgage broker, mortgage servicer, or mortgage banker shall also obtain a license as a mortgage originator prior to acting as a mortgage originator.

III. No individual may act as a mortgage banker or broker for more than one mortgage broker, mortgage servicer, mortgage banker, or other financial institution at the same time, unless the entities are affiliates.

9 Mortgage Bankers and Brokers; Exemptions. RSA 397-A:4, VI is repealed and reenacted to read as follows:

VI.(a) A person or an affiliate of the person who is an owner of real property and who, in any 12 consecutive month period, makes no more than 3 mortgage loans to purchasers of the real property, for all or part of the purchase price of the real estate against which the mortgage is secured, provided that the person or affiliate does not make such loans habitually or repeatedly, and in a commercial context.

(b) Subparagraph (a) shall not apply to a person who has constructed, or acted as a contractor for the construction of, a residence on the property in the ordinary course of business.

10 New Paragraph; Exemptions. Amend RSA 397-A:4 by inserting after paragraph VII the following new paragraph:

VIII. Federal, state, or local governmental agencies, instrumentalities, and corporations and the employees of such entities who act as loan originators pursuant to their official duties as employees of the entities provided that, limited to activities that would otherwise be within the scope of this chapter:

(a) Such government entity operates:

(1) To promote affordable housing, housing improvement assistance, or to provide homeownership education, or similar services.

(2) To conduct its activities in a manner that serves public or charitable purposes.

(3) To receive funding and revenues and to charge fees in a manner that does not incentivize the organization or its employees to act other than in the best interests of its clients.

(4) To compensate employees in a manner that does not incentivize employees to act other than in the best interests of its clients.

(5) Absent a commercial context and without a pecuniary interest.

(b) The government employees who act as loan originators as employees of government entities and pursuant to government funded and regulated housing assistance programs do so:

(1) For public or charitable purposes, and not for the profit of another individual or entity.

(2) Not within a commercial context.

11 New Subparagraph; License Application; Requirements; Investigation. Amend RSA 397-A:5, III by inserting after subparagraph (d) the following new subparagraph:

(e) Mortgage bankers shall designate an individual contact person who shall be a control person of their organization to communicate with department personnel on foreclosure workouts and foreclosure avoidance procedures. The contact person shall have authority to facilitate foreclosure workouts, and foreclosure avoidance procedures. The contact person shall be named in the license application and the mortgage banker shall update the department with a new or interim contact person whenever the designated contact person changes, within 7 business days of such change.

12 License Grant. Amend RSA 397-A:6, I to read as follows:

I. If the commissioner determines that the applicant meets the requirements of this chapter, then the commissioner shall forthwith issue a license or licenses permitting the applicant to ~~engage in the business of originating, making, or brokering mortgage loans~~ **act as a mortgage originator, mortgage banker, or mortgage broker** in accordance with the laws of this state. The commissioner may, by order, restrict or

impose conditions for a license. Each branch office license and originator license is only in effect when the associated mortgage banker or mortgage broker is licensed in this state. Each branch manager of a location required to be licensed as a branch office under this chapter shall be licensed as a mortgage loan originator. Licensees shall ensure that the Nationwide Mortgage License System and Registry unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan application forms, solicitations or advertisements, including business cards or websites, and any other documents as established by rule, regulation, or order of the commissioner. Licensees shall be responsible for the supervision of their employees, agents, loan originators, and branch offices. Licensees shall conduct background checks, including checking the list of entities issued by the Office of Foreign Assets Control (OFAC) whose assets were frozen by executive order, on all of their loan originators.

13 License Grant. Amend RSA 397-A:6, IV and V to read as follows:

IV. If a mortgage banker or mortgage broker licensee is a person other than a natural person, the license issued to it shall entitle all officers, directors, members, partners, trustees, agents, originators, and employees of the licensed corporation, partnership, entity, or trust to ~~[engage in the business of making or brokering mortgage]~~ **make or broker** loans; provided that all individuals who engage in the origination process are licensed as originators and that one officer, director, member, partner, employee, or trustee of such person shall be designated in the license application as the individual to be contacted under the provisions of this chapter.

