



State of
New Hampshire

HOUSE RECORD

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Friday, January 24, 2014

No. 4

Contains: Retained Bill Reports, Bills Laid on Table, Amendments, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, January 29, 2014, at 10:00 a.m.** The House will also meet on February 5, 2014, in Joint Session with the Senate to receive the State of the State Address from Governor Hassan. A regular House session will follow.

Terie Norelli, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on **Tuesday, January 28th at 8:30 a.m.** in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on **Wednesday, January 29th at 9:00 a.m.** in Representatives Hall.
Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on **Wednesday, January 29th at 9:00 a.m.** in Rooms 305-307 LOB.
Rep. Gene Chandler, Republican Leader

NOTICE

The Internal Revenue Service has decreased the standard mileage rate for 2014. The standard mileage rate **effective January 1, 2014** is 56 cents per mile. In accordance with RSA 14:15-a, the Federal mileage reimbursement rate for members of the NH House of Representatives is fifty-six cents (\$0.56) per mile for all miles incurred on or after January 1, 2014.

Terie Norelli, Speaker

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:

January 30
February 6

AVAILABLE FRIDAY:

January 31
February 7

Karen O. Wadsworth, Clerk of the House

2014 HOUSE DEADLINES

Thursday, February 6, 2014
Thursday, February 13, 2014
Thursday, March 6, 2014
Thursday, March 20, 2014
Thursday, March 27, 2014
Thursday, April 17, 2014
Thursday, April 24, 2014

Report House Bills going to 2nd a committee
Act on House Bills going to 2nd a committee
Report single committee House Bills
Report all remaining House Bills
Act on remaining House Bills-**CROSSOVER**
Report Senate Bills going to a 2nd committee
Act on Senate Bills going to a 2nd committee

Thursday, May 8, 2014
 Thursday, May 15, 2014
 Thursday, May 22, 2014
 Friday, May 30, 2014 at 4:00 pm
 Thursday, June 5, 2014

Report all remaining Senate Bills
Act on all remaining Senate Bills
Form Committees of Conference
Sign-off Committee of Conference reports
Act on Committee of Conference reports

WEDNESDAY, JANUARY 29

REGULAR CALENDAR- PART II CONTINUED

SCIENCE, TECHNOLOGY AND ENERGY

HB 580, establishing moratoriums on wind turbine plants and electric transmission line projects. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert A. Backus for the **Majority** of Science, Technology and Energy. The majority vote to deem this bill inexpedient to legislate is based on several factors. First, two bills supported by the committee and now law (SB 99 and SB 191) have established processes, now underway, to review both the standards for project approval by the New Hampshire site evaluation committee and to create the first new state energy plan since 2002. The majority believes these are the appropriate vehicles to address concerns both about the siting process for new energy projects, whether wind or another energy source, and the weighing of costs and benefits for choosing our energy options. These efforts are the appropriate venues to make decisions about New Hampshire's energy future.

Second, New Hampshire has long stated its support for renewable energy in legislatively establishing a goal of achieving 25% of its electrical energy supply from renewables and in joining the Regional Greenhouse Gas Initiative (RGGI). A mandated moratorium on one available and expanding source of renewable energy, which produces no greenhouse gases, is inconsistent with these legislative goals.

Third, in a time when New Hampshire wants to attract new and emerging areas of business, a moratorium sends a not welcome signal. **Vote 13-6.**

Rep. Harold T. Reilly for the **Minority** of Science, Technology and Energy. If passed this bill would prevent construction of new wind generation projects until the state issues a comprehensive energy plan. Wind power is quickly proving how ineffective it is as a source of electricity and how resoundingly ineffective it is in reducing carbon emissions. Even with the small amount of wind power we are now theoretically capable of producing in New Hampshire, our wind sites are often being told to stop producing due to power fluctuations induced by the sporadic nature of wind power and the inability of the transmission grid to handle it. Around the world many countries and states, e.g. Germany and California, which were early adopters of wind turbines are now decommissioning them, having found that rate payer costs have skyrocketed, grid instability is very problematic, and carbon emissions often are increasing as well. Here in New England, our grid manager (ISO-NE) does not consider wind power as part of the base-reliable power and frequently curtails wind operations because of power inconsistency and transmission problems. Even when wind turbines are producing electricity, other more reliable sources such as gas turbines often are kept running (and using fossil fuels) just so they will be immediately available to make-up for fluctuations in the wind power. Further, fearing damage to our tourism based economy, there has been a huge outpouring of opposition to adding more mountain top industrial wind power in New Hampshire, particularly in the region near Mt. Cardigan and Newfound Lake, a major area of our resort and tourism business. We currently have two studies underway (and funded at \$200,000 each, by this legislature, this year): SB 99 (a study of the site evaluation committee and its processes), and SB 191 (establishing a state energy plan). We should defeat ITL and then pass this bill for a moratorium on wind turbine plants and their electric transmission line projects, and wait at least until those studies have been completed before allowing any further expansion of wind power in New Hampshire.

WAY AND MEANS

HB 427, relative to tobacco tax laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the **Majority** of Ways and Means. This bill clarifies activities which constitute unauthorized sales of tobacco products. This bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records. The bill clarifies definitions relating to "manufacturer" and "premium cigars" and adds a definition of "humidor" to the tobacco tax laws and the liquor laws. Specifically, in the "premium cigars" definition, the amendment changes the existing limitation of "wholesaling for \$2 or more" to "sold by a manufacturer for an established price of \$1.50 or more....". This change, and all others, are deemed by the majority to be equivalent to the previous definitions. **Vote 10-9.**

Rep. Russell T. Ober for the **Minority** of Ways and Means. This bill sets an arbitrary figure to define "premium cigars." This is in violation of the NH Constitution in dividing one class into two separate tax rates.

First the legislature exempts “premium cigars” from tobacco taxation and then defines “premium cigars” in such a way as to tax some of them. There is a very small amount of taxes collected for cigars which cost less than \$1.50 and are defined as “premium.”

HB 485-FN-A, establishing keno. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for the **Majority** of Ways and Means. This bill will allow establishments licensed to pour liquor to also offer the game of Keno, which is an electronic lottery game. As such the net revenue generated would go to the education trust fund. The amendment to this bill states that the licensee may retain 8 percent of the proceeds from Keno games. In addition, of the remaining 92 percent, one percent shall be paid to the Department of Health and Human Services to support research, prevention, intervention, and treatment services for problem gamblers. **Vote 14-5.**

Rep. Mary R. Cooney for the **Minority** of Ways and Means. While this bill presents the promise of eight to nine million dollars in revenue to the state of New Hampshire every year, the minority believes that the damage done to the communities far outweighs the revenue gains. Keno is billed as an extension of lottery. Massachusetts citizens spend three times what New Hampshire citizens do on gambling, and a large part of the difference seems to be due to Keno. In the search for easy money there is always a cost. Since there is no option for towns or cities to prohibit Keno in their communities, Keno could be located in any venue which serves alcohol. According to the fiscal note each location will sell \$175,000 worth of tickets per year. This means that those dollars will be pulled out of the local economy. Finally, our New Hampshire brand will be damaged with the additional advertising of Keno games.

HB 654-FN, relative to licensure and renewal fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means. This bill completes the consolidation of 17 regulatory boards and councils as well as professionals licensed by the Department of Health and Human Services. The bill was voted OTP in the first year of biennium and came to Ways and Means to address the fees. The original bill called for all 17 entities to have licensing fees and certification registration set at \$100. Ways and Means recommends amending that language to adopt a two fee structure of \$55/\$150, based upon complexity. The new fee structure meets the 125% revenue to expense ratio. All 17 entities will be housed in one facility with shared staff with the goal of reducing costs. The new fee structure reduces the revenue to the state by about \$20,000. **Vote 19-0.**

REGULAR CALENDAR- PART III

COMMERCE AND CONSUMER AFFAIRS

HB 120, relative to hours of sales by off-premises liquor licensees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth S. Heden for the **Majority** of Commerce and Consumer Affairs. This bill would extend the hours for off-premise alcohol sales (in grocery and convenience stores) from 11:45 p.m. to 1:00 a.m.

Members of the majority believe that New Hampshire’s adults are capable of taking care of their alcohol shopping needs within the hours currently in our statute, and that extending those hours is unnecessary and not responsible public health policy. Alcohol sales in New Hampshire are robust, coming in over \$1 billion per year. At the same time, alcohol abuse costs New Hampshire over \$1 billion per year, mostly in lost worker productivity. 49% of our young adults ages 18 to 25 binge drink, exceeding the national average by almost 10%. In March, our state rated first in this statistic. The majority believes in supporting our businesses; however, no individuals or organizations representing retail merchants spoke in favor of this bill. **Vote 11-9.**

Rep. John B. Hunt for the **Minority** of Commerce and Consumer Affairs. Amend RSA 179:17, II(a) to read as follows: “(a) Off-premises licensees may sell from 6:00 a.m. to 11:45 p.m., 7 days a week. The licensee may sell until 1:00 a.m. under conditions authorized by the legislative body of the city or town in which the premises are located if the legislative body adopts an ordinance authorizing such sales.”