V. If the mortgage banker or mortgage broker licensee is a natural person, the license shall entitle all employees, agents, and originators of the licensee to ~~[engage in the business of making or brokering mortgage]~~ **make or broker** loans, provided that all individuals who engage in the origination process are licensed as originators.

14 Record Keeping. Amend RSA 397-A:11, I-IV to read as follows:

I. The licensee shall maintain such records as will enable the department to determine whether the licensee's business is in compliance with the provisions of this chapter and the rules adopted pursuant to it. Such records shall be maintained in a readily accessible location and made available for examination at the licensee's New Hampshire principal office or its New Hampshire branch office location or the office of its New Hampshire agent for a period of at least 3 years after the ~~[loan is closed, if the loan is not retained in the licensee's loan portfolio, or 3 years after the loan is paid in full, if the loan is retained in the licensee's loan portfolio. Licensees may maintain photocopies, microfilm, or microfiche copies of original documents]~~ **licensee's final transaction on a loan or application file.**

II. Those licensees that maintain their files and business records in another state are required to return such files to their principal or branch New Hampshire office, to the banking department, or to the office of their New Hampshire agent for examination no later than 21 calendar days after being requested to do so by the department. When the commissioner requests a loan list or other similar summary document from a licensee from which to select particular files for review, the licensee shall ensure that the list is received by the commissioner within 7 calendar days, and ~~[return]~~ **provide** the files selected by the commissioner to the commissioner within 14 calendar days to ensure compliance with the 21-day requirement. Failure to provide files and documents within the time established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day after 21 days the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the department shall be sufficient cause for license revocation, suspension, or denial.

III. If the licensee retains a mortgage loan in its loan portfolio or services a loan it originated, an adequate loan payment history for such loan shall be made available to the department upon request.

IV. A licensee shall keep and use business records in such form and at such location as the commissioner shall by rule determine. The records shall enable the commissioner to determine whether the licensee is complying with the provisions of this chapter, any rules adopted under it, and any other law, rule, or regulation applicable to the conduct of the business for which it is licensed under this chapter. The rules may contain provisions for records to be recorded, copied, or reproduced by any process which accurately reproduces or forms a durable medium for reproducing the original record or document, or in any other form or manner authorized by the commissioner. **For their own business purposes, a licensee may maintain photocopies, microfilm, microfiche, or digital copies of original documents. However,** nothing in this section shall be construed to permit any licensee to destroy original records or documents. Each licensee shall preserve all such business records for as long a period as the commissioner shall prescribe by rule.

15 Advertising. Amend RSA 397-A:14-a, III to read as follows:

III. Any advertisement, printing, display, publication, distribution, or broadcast offering loans governed by this chapter shall clearly and conspicuously contain the disclosure~~;~~ **in substantially the following form:** "Licensed by the New Hampshire banking department." Failure to comply with the provisions of this paragraph shall constitute sufficient cause for license revocation, suspension, or denial.

16 Definition; Mortgage Servicing Company. Amend RSA 397-B:1, III to read as follows:

III. "Mortgage servicing company" or "*mortgage servicer*" means an individual, partnership, corporation, association, or other entity however organized and wherever located which, for itself or on behalf of the holder of a mortgage loan, holds the servicing rights or records such payments on its books and records and performs such other administrative functions as may be necessary to properly carry out the mortgage holders obligations under the mortgage agreement including, when applicable, the receipt of funds from the mortgagor to be held in escrow for payment of real estate taxes and insurance premiums and the distribution of such funds to the taxing authority and insurance company.

17 Mortgage Loan Services; Application of Chapter. Amend RSA 397-B:2, II to read as follows:

II. Persons subject to or registered *or licensed* under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter. ***Such federal laws and regulations include but are not limited to the Bank Secrecy Act (BSA), 31 U.S.C. section 5311 et seq. and 31 C.F.R. 103 et seq. when required by the BSA, and include interpretive orders and similar directives.***

18 New Subparagraphs; Mortgage Loan Services; Registration Fees; Term; Renewal. Amend RSA 397-B:4, V by inserting after subparagraph (e) the following new subparagraphs:

(f) Mortgage servicers and mortgage loan originators acting on behalf of mortgage servicers shall abide by the provisions of RSA 397-A and the rules adopted by the department where such provisions and rules apply to mortgage origination and lending activities.