The amendment mirrors what we passed and is now law allowing restaurants to stay open later if authorized by their cities or towns. The minority believes that it only makes sense to do the same for stores that sell beer and wine. Not only is this good for the tourist business but it also is more convenient for those who work second shifts and do not get off work until 11 p.m.

HB 343-FN, relative to laws regarding pawnbrokers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura M. Jones for Commerce and Consumer Affairs. The amendment replaces the original bill and creates a study commission, where members of law enforcement, and industry, will be appointed along with legislators. This way all stakeholders will be able to provide input and craft legislative recommendations to update state law regarding pawnbrokers and secondhand dealers. Current state law includes antiquated language, and does not reflect current business practices, nor the concerns of law enforcement. Since a large number of small businesses are affected, and many concerns including privacy, business impact, and jurisdiction were identified, the committee decided that creating a study commission was the best way to proceed. **Vote 14-4.**

HB 430, requiring insurance companies sending out solicitations for marketing purposes to include their insurance license number on such solicitations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for the **Majority** of Commerce and Consumer Affairs. The bill was introduced on behalf of a former New Hampshire state representative who has noticed an increase in life insurance mail solicitations to seniors using pieces made to look like official government documents and asking that personal information be sent back. The New Hampshire insurance department testified that the license number requirement in the bill would not be helpful to consumers. The amendment replaces the bill. It requires that mail solicitations targeting consumers over age 60, and containing a pre-paid response card for consumer contact information, clearly disclose that the piece is a solicitation for insurance. It must also provide the contact address and toll-free number for the New Hampshire insurance department if consumers have questions. The majority, some who have received and been confused by such mailings, believes that New Hampshire should make it clear that commercial free speech does not include deceptive advertising to seniors. **Vote 11-9.**

Rep. John B. Hunt for the **Minority** of Commerce and Consumer Affairs. The minority believes this bill as amended by the majority is unnecessary, bureaucratic and nebulous. The bill assumes that consumers over the age 60 do not know junk mail when they get it and particular when there is a pre-paid response card. The insurance department already has and is currently pursuing current licensed companies that have sent out misleading solicitations. This new disclosure may seem innocuous but will become a problem for many insurance companies who do their mailings nationwide. Passage of this bill may have the negative impact of driving insurance companies away from NH and therefore reducing competition.

SB 169, relative to non-covered services under dental insurance plans. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for the **Majority** of Commerce and Consumer Affairs. The majority on this bill believes: 1) This does not help consumers. It is likely that the 60% of insured consumers who visit dentists will face increased costs as some restrictions on costs of services will be lifted, if this legislation were to pass. 2) Though it was argued that cost shifting is occurring, raising costs to uninsured consumers, no data or examples were presented to support this claim. 2) Though similar legislation has passed in several other states, proponents of this bill were unable to produce statistics on the impact on costs resulting from this change. 4) The dental industry in NH does not need this bill. We have one of, if not the most, successful provision of dental services in the country, with the highest mean average income for dentists of \$234,000. **Vote 12-8.**

Rep. Jill S. Hammond for the **Minority** of Commerce and Consumer Affairs. The premise of SB 169 is simple: if a dental insurance company does not cover the dental service, it should not be able to dictate the price of the service. This is a policy which has been adopted by 35 other states. NH dental practices are small businesses with little negotiating power against large dental benefit/insurance companies. SB 169 was model legislation that would simply protect our NH small businesses from an unfair business practice. It was supported by the NH Dental Society and Northeast Delta Dental. Dental insurance companies should be required to have some "skin in the game" if they are going to be allowed to set prices.

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. The committee has tremendous respect for all health care providers in the state. However, we cannot support this bill which would mandate an extended prison term for anyone who assaults a health care provider. This committee has made a concerted effort this year against removing discretion from prosecutors and judges. This bill, unfortunately, does just that and would result in an additional three year prison term, at a cost of \$35,000 a year, for anyone found guilty. Mind you, this is above and beyond any sentence which would already be handed out. Currently, these extended sentences apply only for a law enforcement officer, a paid firefighter, volunteer firefighter, on-call firefighter, and licensed emergency medical care provider. If we add nurses, physician's assistants, and other ancillary medical personnel (as this bill would do), and we in fact cover school nurses, (which remains unclear at this point) what about teacher and other school personnel? Are we making them second class citizens? Is that fair? What about public defenders? They certainly come in contact with those who might evince violent behavior, but they would not be covered by this bill. What about a good Samaritan, who in attempting to stop a serious crime on the street, is assaulted? Should that person not be included as well if we are expanding enhanced penalties? Aside from that problem, the attorney general's office offered testimony that many of the ill people who would be charged with this enhanced penalty are in a mentally disabled state and thus could not be found guilty under the legal maxim that you can't be found guilty if you don't intend your actions. Thus, this bill not merely takes us down a slippery slope but also opens up a can of worms. The New Hampshire Association of Criminal Defense Attorneys, which presumably would stand to benefit with more legal fees if this bill were to pass, in fact testified against it that we should not be enacting enhanced prison terms putting more and more people in jail for longer periods of time, especially when we would be focusing on the very group which should not be punished more severely. While sympathetic with the plight of medical care providers,

we believe the answer is private rather than governmental action. The committee was provided no statistics defining the extent of the problem this bill would address. We are skeptical of the wisdom of the plea to pass this so that workers might “feel better”. This is the ultimate in feel good legislation which would most likely create more problems than it solves. **Vote 12-6.**

HB 336-FN, prohibiting the retail sale of certain fireworks devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety. This bill to limit sales of certain types of fireworks was introduced in response to an incident in which people were seriously hurt after a home-based fireworks show went terribly wrong and people were injured. The committee strives to find balance between the interests of all parties and not rush to pass legislation based on one-time events or freak accidents. While fireworks can be dangerous if used improperly, the sales of these products are a boon to New Hampshire businesses and any restriction on the freedom of people to engage in such activities should not be taken lightly. This issue is better addressed through the concept of caveat emptor than through new criminal statute. **Vote 16-0.**

HB 496-FN, relative to driving privileges for certain first-time DWI offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill would authorize limited driving privileges for eligible first-time DWI offenders to facilitate employment, rehabilitation and medical treatment. The amendment initially requires that the first-time offender shall not be eligible for the limited license until after a minimum 14 day license revocation. The amendment further requires the person to prove the need for the limited license only for the purposes of traveling to and from the person’s place of employment, alcohol or drug treatment/rehabilitation or medical treatment on a regular basis. The person also must pay an application fee of \$50 and must have their vehicle equipped with an enhanced technology ignition interlock device at their expense. The committee believes that this limited driving privilege will allow first-time offenders to maintain their employment while still abiding by the strict requirements of the law. **Vote 16-1.**

HB 645-FN, relative to an extended term of imprisonment for persons with 2 prior convictions. **REFER FOR INTERIM STUDY.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill would amend the circumstances under which a person with two prior convictions would receive an extended term of imprisonment. The committee was made aware of a potential issue with RSA 651:6 resulting from a prior amendment to the law in 2003; however, this issue is presently the subject of a pending New Hampshire Supreme Court case. The committee recommends Interim Study to monitor the outcome of the case before proceeding with legislation. **Vote 16-2.**

EDUCATION

HB 533, relative to the mathematics requirement for high school graduation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andrew R. Schmidt for the **Majority** of Education. This bill will improve results in mathematics education. The requirement of one year of imbedded math in addition to three years of required math will improve college and work readiness. There’s no one specific course mandate in the bill. Local control by school boards is prescribed. **Vote 15-3.**

Rep. Ralph G. Boehm for the **Minority** of Education. This is a local control issue. School districts may not have resources to determine what is math, or be able to offer courses. Students may or may not need four years of math.

ELECTION LAW

HB 151, relative to duties of inspectors of election. **REFER FOR INTERIM STUDY.**

Rep. Kathleen M. Hoelzel for Election Law. The purpose of this bill was to have all references to “inspectors of elections” be in one place in the statutes. Presently duties, appointments, school district inspectors are in different sections of the law. The committee agreed that it is time to review all references to “inspectors of elections”. **Vote 15-2.**

HB 600-FN, relative to voter registration. **REFER FOR INTERIM STUDY.**

Rep. Mary L. Till for Election Law. The intent of this bill is to modify the voter registration form and procedures and to clarify the impact of a person’s claim of domicile on the voter’s residency obligations. A subcommittee was unable to reach a consensus related to the definitions of domicile and of residence and the majority of the committee determined that these questions could better be resolved by Interim Study. **Vote 10-7.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Hansberry for the **Majority** of Executive Departments and Administration. This bill increases the number of continuing education hours required for renewing a real estate sales or brokerage license from

twelve to fifteen, as requested by both the New Hampshire Real Estate Commission and the New Hampshire Board of Realtors. Additionally, it increases the fine, per offense, for practicing real estate without a license from \$2,000.00 to \$10,000.00 or the actual gain realized from the unlawful sale if it exceeds \$10,000.00. **Vote 11-7.** Rep. Bianca R. Garcia for the **Minority** of Executive Departments and Administration. The Minority's opposition to this bill is due to the fact that that broker supervision and individual initiative always trump a broad-brush mandate; that while an expanded range of subjects for core education classes are great, legislation is not needed to do that, the Real Estate Commission could do so through rules; and, that there was only one sponsor who put this bill forward on behalf of the Real Estate Commission: there was no wide-seen support or public outcry for this change.