(g) Mortgage servicing companies shall designate an individual contact person, who shall be a control person of the entity, to communicate with department personnel on foreclosure avoidance procedures. The contact person may facilitate foreclosure workouts, and foreclosure avoidance procedures. The license application shall name the contact person and the mortgage banker shall update the department whenever the designated contact person changes within 2 business days of such change.

19 New Section; Record Keeping. Amend RSA 397-B by inserting after section 9-a the following new section: 397-B:9-b Record Keeping.

I. The registrant shall maintain records to enable the department to determine whether the registrant's business is in compliance with the provisions of this chapter and the rules adopted by the department. Such records shall be maintained in a readily accessible location and made available for examination at the registrant's New Hampshire principal office or its New Hampshire branch office location or the office of its New Hampshire agent for a period of at least 3 years after the registrant's last transaction on a loan file.

II. Registrants that maintain their files and business records in another state shall return such files to their principal or branch New Hampshire office, to the banking department, or to the office of their New Hampshire agent for examination no later than 21 calendar days after being requested to do so by the department. When the commissioner requests a loan list or other similar summary document from a registrant from which to select particular files for review, the registrant shall ensure that the list or information is received by the commissioner within 7 calendar days, and then shall provide the files and information selected by the commissioner to the commissioner within 14 calendar days to ensure compliance with the 21 day requirement. Failure to provide files and documents within the time established by this paragraph shall subject a registrant or person to a fine of \$50 per day for each day after 21 days the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the department shall be sufficient cause for registration revocation, suspension, or denial.

III. A registrant shall keep and use business records in such form and at such location as the commissioner shall by rule determine. The records shall enable the commissioner to determine whether the registrant is complying with the provisions of this chapter, any rules adopted under it, and any other law, rule, or regulation applicable to the conduct of the business for which it is registered under this chapter. The rules may contain provisions for records to be recorded, copied, or reproduced by any process which accurately reproduces or forms a durable medium for reproducing the original record or document, or in any other form or manner authorized by the commissioner. For their own business purposes, a registrant may maintain photocopies, microfilm, microfiche, or digital copies of original documents. However, nothing in this section shall be construed to permit any registrant to destroy original records or documents. Each registrant shall preserve all such business records for as long a period as the commissioner shall prescribe by rule.

IV. If the commissioner or examiner finds any records to be inadequate, or kept or posted in a manner not in accordance with generally accepted accounting principles, the commissioner may employ experts to reconstruct, rewrite, post, or balance them at the expense of the person being examined if such person has failed to maintain, complete, or correct such records after the commissioner or examiner has given him or her written notice and a reasonable opportunity to do so.

20 Mortgage Loan Services; Exemption. Amend RSA 397-B:10 to read as follows:

397-B:10 Exemption.

I. The provisions of this chapter shall not apply to any bank, trust company, savings and loan association, or cooperative bank, savings bank, or credit union which may be chartered by this state or any other state or by any agency of the United States, or to any other person not within the intent of this chapter as

the commissioner may designate by rule or order~~[-, nor shall the]~~. **No** registration provisions of this chapter **shall** apply to any individual or entity licensed by the banking department as a mortgage banker in accordance with RSA 397-A, **provided that such mortgage banker abides by the provisions of this chapter and rules adopted by the department.**

II. A person that funds a mortgage loan while such person is exempt from licensure under RSA 397-A:4, and that retains such mortgage loan in its, his, or her own portfolio, may perform mortgage servicing activities limited to the collection of interest and principal, foreclosure procedures, loan negotiation and modification activity, without obtaining a mortgage servicing registration or mortgage loan originator licensed under this chapter.

21 New Subparagraph; Small Loans; Applications and Fees. Amend RSA 399-A:3, I by inserting after subparagraph (e) the following new subparagraph:

(f) The department may rely on criminal records checks reported through a national licensing system in lieu of subparagraphs (c) and (d).

22 Small Loans; Consumer Credit Administration License Fund. RSA 399-A:5 is repealed and reenacted to read as follows:

399-A:5 Consumer Credit Administration License Fund. The balance in the consumer credit administration license fund shall be transferred and shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the commissioner, consumer credit administration division. Sums collected under this chapter shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the commissioner, consumer credit administration division.

23 Definitions; Concessions. Amend RSA 399-D:2, II-a to read as follows:

II-a. "Concessions" means assent to repayment of a debt on terms more favorable to an individual than the terms of the contract between the individual and a creditor.

II-b. "Control" means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any person is presumed to control a company if such person:

(a) Is a director, general partner, or executive officer;

(b) Directly or indirectly has the right to vote 10 percent or more of a class of a voting security or membership interest, or has the power to sell or direct the sale of 10 percent or more of a class of voting securities or membership interest;

(c) In the case of a limited liability company, is a managing member; or

(d) In the case of a partnership, has the right to receive upon dissolution, or has contributed, 10 percent or more of the capital.

24 New Subparagraph; Definition; Debt Adjuster. Amend RSA 399-D:2, IV by inserting after subparagraph (e) the following new subparagraph:

(f) Any person that serves as an intermediary between a consumer and one or more creditors of the consumer for the purpose of obtaining concessions.

25 Debt Adjuster; Licensee's Duties. Amend RSA 399-D:15, VIII to read as follows:

VIII. Persons subject to or licensed under this chapter shall abide by applicable federal laws, and regulations [including the federal Truth in Lending Act], and the laws, orders, and rules of this state. Any violation of such law, rule, or order shall be a violation of this chapter.

26 Licensing of Money Transmitters; License Required. RSA 399-G:3 is repealed and reenacted to read as follows:

399-G:3 License Required. Any person not exempt under RSA 399-G:4 that, in its own name or on behalf of other persons, transmits money from this state or to persons within this state, shall obtain a license from the banking department.

27 Licensing of Money Transmitters; Examinations. Amend RSA 399-G:13, II-a to read as follows:

II-a. Licensees shall implement a system of education, training, monitoring, and periodic inspection designed to inform their authorized delegates of their responsibilities, consistent with the Bank Secrecy Act and the requirements to file reports required by federal law. **Licensees whose authorized delegates are not required to register independently with FinCEN shall ensure that such authorized delegates have adequate written policies and procedures in place to implement effective Bank Secrecy Act and anti-money laundering programs.**

28 Mortgage Bankers and Brokers; Borrowers Rights. Amend RSA 397-A:15, VIII to read as follows:

VIII. ~~[A yield spread premium is prohibited]~~ In a reverse mortgage transaction, **any credit derived from offering an interest rate higher than the par rate shall only be paid to the borrower or used to pay the borrower's costs, and shall not be used as an additional source of compensation.**

29 Mortgage Bankers and Brokers; Borrowers' Rights. Amend RSA 397-A:15, IX(a) to read as follows.

(a) Every field on the United States Department of Housing and Urban Development's Good Faith Estimate (GFE) form shall be completed before it is given to a borrower. The Tradeoff Table on the instruction page of the GFE shall be completed ~~[where a yield spread premium is to be paid in connection with a mortgage transaction]~~ **when the originating company is not funding the loan.**

30 Repeal. RSA 397-A:1, XXVI, relative to yield spread premiums, is repealed.
 31 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies several provisions of the consumer credit law.