HB 658-FN, relative to registration for medical technicians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank A. Byron for the **Majority** of Executive Departments and Administration. In response to a recent hospital incident, HB 658 establishes a new board under RSA 328-I which will register medical technicians assisting licensed health care professionals in the diagnosis, treatment and prevention of diseases. The bill requires medical technicians who have access to both patients and drugs to complete a background check and register through the board but provides an exemption for medical professionals who are already registered or licensed by the state. The bill further requires that hospitals verify their medical technician registration with the board and amends RSA 151 to require verification of registration and reporting of disciplinary actions for medical technicians. HB 658 also provides appropriate penalties for both medical facilities for failure to report or confirm employee registration and for medical technicians who fail to register. **Vote 13-5.**

Rep. Carol M. McGuire for the **Minority** of Executive Departments and Administration. This bill creates a new, mandatory registration requirement for "medical technicians" defined as any non-licensed employee in a health care facility with access to both drugs and patients. The only requirements for registration are a completed application, criminal background check, and, of course, payment of the fee; an unregistered technician – and his employer – could be fined \$1,000/day, up to \$50,000. The minority believes that this process will pose a significant barrier to entry to employees in these fast-growing fields, while not addressing the operational and management omissions and poor practices that lead to the incidents in Exeter Hospital. Drug free workplace policies and better control of medications are a more appropriate action than registration.

FINANCE

HB 341-FN, relative to the cost of fiscal analysis of legislation relating to the retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L. Benn for the **Majority** of Finance. This bill prohibits the use of pension trust assets to pay for the costs of actuarial and professional assessment of proposed legislation. In addition such costs are not allowed to be charged as expenses of administration. The majority agrees with the minority that unreasonable and unnecessary expenditures must not be made from retirement system assets to protect the interest of its participants and beneficiaries. However, under RSA 14:44 IV, fiscal analysis of proposed legislation that impacts the retirement system is essential. The NHRS is required to provide information in the form of "fiscal note worksheets" even if an analysis were performed by and paid for by another entity. HB 341 proposes a payment system that is problematic. According to the executive director, "there is a significant potential that such an arrangement would lead to incurring redundant expense and interference with the fiduciary duties of the NHRS Board of Trustees." The retirement system budget includes the cost of actuarial analysis. This expenditure varies year to year. Even for the most costly years, these expenses are minor, a rounding error, in relation to the size of the corpus and have virtually no impact on its performance. The NHRS has significant concerns with HB 341 and does not support its passage. **Vote 17-4.**

Rep. Katherine D. Rogers for the **Minority** of Finance. An amendment to HB 341 would clarify that actuarial studies performed to analyze the effects of proposed legislation affecting the NH retirement system would be charged to the Legislative Branch and shall not be taken from the assets of the retirement system or charged as expenses of administration. Currently those expenses are paid for out of the retirement system's assets. These funds are in fact the source for retiree pension payments. What the bill doesn't do is require duplicate studies or increase costs for these studies.

Opponents of this bill argued that the bill was not needed because the system paid for the studies from employer contributions. The minority disagrees with this representation, but assuming it were true, this argument should lead to legislative support for the law.

They also argued that the bill is not needed because no matter the source of payment, the money all comes from the taxpayers. In New Hampshire all revenues are not created equal, but again this argument also requires the bill to pass this House.

Two years ago the legislature downshifted over \$90 million in retirement costs to local property taxpayers by eliminating the state's 35% subsidy to public employers for their contributions to the retirement system.

That did one thing - increased cost for communities and school districts. Ultimately property taxpayers picked up the bill.

Assuming the opponents' contention that the cost of these studies are paid only by employers, or that one tax is just like another, HB 341 would give some level of relief to property taxpayers by removing the employer as the funding source for pension studies.

Other opponents have argued that this amount of money is *insignificant* in relation to the overall assets of the retirement system. Over the course of the last five years these costs have come close to \$500,000, which is equivalent to over 26 average pensions. The minority does not believe that half a million dollars is insignificant, nor is 26 pensions.

Passing this bill is the first step towards correcting a very bad practice of passing costs onto the backs of property taxpayers. Defeating it is just continuing a practice that cannot be justified in this economy.

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David O. Huot for Finance. This bill replaces the current "maintenance budget" with an "efficiency budget" in the agency, or first, phase of the budget process. This new budget submission is designed to help align the state's budget culture with the emerging culture of ingenuity and innovation, which seeks to drive higher quality services to the public by encouraging new and better ways to provide the services while minimizing costs. The bill requires the governor to set budget targets for department heads, and spells out key information requirements like departmental goals, performance measures and barriers to performance. Also required is identification of special or problematic needs; improvements in staff development, reorganization or restructuring, process improvement initiatives, and investments in technology. The bill maintains the need to identify what is required to maintain the authorized and funded services of the preceding biennium, but it eliminates the need to provide an unnecessary 10% reduction budget since the governor and finance committees have the flexibility to require decreased or increased submissions when needed. The efficiency budget submission will be a worthwhile improvement to the budget process. **Vote 21-0.**

JUDICIARY

HB 685, relative to state agency communications under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for the **Majority** of Judiciary. This bill came to us with several unrelated sections. The committee held a hearing and despite extensive subsequent discussion could not reach agreement but thought two components were important to resolve. After additional work this fall, and drawing from detailed testimony over the course of our deliberations a strong majority agreed on two sections. The first clarifies some procedures governing how the office of the legislative budget analyst carries out its responsibilities. One change of note reserves for the elected house and senate members of the joint fiscal committee, rather than the attorney general, the right to resolve questions that relate to the legislatively mandated audit functions of the LBA.

The second section relates to RSA 91-A, the right to know law. The judiciary committee has worked hard over the years to move toward a strong and effective right to know process. For a number of years a right to know commission met to identify problems and suggest legislation to resolve those problems. A previous legislature eliminated that commission. We heard sufficient testimony including oral testimony from the attorney general last spring - followed up with a letter from the attorney general in October - about a number of unanticipated problems and concluded that a new commission could serve an important purpose in addressing at least some difficulties. The committee concluded that thoughtful analysis, understanding competing pressures, could help the legislature fulfill its commitment to right to know. **Vote 14-2.**

Rep. Michael J. Sylvia for the **Minority** of Judiciary. The bipartisan minority object to section 2 of the bill which was originally an amendment to RSA 91-A:5 which sought to bring under the Right-to-Know Law final contracts awarded by the state or political subdivisions. In October, long after public hearings were completed, the Attorney General's Office drafted and proposed the establishment of a commission to study the costs related to responding to 91-A requests. As amended, section 2 now creates a Commission to Study the Costs of Responding to the Right-to-Know Law. It is the opinion of the minority that this significant change to the original bill has not provided proper opportunity to the public to be heard on the subject on establishing such a commission. Further, the composition of the commission is stacked against the citizens and will likely seek to impose restrictions and fees to Right-to-Know requests. Citizens should not have to pay for the Right-to-Know.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 169, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Linda A. DiSilvestro for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would have allowed a third party to file suit against an employer who allegedly has not paid their workers' compen-

sation premiums. Through committee it was decided that the department of labor (DOL) should be encouraged to search out these employers and take appropriate action. As more data becomes available, the concept should be reexamined. **Vote 18-1.**

Rep. Charles F. Weed for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority believes that there is substantial abuse regarding illegal classification of employees as independent contractors to avoid the expense of providing workers compensation insurance. The state needs many tools to address this illegal activity in addition to discovery and enforcement by the DOL. The private right of action by employers who discover that their competitor may be avoiding the legal requirement to provide workers compensation insurance is just such a tool that has been effective in states where the private right of action is in place. We can use this kind of tool in NH.