Amendment to HB 595-FN (2013-0615h)

Proposed by the Minority Committee on Election Law - R

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

2 Determining Identity of Voter Registration Applicant; Photograph. Amend RSA 654:12, III to read as follows:

III.(a) To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

(b) If the voter executes a qualified voter affidavit to prove his or her identity, the supervisors of the checklist or the town or city clerk shall take a photograph of the voter and immediately print and attach the photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2 inches, or larger, and be in color. The supervisor of the checklist or the town or city clerk who took the photograph and the voter shall then sign the challenged voter affidavit. The supervisor of the checklist or the town or city clerk shall delete the photograph from the camera in the presence of the voter. If a supervisor of the checklist or the town or city clerk is unable to take the voter's photograph due to equipment failure or other cause beyond the supervisor's or clerk's reasonable control, the voter may execute a qualified voter affidavit without a photograph. If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption, which shall be attested to by an election officer and attached to the challenged voter affidavit. The affidavit of religious exemption shall be in the following form:

AFFIDAVIT OF RELIGIOUS EXEMPTION

Name: _____

Domicile Address: _____

Date of birth: _____

I hereby swear or affirm that because of my religious beliefs, I object to having my photograph taken and that I do not possess a form of identification that meets the requirements of the election laws of this state showing my photograph.

I hereby swear or affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

This affidavit was executed before us on the date shown and the person who subscribed his or her name to the foregoing affidavit swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

(Name of Election Officer)

(Date)

(Signature of Election Officer)

(c) The secretary of state shall provide to each town or city the photography equipment, supplies, and printing device that are necessary to enable it to comply with the photograph provision of subparagraph (b), along with instructions in their use.

AMENDED ANALYSIS

This bill repeals changes to laws requiring photo identification of voters scheduled to take effect September 1, 2013. This bill also requires that a person registering to vote be photographed if he or she does not present a photo identification to prove identity.

Amendment to HB 624-FN

(2013-0559h)

Proposed by the Committee on Education - R

Amend RSA 187-A:20-c as inserted by section 1 of the bill by replacing it with the following:

187-A:20-c **Waver of Residency Requirement for In-State Tuition For Veterans.** A veteran of the armed forces who establishes a residence in New Hampshire shall immediately after establishing such residence be eligible for in-state tuition rates when attending the university system of New Hampshire.

Amendment to HB 630-FN

(2013-0712h)

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

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

AN ACT relative to the use of proceeds from the regional greenhouse gas initiative program.

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

1 Use of Auction Proceeds. Amend RSA 125-O:23, III to read as follows:

III. All remaining proceeds received by the state from the sale of allowances shall be allocated by the commission as an additional source of funding to electric distribution companies for core energy efficiency programs that are funded by SBC funds. ***In allocating the proceeds, the commission shall first allocate at least 20 percent of the amount of the proceeds to the low-income core energy efficiency program.***

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

AMENDED ANALYSIS

This bill requires the public utilities commission to allocate certain proceeds from the energy efficiency fund to the low-income core energy efficiency program.

Amendment to HB 633

(2013-0599h)

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

Amend RSA 318-B:9, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No prescription shall be filled for more than a 34-day supply upon any single filling for controlled drugs of [schedules] ***schedule II or controlled drugs of schedule III, except for schedule III steroids;*** provided, however, that for controlled drugs, in schedules II or III, that are commercially packaged for dispensing directly to the patient, such as metered sprays and inhalers, liquids packaged in bottles with calibrated droppers, and certain topical preparations packaged with metered dispensing pumps may be filled for greater than a 34-day supply, but not more than 60 days, utilizing the smallest available product size, in order to maintain the dosing integrity of the commercially packaged containers; and, provided that with regard to amphetamines and methylphenidate hydrochloride, a prescription may be filled for up to a 60-day supply if either such prescription specifies it is being used for the treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy.

Amendment to HB 635

(2013-0787h)

Proposed by the Committee on Public Works and Highways - C

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

AN ACT establishing a committee to study state rest areas and relative to the solicitation of requests for proposals for the naming rights to rest areas.

Amend the bill by replacing all after section 5 with the following:

6 New Paragraph; Rest Areas; Requests for Proposals. Amend RSA 12-A:43-b by inserting after paragraph II the following new paragraph:

III. The department of resources and economic development and the department of transportation may solicit requests for proposals to sponsor or purchase naming rights to any New Hampshire rest area. Any proceeds from this section shall be used to operate existing rest areas. All results of such requests for proposals shall be submitted to the long range capital planning and utilization committee established in RSA 17-M:1 for approval.