MUNICIPAL AND COUNTY GOVERNMENT

HB 114, relative to abutter access over subdivided land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Coffey for Municipal and County Government. This bill, as amended, allows, but does not require, planning boards when processing a subdivision application to consider requiring deeded access to an abutting property that might be otherwise left without suitable access to a public way (landlocked), when the owner of the land being subdivided has had knowledge of the abutter accessing through the property. Said access to allow the same access as before the subdivision. Current law is not clear as to whether the planning board has that authority and this bill clarifies that. The dissenting vote on the committee was relative to the need for this bill and not the subject matter of it. **Vote 14-1.**

HB 532, relative to energy efficiency and clean energy districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clyde J. Carson for the **Majority** of Municipal and County Government. Under RSA 53-F titled Energy Efficiency and Clean Energy Districts, municipalities are enabled to help finance energy efficiency improvement projects on structures within the municipality through various funding avenues, including bonds, grants and private investors. The current law limits the size of these projects to \$60,000. This limit essentially precludes participation by businesses, since their energy efficiency projects frequently cost more than \$60,000. This bill removes the \$60,000 cap and lets the stakeholders - business, financing and municipality, determine the size of the project and amount to be financed. It also clarifies the rules that apply in a default situation. This bill has the support of the NH Bankers Association and the NH Municipal Association. It is pro-business and improves the current law, so that municipalities, that choose to take advantage of the law, can attract and retain businesses in their community. **Vote 9-6.**

Rep. James E. Coffey for the **Minority** of Municipal and County Government. A minority found that while the primary intent of the bill to fund "green" improvements for businesses through the issuance of revenue bonds was certainly creative, it also contains some unanswered potential problems for a municipality that issues those bonds. During the testimony we learned that this bill was an attempt to keep some businesses from moving from their existing communities and to help those that might be financially marginal by funding certain energy improvements that conform to the bill. This was touted as being of no cost to the municipality, which by definition can be cities, towns or village districts. There are some hidden costs such as the need for additional financial audit work and administration. A significant concern, not answered by the proponents of the bill, was what would happen if the property owner or business failed. The proposed method of repayment for the bond is for the municipality to collect the necessary annual debt repayment through an additional assessment applied to the property tax bill, and use that income to repay the bond. Should the taxes not be paid, the property would be lienied by the taxing authority. This means that the city or town would be left to make payments on the revenue bond without the necessary income. The issuance of revenue bonds by a village district for this purpose might also raise some additional concerns since village districts whose taxes are collected by the town in which the village district is located, do not usually perform tax liens. Would they go to the town for the missing payment? While this may be a novel attempt to obtain low cost financing for improving energy efficiency and reducing green house gases, having municipalities go into the business of cosigning and administering long term loans for private business is not a good idea. This is best done by the financial community with local government finding better ways to create a favorable business climate.

PUBLIC WORKS AND HIGHWAYS

SB 29, relative to the motorist service signing program. **REFER FOR INTERIM STUDY.**

Rep. John R. Cloutier for Public Works and Highways. This bill would make two changes in the current state law regarding the motorist service signing program. First, it would exempt the signing program from rulemaking since the program is controlled by federal regulations. Second, it would require rulemaking for the process of determining the rental fee process. While the majority of the committee is sympathetic to the bill's goals of helping motorists more easily find tourist-related businesses, as well as increasing exposure to

the affected businesses, it believes there are still several unresolved issues with the legislation as now written. These include the proliferation of service signs along our interstates, where the signs would be placed on the interstates, and which businesses would have prime locations for such signs. Thus, the majority of the committee recommended further study. **Vote 13-2.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 292-FN-A, requiring milfoil decals on private vessels registered in other states or countries and operating on the inland waters of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne H. Gottling for the **Majority** of Resources, Recreation and Development. This bill was retained in order to study the feasibility of assessing out-of-state boaters a fee for control of milfoil and other exotic invasive species through mandatory purchase of a boat decal. The concept had support from all constituencies. However, testimony showed that purchase of over 35,000 decals would be the minimum required for the program to break even. Further research revealed that best estimates for out-of-state registered boat users were 9,000 to 10,000, not close to the originally anticipated number. The reason for the lower number is that NH uses the federal bow-numbering system. This means that boats may be registered in NH by anyone who states that his/her boat is primarily operated on NH waters. Many of our out-of-state boaters choose to register in NH since they avoid taxes that would be assessed in their home state.

As a result of these facts, establishing a decal requirement for out-of-state boaters was abandoned. Attention turned to the underlying intent of the bill: supporting the important work of preventing, controlling, and eradicating invasive species in our NH water bodies. In the past twenty years, NH has seen the number of infested waters increase from 4 to almost 80. The amended bill increases the boating registration fee by \$2.00, all of which is applied to the control of exotic weeds section of the Lake Restoration and Prevention portion of the boat registration fee.

The amended bill was supported by the department of safety, marine patrol division, the department of environmental services, and the president of the New Hampshire marine trades. The committee vote reflected bipartisan support. **Vote 13-5.**

Rep. Andrew Renzullo for the **Minority** of Resources, Recreation and Development. The bill as submitted would have required non-New Hampshire registered boats that use our lakes and waterways to contribute, as New Hampshire registered boats presently contribute, to the efforts at eradicating milfoil and other invasive species. The committee majority, upon the recommendation of a sub-committee, voted to amend and completely changed the bill into a fee increase in the portion of the registration fee allocated for the Lake Restoration and Preservation Fund from \$7.50 to \$9.50 – a \$2.00 (26.7%) increase. The increase in this portion of the registration fee is a deviation from the original bill. The bill, as introduced would have established equity in bearing the costs of combating invasive species between boats registered in New Hampshire and boats not registered in New Hampshire but still using our waterways. The bill, as amended, is simply an increase in the registration fee on New Hampshire registered boats. Please note that the amended bill leaves in place the inequity of having New Hampshire boats pay the full costs of invasive species eradication while out-of-state boats sail away scot-free. It should also be noted that the bill, as amended, or the amendment alone, did not have a noticed public hearing alerting the public of a potential fee increase. Only then would those upon whom this fee would be levied could have had a chance to voice their opinion and submit evidence to the committee.

HB 523-FN, relative to voluntary certification for road salt applicators. **INEXPEDIENT TO LEGISLATE.**

Rep. Leigh A. Webb for Resources, Recreation and Development. After this bill was retained and during the committee of conference process for HB 2, the content of this bill was added to HB 2, was passed, and subsequently signed into law. This bill is no longer necessary. **Vote 15-2.**

HB 663-FN, relative to appeals within the department of environmental services. **REFER FOR INTERIM STUDY.**

Rep. James D. Aguiar for Resources, Recreation and Development. This bill would establish a board to hear appeals of cases originating in the department of environmental services. There are four councils (air resources; waste management; water council; and wetlands council) within the department of environmental services (DES). Request for permits are reviewed by the councils. This bill attempts to create a diversified appeals board. The proposed board would consist of nine members. Four members representing the governed community would be selected from the individual councils. Four members would be selected from the councils representing the specific environmental communities. There would be an independent hearing officer to bring the total to nine members of the appeals board. There were many concerns voiced about the mechanics of such an appeals board as defined by this proposed legislation. There was limited support for the goal of establishing a more independent appeals process. A majority of the committee felt that this bill did merit further study. **Vote 10-8.**

SCIENCE, TECHNOLOGY AND ENERGY

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

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy. This bill dealt with the billing of prepaid cell phones for the 911 system. The bill did not resolve the methodology for billing. The committee felt that at this time the best thing to do was to ITL this bill. The commissioner has referred the matter of existing law to the attorney general's office and will look for solutions. **Vote 17-1**

HB 286, relative to broadband infrastructure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Townsend for Science, Technology and Energy. Broadband connection is a key tool for economic development, health care delivery and education. There are areas in many towns throughout the state that have no access to high speed internet services. Businesses and households in these underserved areas have inadequate access for current needs such as small business connection, medical monitoring, video conferencing and distance learning. Passage of the bill will provide 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 providing services to areas currently unserved or 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 could remove a major stumbling block for high speed-internet access for our citizens. **Vote 13-5.**

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

Rep. Marjorie J. Shepardon for Science, Technology and Energy. The majority felt that the Site Evaluation Committee has an effective and rigorous process in place for making determinations on the issuance of site evaluation certificates, and that this process will be improved further with the recommendations and rulings developed through the SB 99 study of the SEC. **Vote 15-4.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 493-FN, relative to emergency compacts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for the **Majority** of State Federal Relations and Veterans Affairs. The committee feels that this bill tries to fix something that is not broken. The Canadians are our friends and we do over a billion dollars in trade. When we had a major disaster in New Hampshire, power out for 14 days, our friends from Canada were invited in to work with our electric companies. This legislation is not necessary. **Vote 10-1.**

Rep. Jeanine M. Notter for the **Minority** of State Federal Relations and Veterans Affairs. This bill would repeal that part of Chapter 108 of the New Hampshire Statutes that creates an international compact with Canada. This compact requires New Hampshire to provide a variety of supplies and equipment to Canada in case it declares an emergency. Since many of the items are nonexistent at the state level, they could be taken from businesses and private institutions as authorized under RSA 4:46. It is the minority's opinion that this violates Pt. I, Art. 19 of the State Constitution. Under Chapter 108, the Director of Emergency Management may arrange for cross-border policing which would allow Canadian police, unfamiliar with our laws, to operate in New Hampshire. Such plans are being implemented by the federal government. Chapter 108 also allows for the federal government to use Canadian military in New Hampshire during an emergency. They would remain under the command of their regular leaders in violation of Pt. I, Art. 26 of the State Constitution. Under Chapter 108, New Hampshire participates with five Canadian provinces and the New England states in the International Emergency Management Group which makes emergency management plans without our legislative oversight. Each state and province has equal voting rights which would place New Hampshire under the control of an international body, violating Pt. I, Art. 7 of the State Constitution. New Hampshire may be asked to suspend state statutes in an emergency, something that can only be done by the legislature according to Pt. I, Art. 29. According to Pt. II, Art. 5-a, such suspension can only be done in case of an enemy attack and not under any other form of emergency. The minority is of the opinion that Chapter 108 has the potential of violating six articles of the State Constitution, and Art. I, Section 10, Clause 1 of the U. S. Constitution. For the above reasons, the minority is opposed to the motion to ITL HB 493.