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

AMENDED ANALYSIS

This bill:

- I. Establishes a committee to study the staffing of currently closed state rest areas.
- II. Permits the department of resources and economic development and the department of transportation to solicit requests for proposals to sponsor or purchase naming rights to rest areas.

Amendment to HB 639**(2013-0688h)****Proposed by the Committee on Commerce and Consumer Affairs - C**

Amend the bill by replacing section 1 with the following:

1 Beverage Container and Packaging Approval. Amend RSA 179:33, II to read as follows:

II. Holders of beverage vendor, nano brewery, or beverage manufacturer licenses shall have their packaging or containers specifically approved by the commission and shall be fined \$250 for each packaging or container violation. ***Container and packaging approval shall not require delivery of physical sample of beer under 6 percent alcohol by volume at 60 degrees Fahrenheit unless the commission determines a physical sample is necessary for approval.***

AMENDED ANALYSIS

This bill states that beverage container and packaging approval shall not require delivery of physical beverage samples of beer under 6 percent alcohol by volume at 60 degrees Fahrenheit unless the commission determines a physical sample is necessary for approval.

Amendment to HB 644-FN**(2013-0738h)****Proposed by the Committee on Criminal Justice and Public Safety - C**

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

AN ACT relative to parole procedures and relative to sanctions for violations of probation.

Amend the bill by replacing all after section 5 with the following:

6 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19, III(a) to read as follows:

(a) The prisoner has previously been ~~[recommitted]~~ ***found true*** for a parole violation ***on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole;*** or

7 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19, VII(a) to read as follows:

(a) The prisoner has not been previously ~~[recommitted]~~ ***found true*** for a parole violation ***on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole;***

8 Sentences and Limitations. Amend RSA 651:2, V(i) to read as follows:

(i) The court may include, as a condition of probation for a felony offense, a jail sentence of ~~[one] up to [5]~~ ***30 days*** that a probation/parole officer may impose in ***segments of one to 7 days over the course of the probation period,*** in response to ~~[a]~~ ***any*** violation of a condition of probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county jail facility closest to or in reasonable proximity to where the probationer is under supervision.

9 Probationers and Parolees; Violations of the Terms of Probation or Parole. Amend RSA 504-A:4, III to read as follows:

III. A probation or parole officer may require any probationer, whose sentence includes a ~~[one to 5 day]~~ ***provision for jail [sanction] sanctions*** pursuant to RSA 651:2, V(i), to serve a county house of corrections sanction ~~[or a portion thereof]~~ ***one to 7 days***, provided that the probationer is advised of and waives his or her right to counsel and to a preliminary hearing under RSA 504-A:5 and violation of probation hearing. If the probation officer intends to impose this sanction, the officer shall advise the offender of the violations alleged, the date or dates of the violation, and the number of days the offender shall serve. If the offender objects to the imposition of the jail sanction, a violation of probation hearing shall be held. This short jail stay may not be issued for any violation of probation which could warrant an additional, separate felony charge. ***In the event that a probationer commits a fifth violation of probation after having been incarcerated under this section on 4 separate occasions during the term of probation, the probation/parole officer shall file a violation of probation with the court.***

10 Repeal. RSA 651-A:6, I(b), relative to the parole of certain nonviolent offenders, is repealed.

11 Applicability. The provisions of this act shall apply to:

- I. Any person who is on parole or eligible for parole, on or after the effective date of this act; and
- II. Any person who, on or after the effective date of this act, has violated the conditions of parole after a hearing pursuant to RSA 651-A:17.

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

AMENDED ANALYSIS

This bill:

- I. Makes various changes to the laws governing parole of prisoners.
- II. Requires the department of corrections to post notice of parole hearings on the department's website.
- III. Amends the procedure for calculating the recommitment period for persons who violate the conditions of parole.
- IV. Amends the authority of a probation/parole officer to sanction a probationer for violations of probation.