TRANSPORTATION

HB 263, establishing a committee to study examination of elderly drivers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for the **Majority** of Transportation. The amendment replaces the bill. This bill as amended allows for the medical reporting of a person of any age who a medical person rules is unfit to

operate a motor vehicle. The bill as amended allows that the reporting person will be immune from any civil or criminal liability. This also makes all medical records received by department of safety to be confidential except by an order or the court or administrative hearing. **Vote 15-3.**

Rep. Tim O'Flaherty for the **Minority** of Transportation. In the opinion of the minority this well intentioned bill could produce troubling, unintended consequences by encouraging health care providers to violate doctor-patient confidentiality by allowing them to report private information to the department of safety with immunity. The primary obligation of a health care provider to the patient could become compromised if the confidential information entrusted with providers is shared with a state agency.

HB 495-FN, relative to titles for motor vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation. Current law allows a vehicle 15 years and older exempt from a title. This bill as amended will require a vehicle from the year 2000 on to be required to maintain a title. By having a title protects the consumer with a documented history of the odometer, and ownership of the vehicle. It protects the vehicle owner from theft and fraud. It would also allow resider or non-resider to meet the requirement of having a title to register their vehicle in another state that requires all vehicles be titled. This bill is jointly supported by the New Hampshire Division of Motor Vehicles, New Hampshire Automobile Dealers Association, and the Auto Recyclers Association. **Vote 13-5.**

HB 650-FN-A, making an appropriation to start a bus service between Claremont and Lebanon. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation. This bill as amended allows the formation of a joint public/private venture between the state department of transportation (DOT) and Community Alliance Transportation Services, to seek private funding and grants for a bus line between Claremont and Lebanon. This bill as amended will allow, if the DOT agrees and with the prior approval of the fiscal committee, the Governor and Council to authorize additional funding up to \$250,000 dollars if matching funds are met. If no sufficient matching funds are procured on are not received by June 30, 2017 the appropriation will lapse and any private funds accepted will be returned to the donating entities. The amendment reduces the \$250,000 appropriation to the department of transportation to \$1 dollar. **Vote 13-5.**

BILLS REMOVED FROM CONSENT (1/8/14)

COMMERCE AND CONSUMER AFFAIRS

HB 227, relative to property and casualty insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill modifies several sections of insurance law. Record retention for property and casualty insurers is modified to take into account the ability to pay bills with debit cards, and insurers can be allowed to pay claims using debit cards as well. Prohibitions against rebates are modified. Auditable policies, such as workman's compensation, have new rules to ensure that audits are completed promptly and premium refunds made quickly. Auto insurers cannot refuse to insure a driver with less than 2 years driving experience.

This bill was presented at the request of the insurance department. Issues brought up by the insurance industry caused the bill to be retained; the bill as amended has the support of both the industry and the department. **Vote 20-0.**

HB 456-FN, relative to liquor manufacturers. **REFER FOR INTERIM STUDY.**

Rep. John B. Hunt for Commerce and Consumer Affairs. The bill, as introduced, would have allowed liquor manufacturers to distribute samples to licensees for tasting on licensed premises, to sell liquor directly to on-premises and off-premises licensees, and to sell at farmers' markets. As with HB 331, there are many problems with this bill. However there are some things that could be addressed, so the committee wanted to keep working on it. The committee does hope that by the time the House takes up this bill an amendment could be drafted so we may ask the House to overturn the current motion. **Vote 20-0.**

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

Rep. Joe W. Scarlotto for Commerce and Consumer Affairs. In the past decade, New Hampshire has experienced several high profile oil company failures, costing consumers hundreds of thousands of dollars. Customers who elected to prebuy an entire season's worth of heating fuel sustained significant losses when these companies went under and left no fuel and no assets to make their customers whole. New Hampshire's current law allows fuel companies to select one of three ways to secure or lock in their prepaid customers' price. Two of these, the surety bond and letter of credit, are costly to the company and result in an increase in price of the fuel for the prebuy customer. Hence they are rarely or never used. The third, the futures contract, locks in the price of the fuel for the customer but does not require the immediate purchase and storage of said fuel. This is the method most used and it works well most of the time. Problems occur when companies come

upon hard times and divert prepaid money to meet other expenses, leaving their prebuy customers literally out in the cold. This bill, similar to several considered in previous years, sought to provide consumers some protection by replacing the futures contract with an escrow account. These accounts would hold no less than 75 percent of the total amount of prepaid customer money; set aside until the time the actual fuel was purchased for said customers. While this made good sense to many on the committee, the difficulty was in monitoring of these accounts.

The bill called for the banks to be the escrow agents with the office of the attorney general as the beneficiary. Banks were not interested in taking on this liability, and questioned under what conditions the state becomes the beneficiary. Oil companies testified that this would increase their costs and make it harder for smaller companies, who rely on prepaid contracts during the non-heating months to stay in the business. Finally, there was no convincing testimony that the use of escrow accounts could be monitored adequately to ensure consumer money was going into the accounts and would not be withdrawn prematurely. The committee considered Maine's law that requires all companies offering prebuy contracts to register with the state, pay a small fee, and submit an annual report of their prebuy contracts to the department of professional and financial regulation. The New Hampshire fuel companies that do business in Maine were not averse to this solution. It was rejected, however, when the committee learned that the registration fee would not be enough to hire more staff at the consumer protection bureau to oversee the registration and reporting obligations. The inability to find a way protect consumers from these catastrophic business failures continues to be a source of great concern and frustration to many on the committee. **Vote 19-1.**

ELECTION LAW

HB 366-FN, relative to showing a ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary L. Till for Election Law. This bill seeks to clarify that distributing an image of a marked ballot by any means including via social media is a violation of RSA 659:35. RSA 659:35 was put in place to protect voters from being intimidated or coerced into proving they voted a particular way by showing their completed ballot or an image of their completed ballot. The committee decided that the most economical way to prevent this practice is to educate voters. Thus, this bill requires the secretary of state to provide a poster to town and ward clerks highlighting the requirement to keep one's ballot secret including photographs of the completed ballot and requiring town and ward clerks to prominently post the poster at each polling location. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill was retained by the committee when it was working on the referenced subject matter in conjunction with another bill which became law earlier this year, in order to have a vehicle to address any related issues which might subsequently arise. That eventuality has occurred, and SB 116-FN has been amended to deal with it. Specifically, a loophole in SB189, (Ch. 275, 2013) led to an improper activity by an unlicensed technician on a municipal system in one town, resulting in damage. Section one of the bill now eliminates that loophole. At the request of the mechanical licensing board on a separate matter, section two of the bill clarifies somewhat ambiguous language in the RSAs to preserve longstanding rights of property owners regarding incidental plumbing repair or installation on their property. **Vote 17-2.**

PUBLIC WORKS AND HIGHWAYS

SB 3-FN, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways. The committee unanimously recommended this bill as inexpedient to legislate because it felt that removing the Exit 12 toll plaza should more properly be considered as part of the complete array of issues facing the F. E. Everett Turnpike. These include: 1) the lost toll revenue (currently \$1.9 million and growing) from the newly opened airport ramp at Exit 13 and its relation to the location of the mainline toll booth in Bedford when it is converted to overhead tolling; 2) the possible elimination of the toll plazas at Exits 10, 11 and 12 and the resulting costs and net revenue losses; 3) the future ownership of Continental Boulevard in Merrimack; 4) the need to widen the 2-lane choke points to 3-lanes throughout the Merrimack and Bedford stretch; and 5) possible commuter discounts for frequent toll users, which would apply to the entire turnpike system. The committee takes up the state's Ten Year Transportation Improvement Plan in the 2014 session and will address these issues in the overall context of future F. E. Everett Turnpike improvements, and the resulting ramifications to the entire turnpike system. **Vote 15-0.**

BILLS LAID ON TABLE

HB 110, requiring persons who record cruelty to livestock to report such cruelty and submit such recordings to a law enforcement agency. (Pending question: adoption of the Majority committee amendment)

HB 585, relative to insurance parity for optometrists. (Pending question: adoption of the Majority committee report of Ought to Pass with Amendment)

SB 180, (2nd New Title) establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund. (Pending question: Ought to Pass)

SB 190, relative to admission fees for certain persons at state parks and historical sites. (Pending question: adoption of the committee report of Ought to Pass)

COMMITTEE MEETINGS

FRIDAY, JANUARY 24

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 307, LOB

1:00 p.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 208, LOB

10:00 a.m. Child and Family Services subcommittee meeting.

NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2), Rooms 302-304, LOB

1:30 p.m. Regular meeting.

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

9:00 a.m. Subcommittee meeting.

10:00 a.m. Regular meeting.

MONDAY, JANUARY 27

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Subcommittee work session on **HB 1624-FN**, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights.

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 103, State House

10:00 a.m. Regular meeting.

HOUSE LEGISLATIVE FACILITIES SUB COMMITTEE (RSA 17-E:2), Room 303, LOB

10:30 a.m. or 5 minutes after JLFC.

Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c), Room 100, State House

9:00 a.m. Regular meeting.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 301, LOB

10:00 a.m. Regular meeting.

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

10:00 a.m. Regular meeting.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Department of Resources and Economic Development, 172 Pembroke Rd., Concord

3:00 p.m. Annual meeting. Approve CCE distribution Annual Conflict of Interest Form.

Please note: snow date January 31

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

9:00 a.m. Regular meeting.

TUESDAY, JANUARY 28

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **HB 1198**, relative to the procedure for filing a children in need of services (CHINS) petition.

10:30 a.m. **HB 1260-FN-L**, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

11:15 a.m. **HB 1341**, relative to grounds for divorce for persons with minor children.

1:00 p.m. **HB 1125-FN**, repealing the crime of adultery.

1:30 p.m. **HB 1218**, relative to the crime of adultery.

2:00 p.m. **HB 1206**, relative to juvenile placement in shelter care facilities and at the youth development center.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. **HB 1294**, requiring that all providers be allowed to participate in the health exchange.
- 11:00 a.m. **HB 1328-FN**, relative to licensure of insurance exchange navigators.
- 1:15 p.m. Executive session on **HB 1144**, requiring personal information of a person acquitted of or not charged with a crime to be removed from websites, **HB 1232-FN**, relative to insurance filing fees, **HB 1589-FN**, requiring background checks for all firearm sales, **HB 1595-FN**, establishing a condominium dispute resolution board.
- 2:15 p.m. Subcommittee work session on **HB 1276**, relative to alcoholic beverage advertising restrictions, **HB 1217**, allowing wholesale distributors to purchase beverages from nano brewery licensees.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Executive session on **HB 1172-FN**, relative to mandatory ignition interlock device installation, **HB 1204-FN**, relative to perjury by a law enforcement officer, **HB 1237**, prohibiting residency restrictions for registered sex offenders and offenders against children, **HB 1256**, relative to arrest without a warrant, **HB 1257**, establishing private prosecution of criminal proceedings, **HB 1457-FN**, requiring risk assessment information to be posted on the sexual offender registry, **HB 1473**, recodifying the laws relative to sheriffs, constables, and police officers, **HB 1575-FN-A**, requiring state police to wear a camera when interacting with the public.
- 1:00 p.m. Continued public hearing on **HB 1536-FN**, relative to penalties for driving under the influence of drugs or liquor.
- 1:15 p.m. **HB 1227**, making changes to parole and parole board procedures.
- 2:00 p.m. **HB 1230-FN**, relative to imposition of consecutive sentences.
- 2:30 p.m. **HB 1216-FN**, relative to the crime of causing or aiding suicide.
- 3:00 p.m. **HB 1292-FN**, creating an affirmative defense for a person who causes or aids another in committing suicide.

EDUCATION, Room 207, LOB

- 9:00 a.m. Subcommittee work session on **HB 1180-FN-L**, relative to days of school, **HB 1588-FN**, requiring suicide prevention education in schools.
- 10:00 a.m. **HB 1252**, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15.
- 10:30 a.m. **HB 1377**, authorizing conferral of degrees by private entities.
- 11:00 a.m. **HB 1388**, relative to student religious liberties.
- 11:30 a.m. **HB 1392-FN-L**, removing the restriction on the number of pupils eligible to transfer to a chartered public school.
- 1:15 p.m. **HB 1393-FN-L**, relative to tuition payments for students attending a chartered public school in the student's district of residence.
- 1:45 p.m. **HB 1397**, establishing a committee to study whether the department of education is operating within its statutory authority.
- 2:15 p.m. **HB 1445-FN**, relative to providing an education plan for certain students upon request of a parent or guardian.
- 2:45 p.m. **HB 1469**, requiring each school district to establish a special education parent advisory council.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. **HB 1400**, establishing the New Hampshire "First-in-the-Nation" presidential primary centennial anniversary commission.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **HB 1221-FN**, declaring New Hampshire fruit and vegetables exempt from the FDA Food Safety and Modernization Act.
- 10:15 a.m. **HB 1270-FN**, exempting meat and meat products from New Hampshire livestock from the FDA Food Safety and Modernization Act.
- 10:30 a.m. **HB 1273-FN**, exempting New Hampshire dairy products from the FDA Food Safety and Modernization Act.
- 10:45 a.m. **HB 1582-FN**, declaring New Hampshire poultry and poultry products exempt from the FDA Food Safety and Modernization Act.
- 11:00 a.m. **HB 1583-FN**, exempting New Hampshire apian products from the FDA Food Safety and Modernization Act.
- 11:30 a.m. **HB 1263**, relative to exempting maple syrup products produced and sold in state from federal regulation.
- 1:00 p.m. **HB 1138**, relative to homestead food producers selling food products at farm stands, farmers markets, or at the homestead residence where they are produced.
- 1:30 p.m. **HB 1464-FN**, exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1186**, relative to rulemaking authority of certain occupational boards concerning examinations.
- 10:30 a.m. **HB 1453**, relative to procedures of the board of podiatry.
- 11:00 a.m. **HB 1603**, relative to renewal of emergency medical technician-intermediate licenses.
- 11:30 a.m. **HB 1431**, relative to the membership of the developmental services quality council.
- 1:00 p.m. **HB 1577-FN**, relative to regulating alkaline hydrolysis for the disposal of human remains.
- 1:30 p.m. **HB 1569-FN**, permitting licensing requirements to be waived for buyers and sellers.
- 2:00 p.m. **HB 1102**, relative to membership of the police standards and training council.

FINANCE, Rooms 210-211, LOB

- 1:00 p.m. Executive session on **HB 1146**, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account, **HB 1251-FN-A**, making an appropriation for New Hampshire Public Television, **HB 1394-FN-A**, relative to funds for chartered public school facilities and making an appropriation therefore, **HB 1411-FN-A**, relative to restoring moneys to the department of health and human services, **HB 1489-FN-A-L**, establishing a fund to reimburse costs associated with firefighters who have heart, lung, and cancer disease and continually appropriating a special fund, **HJR 13-FN**, requiring the payment of certain money to Joseph Haas, **HB 525-FN**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.

FINANCE – (DIVISION I), Room 212, LOB

- 10:00 a.m. Work session on **HB 1489-FN-A-L**, establishing a fund to reimburse costs associated with firefighters who have heart, lung, and cancer disease and continually appropriating a special fund.

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

- 10:00 a.m. Work session on **HB 461-FN**, relative to long-term care services.

GAMING REGULATORY OVERSIGHT AUTHORITY (RSA 284-A:1), Room 306, LOB

- 8:45 a.m. Regular meeting.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

- 10:00 a.m. **HR 26**, honoring and recognizing the Cadet Nurse Corps.
- 10:30 a.m. **HB 1572-FN**, establishing a commission to create a New Hampshire state plan for Alzheimer's disease and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.
- 11:00 a.m. **HB 1615**, relative to emergency prescriptions.
- 1:00 p.m. **HB 1574-FN**, relative to the cap on total billings to counties for nursing home care costs.
- 2:15 p.m. Executive session on **HB 1133**, relative to copies of medical records for applicants of public assistance programs. **HB 1280**, permitting physician assistants to authorize walking disability plates and placards, **HB 1391**, relative to blood drawn from patients with hemochromatosis

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on **CACR 12**, relating to nomination and appointment of officers. Providing that judges and the attorney general shall be elected, **CACR 13**, relating to police courts and justices of the peace. Providing that language concerning police courts and justices of the peace is consistent with statute, **CACR 14**, relating to disqualifying sheriffs by age. Providing that the age disqualification for sheriffs shall be abolished, **CACR 16**, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature, **HB 1108-FN**, requiring voir dire examination of prospective jurors in all criminal cases, **HB 1165-FN-A**, relative to the citizen's petition for redress of grievances by the legislature; establishing a special fund, and making an appropriation therefore, **HB 1201-FN**, relative to the accountability of public officials, **HB 1231**, relative to jury instructions in sexual assault cases, **HB 1267**, relative to removing public officials for cause, **HB 1293**, establishing a civil right of action for victims of human trafficking, **HB 1380-FN**, establishing a citizen appeal panel, **HB 1452**, relative to jury nullification, **HB 1474**, relative to persons held in civil contempt, **HB 1272**, excluding certain leases by fraternal or social organizations from the definition of tenancy, **HB 1274**, relative to the quarterly or semi-annual payment of rent, **HB 1275**, permitting a landlord to tow a tenant's vehicle under certain circumstances.
- 1:00 p.m. **HB 1345-FN**, relative to forfeiture of items used in connection with a drug offense.
- 1:30 p.m. **HB 1609-FN**, relative to forfeiture of personal property.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:15 a.m. **HB 1308-FN**, adding 2 members to the advisory council on workers' compensation.
- 10:45 a.m. **HB 1498-FN**, relative to wages lost when an employee submits to a medical examination required under workers' compensation law.

- 1:15 p.m. **HB 1404**, relative to payroll cards.
- 1:45 p.m. **HB 1407**, relative to privacy in the workplace.
- 2:30 p.m. **HB 1592-FN**, relative to requiring prevailing wages on state-funded public works projects.
- 3:00 p.m. Executive session on **HB 1174**, establishing a commission to study the payment of subminimum wages to persons with disabilities, **HB 1188**, relative to paycheck equity, **HB 1334**, relative to contributions to charities by employees, **HB 1405**, prohibiting an employer from using credit history in employment decisions, **HB 1561-FN-L**, relative to the classification of temporary emergency workers under unemployment compensation laws.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 2:00 p.m. **CACR 18**, relating to citizen appeals. Providing that the general court shall have the authority to establish citizen redress of grievance panels.
- 2:30 p.m. **HB 1122-FN**, establishing the crime of filing false lien statements against public officials and employees.
- 3:00 p.m. **HB 1551**, relative to the employment of elected officials.
- 3:30 p.m. **HB 1559-FN**, establishing a New Hampshire state house bicentennial commission and fund.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1120**, relative to procedures for the county budget and expenditures for Belknap county.
- 10:45 a.m. **HB 1373**, relative to the transfer of county budget appropriations in the Belknap county budget, and relative to payment of county legal expenses.
- 11:30 a.m. **HB 1370**, relative to county budgets and the authority of county conventions.
- 1:30 p.m. **HB 1190**, relative to approval of budget transfers in Hillsborough county.
- 2:00 p.m. **HB 1386**, relative to the minutes of county proceedings.
- 2:30 p.m. **HB 1245**, relative to municipal lease agreements for certain equipment.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 1389**, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge.
- 10:30 a.m. Executive session on **HB 1123-FN**, repealing the prohibition on village districts receiving road funds, **HB 1335-FN**, relative to construction contracts entered into by the university of New Hampshire, **HB 1346**, relative to allocations of funds from the highway fund, **HB 1406-FN**, relative to red list bridges, **HB 1581-FN-A**, relative to the bonding of project costs for certain department of transportation bridge capital projects.
- 1:15 p.m. DOT informational session on 10 year Transportation Plan.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:15 a.m. **HB 1254**, establishing a committee to study and propose a recodification of certain environment-related statutes.
- 10:45 a.m. **HB 1100**, establishing a committee to study the ownership by public entities of land for conservation purposes.
- 11:30 a.m. **HB 1271**, establishing a committee to study the powers and duties of conservation commissions.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. **HB 1209**, relative to OBD II testing and the OBD II testing advisory committee.
- 11:00 a.m. Executive session on **HB 1455-L**, relative to the authority of municipalities to enter into agreements for payments in lieu of taxes, **HB 1590-L**, relative to payments in lieu of taxes for renewable generation facilities in unincorporated places.
- 1:15 p.m. **HB 1312**, establishing a committee to study off-shore wind energy development.
- 2:15 p.m. **HB 1443**, relative to renewable portfolio standards.
- 3:15 p.m. **HB 1181**, relative to the provision of services to electricity suppliers by an electric utility.

TRANSPORTATION, Room 203, LOB

- 9:00 a.m. Subcommittee works session on **HB 1360**, prohibiting impeded driving and use of certain electronic devices while driving, **HB 1117**, relative to restricting usage of cellular phones while driving, **HB 1118**, prohibiting certain drivers from using hand-held devices for communication.
- 10:15 a.m. Continued public hearing on **HB 1598-FN-A**, authorizing friends of animals number plates.
- 10:30 a.m. Executive session on **HB 1103-FN-A**, authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards, **HB 1135-FN**, relative to penalties for driving without a license, **HB 1150-FN**, relative to motor vehicle dealer and inspection station licenses, **HB 1317**, relative to driver education, **HB 1629**, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects.
- 1:00 p.m. **HB 1365**, permitting certain vehicles to proceed through an intersection after stopping for a red light.

- 1:15 p.m. **HB 1465-FN**, authorizing one-day permits for transportation of trailers for disposal or destruction.
- 1:30 p.m. **HB 1342**, establishing a committee to study truck registration fees.
- 1:45 p.m. **HB 1366**, relative to exemptions from seasonal weight restrictions on roads.
- 2:00 p.m. **HB 1483-FN**, relative to transfers of motor vehicle registration.
- 2:15 p.m. **HB 1448**, relative to vessel registration.
- 3:00 p.m. **HB 1223**, relative to driving on limited access highways.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Subcommittee work session on **HB 1613**, relative to payment of the Medicaid enhancement tax.
- 10:30 a.m. Full committee work session on **HB 1630-FN-A**, relative to gaming in New Hampshire.
- 1:00 p.m. Executive session on **HB 256-FN**, (New Title) relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, extending a commission on sustainability of the fish and game department, and establishing a committee to study funding of the fish and game search and rescue fund, **HB 1339**, relative to "table stakes games.", **HB 1476-FN**, exempting proprietorships from taxation under the business enterprise tax, **HB 1477-FN-A**, exempting proprietorships from taxation under the business profits tax, **HB 1509-FN-A**, relative to including nonprofit charitable enterprises in the business enterprise tax and lowering the rate of the tax, **HB 1556-FN**, defining poker as a game of skill, **HB 1613**, relative to payment of the Medicaid enhancement tax.

THURSDAY, JANUARY 30

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 1289**, relative to interference with custody.
- 10:45 a.m. **HB 1632**, relative to child support orders for children with disabilities.
- 11:30 a.m. **HB 1343**, relative to guardian ad litem fees and complaints.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. **HB 1111**, clarifying the term "valid claim" for property insurance.
- 10:30 a.m. **HB 1112**, making technical corrections to the standard valuation law.
- 11:00 a.m. **HB 1282-FN**, relative to consumer protection for propane fuel users.
- 1:00 p.m. Continued public hearing on **HB 1166-FN**, relative to fines imposed on corporations for criminal activity.
- 1:30 p.m. Continued public hearing on **HB 1332**, relative to monetary judgments in class action civil suits under the Consumer Protection Act.
- 2:00 p.m. Executive session on **HB 1166-FN**, relative to fines imposed on corporations for criminal activity, **HB 1217**, allowing wholesale distributors to purchase beverages from nano brewery licensees, **HB 1276**, relative to alcoholic beverage advertising restrictions. **HB 1277**, relative to grocery sales by stores licensed to sell alcoholic beverages, **HB 1278**, relative to ownership and operation of liquor licensees, **HB 1288**, requiring bottled water labels to indicate the source of water, **HB 1332**, relative to monetary judgments in class action civil suits under the Consumer Protection Act, **HB 1381-FN**, relative to the auctioning of wine and liquor for charitable purposes.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 304, LOB

- 10:00 a.m. **HB 1361**, prohibiting law enforcement agencies from using a drone to collect evidence.
- 10:45 a.m. **HB 1620-FN**, relative to the use of drones.
- 11:30 a.m. **HB 1619-FN**, prohibiting the acquisition, collection, or retention of certain information.
- 1:15 p.m. **HB 1330-FN**, prohibiting the disclosure by search warrant of privileged individual medical records.
- 2:00 p.m. **HB 1566-FN**, relative to warrant requirements.
- 2:45 p.m. **HB 1533-FN**, requiring a warrant to search information in a portable electronic device.
- 3:30 p.m. **HB 1567-FN**, requiring a warrant to obtain electronic device location information.