Amendment to HB 648-FN

(2013-0529h)

Proposed by the Majority of the Committee on Judiciary - R

Amend RSA 490-F:7, III as inserted by section 1 of the bill by replacing it with the following:

III. Upon the retirement, resignation, disability, or nonrenewal of appointment of a marital master, the position shall be converted to a full-time judicial position, provided that the fiscal committee of the general court approves and further provided that sufficient funds have been appropriated for the salary and benefits of the full-time judicial position. Once converted to a full-time judicial vacancy, the governor may nominate and the council may confirm any qualified person pursuant to part 2, article 46 of the New Hampshire constitution.

Amendment to HB 659-FN-A

(2013-0705h)

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

Amend the bill by replacing sections 2-3 with the following:

2 Tobacco Products Other Than Cigarettes; Tax Rate Increased. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [48] **53.7** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

3 Applicability. Sections 1 and 2 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all cigarettes and taxable tobacco products other than cigarettes in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. One-half of the tax rate effective July 1, 2013 shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and 1/2 of the current effective rate of tax shall be paid within 60 days of the effective date of this act. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

Amendment to HB 661-FN

(2013-0543h)

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

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

1 Legislative Findings and Intent. The general court finds that:

I. Based on evidence from other homicides, some of the more than 100 unsolved homicide cases in the state involved the use, possession, sale, or distribution of illegal drugs.

II. Investigating and solving homicides that involve illegal drugs and other violations of the Controlled Drug Act promotes justice and public safety and helps deter future drug-related crime, including murder.

III. It is in the public interest to use a portion of the proceeds of the sale of items or property used in connection with a drug offense to investigate other drug related crimes, including homicide cases where illegal drugs were involved.

IV. It is the intent of the general court in this act to allocate a portion of the proceeds of the sale of property forfeited under RSA 318-B:17-b to the cold case homicide unit fund to be used to investigate unsolved murders in the state, including those that may have involved the use, possession, sale, or distribution of illegal drugs.

2 Controlled Drug Act; Forfeiture of Items Used in Connection With Drug Offense. Amend RSA 318-B:17-b, V to read as follows:

V. Final orders for forfeiture of property under this section or under RSA 318-B:17-d shall be implemented by the department of justice and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The department of justice shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any sale or public auction of forfeited items. All outstanding recorded

liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings from the proceeds of any sale or public auction of forfeited items. The balance remaining shall be distributed by the department of justice as follows:

(a) Of the first \$500,000:

(1) ~~[Forty-five]~~ **Forty** percent shall be returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement agency or agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the legislative body of the municipal, county, state or federal government, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the department of health and human services; and

(3) ~~[Forty-five]~~ **Forty** percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

(4) Ten percent shall be deposited in the cold case homicide unit fund established in RSA 21-M:8-m, III; and

(b) Of any balance remaining:

(1) Ten percent shall be deposited in the manner prescribed in subparagraph V(a)(2) of this section; and

(2) Thirty-five percent shall be deposited in the cold case homicide unit fund established in RSA 21-M:8-m, III; and

(3) [Ninety] Fifty-five percent shall be deposited in the manner prescribed in subparagraph V(a)(3) of this section.

The total amount of payments made to the special account for the department of health and human services pursuant to subparagraphs V(a)(2) and V(b)(1) of this section shall not exceed \$400,000 in any fiscal year and any excess over \$400,000 which would otherwise be paid to such special account under this section shall be deposited in the general fund. **The total amount of payments made to the cold case homicide unit fund pursuant to subparagraphs V(a)(4) and V(b)(2) shall not exceed \$200,000 in any fiscal year and any excess which would otherwise be paid to such fund under this section shall be deposited in the general fund.** The revolving drug forfeiture fund shall at no time exceed \$1,000,000. All sums in the revolving drug forfeiture fund in excess of \$1,000,000 shall be credited to the general fund.

3 Controlled Drug Act; Drug Forfeiture Fund. 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, **including investigations of unsolved homicides that may have involved the use, possession, sale, or distribution of illegal drugs.** The attorney general shall report 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.

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