EDUCATION, Room 207, LOB

- 9:00 a.m. Subcommittee works session on **HB 1433**, authorizing the community college system to waive tuition and fees for employees and employees' dependents.
- 10:00 a.m. **HB 1247**, requiring the department of education to share costs of implementing statewide online assessment technology requirements.
- 10:30 a.m. **HB 1447**, prohibiting discrimination in educational standards for certain students.
- 11:00 a.m. **HB 1463**, relative to the definitions of "priority school" and "focus school."
- 11:30 a.m. **HB 1507**, relative to university system of New Hampshire in-state tuition rates for students domiciled in New Hampshire.

- 1:15 p.m. Executive session on **HB 1105-FN-L**, relative to aid to school districts for costs of special education, **HB 1113**, requiring school districts to distribute a concussion and head injury information sheet to student-athletes, **HB 1114-FN**, relative to limits on state expenditures for school building aid, **HB 1505-FN**, requiring college identification cards to indicate whether the student is an in-state or out-of-state student.

ELECTION LAW, Room 308, LOB

- 9:00 a.m. Subcommittee work session on **HB 1357**, relative to access to ballots.
 11:00 a.m. Executive session on **HB 1225**, adding the choice of “none of the above” to state election ballots, **HB 1347**, establishing a house committee to study apportionment of state representative districts, **HB 1543**, relative to filing for state representative special elections, **HB 1544**, relative to special election ballots.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on **HB 1344**, relative to the disposal of sharps waste by retail establishments.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1537**, relative to acceptance of grants by state agencies.
 10:30 a.m. **HB 1593**, relative to eligibility for the state extraordinary service award program.
 11:00 a.m. **HB 1564-FN**, relative to escheat proceedings.
 1:00 p.m. **HB 1241**, relative to the sale of consumer fireworks.
 2:00 p.m. **HB 1307**, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market.

FISH AND GAME AND MARINE RESOURCES, Rooms 305-307, LOB

- 9:00 a.m. **HB 1579-FN**, prohibiting the use of certain leghold or foothold traps for the taking of animals.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Rooms 210-211, LOB

- 9:00 a.m. **HB 1296**, adding a member to the therapeutic use of cannabis advisory council.
 10:00 a.m. **HB 1622-FN**, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.
 1:30 p.m. **HB 1623-FN**, prohibiting a licensed alternative treatment center from advertising therapeutic cannabis.
 2:30 p.m. **HB 1446**, relative to synthetic marijuana.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 1439-FN**, relative to the attorney general’s authority in investigating combinations and monopolies.
 10:30 a.m. **HB 1119**, relative to forfeiture of inheritance by killer.
 11:00 a.m. **HB 1315**, relative to confidentiality of police personnel files.
 1:00 p.m. **HB 1253**, relative to religious societies.
 1:30 p.m. **HB 1618-FN**, relative to an additional hearing for persons who meet the standard for involuntary admission to a mental health treatment facility.
 2:00 p.m. **HB 1631-FN**, relative to debt collection and small claims.
 2:30 p.m. **HB 1159**, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1320**, relative to incompatibility of town offices.
 10:30 a.m. **HB 1131**, relative to the appointment of an immediate family member of a selectman to fill a vacant town office.
 11:00 a.m. **HB 1106**, relative to disqualification of moderators.
 1:00 p.m. **HB 1246**, relative to the composition of public agency boards concerning housing standards.
 1:30 p.m. **HB 1268**, relative to the purposes of town by-laws.
 2:00 p.m. **HB 1297**, relative to workforce housing grants.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 10:00 a.m. **HCR 10**, applying to the Congress of the United States to call for a convention under Article V of the United States Constitution.
 11:00 a.m. **HCR 11**, commemorating the ratification of the seventeenth amendment to the United States Constitution.
 1:00 p.m. Executive session on **HJR 10**, urging Congress to apply laws equally to citizens of the United States and to Senators and Representatives, **HJR 11**, petitioning Congress of the United States to call a constitutional convention for the purpose of proposing an amendment to the Constitution to provide that rights extended by the constitution intended for people are granted only to human beings, **HR 23**, recognizing the Honor and Remember Flag as a symbol of the service and sacrifice of the armed forces.

WAYS AND MEANS, Rooms 202-204 LOB

9:00 a.m. **HB 492-FN-L**, relative to the legalization and regulation of marijuana.

FRIDAY, JANUARY 31**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration, 109 Pleasant St., Concord**

9:00 a.m. Public Forum followed by a Regular Board Meeting.

MONDAY, FEBRUARY 3**COUNCIL FOR CHILDREN AND ADOLESCENTS WITH CHRONIC HEALTH CONDITIONS (RSA 126-J), Upham -Walker House, Park St., Concord**

6:00 p.m. Regular meeting.

COMMITTEE TO STUDY THE CONSTRUCTION OF A PERMANENT MEMORIAL TO GOVERNOR JOHN GILBERT WINANT ON STATE PROPERTY OTHER THAN STATE HOUSE GROUNDS (HB 262, Chapter 120:1, Laws of 2013), Room 204, LOB

10:00 a.m. Subcommittee recommendations and full committee to vote on artists' proposals.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

4:00 p.m. Regular meeting.

TASK FORCE ON WORK AND FAMILY (RSA 276-B:2, I), Room 207, LOB

1:15 p.m. Regular meeting.

TUESDAY, FEBRUARY 4**CHILDREN AND FAMILY LAW, Room 206, LOB**

10:00 a.m. Executive session on **HB 1372-FN-A**, making an appropriation for the ongoing training and education of pediatric sexual assault nurse examiners, **HB 1478**, relative to state licensing and oversight of child care agencies, **HB 1486-FN**, reducing the fines for underage possession or consumption of alcoholic beverages, **HB 1624-FN**, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on **HB 1138**, relative to homestead food producers selling food products at farm stands, farmers markets, or at the homestead residence where they are produced, **HB 1221-FN**, declaring New Hampshire fruit and vegetables exempt from the FDA Food Safety and Modernization Act, **HB 1263**, relative to exempting maple syrup products produced and sold in state from federal regulation, **HB 1270-FN**, exempting meat and meat products from New Hampshire livestock from the FDA Food Safety and Modernization Act, **HB 1273-FN**, exempting New Hampshire dairy products from the FDA Food Safety and Modernization Act, **HB 1344**, relative to the disposal of sharps waste by retail establishments, **HB 1464-FN**, exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act, **HB 1582-FN**, declaring New Hampshire poultry and poultry products exempt from the FDA Food Safety and Modernization Act, **HB 1583-FN**, exempting New Hampshire apian products from the FDA Food Safety and Modernization Act, **HB 1608-FN**, relative to hydraulic fracturing.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

10:15 a.m. Executive session on **HB 1579-FN**, prohibiting the use of certain leghold or foothold traps for the taking of animals.
 11:00 a.m. **HB 1104-FN**, relative to railroad motorcars.
 1:00 p.m. **HB 1290-FN**, allowing nonresident full-time students to purchase resident licenses for hunting and fishing.
 2:00 p.m. **HB 1495**, repealing the prohibition on the use of silencing devices for taking wildlife.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:15 a.m. **HB 1286**, relative to youth safety regarding mooring and rafting of boats at or near youth camps.
 10:45 a.m. **HB 1248**, relative to the acceptance of risk in outdoor recreational activities.
 11:30 a.m. **HB 1258**, relative to fill and dredge permitting applications.

WEDNESDAY, FEBRUARY 5

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

4:30 p.m. Regular meeting. *Please note snow date February 12th*

THURSDAY, FEBRUARY 6

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

9:15 a.m. Subcommittee work session on **HB 1396**, relative to the smoking policy at the New Hampshire veterans' home.

FRIDAY, FEBRUARY 7

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

9:00 a.m. Continued regular meeting.

MONDAY, FEBRUARY 10

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH Higher Education Assistance Foundation, 4 Barrel Ct., Concord

9:00 a.m. Investment Committee meeting.

9:30 a.m. General meeting.

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 103, State House

10:00 a.m. Regular meeting.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 305, LOB

9:00 a.m. Regular meeting.

NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2), Rooms 302-304, LOB

1:30 p.m. Regular meeting.

TUESDAY, FEBRUARY 11

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **HB 1176**, relative to grounds for termination of parental rights.

10:45 a.m. **HB 1316-FN**, requiring the use of metal detection devices in court-ordered, supervised visitation.

11:15 a.m. **HB 1236**, establishing a committee to study supervised visitation centers.

THURSDAY, FEBRUARY 13

COMMISSION TO OVERSEE THE CONSTRUCTION OF THE ISLE OF SHOALS 400TH ANNIVERSARY MEMORIAL (HB 25, Chapter 195:45, Laws of 2013), Room 201, LOB

3:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 14

COMMITTEE TO STUDY LAWS RELATING TO CONDO AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70), Room 202, LOB

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular business.

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

11:00 a.m. Regular meeting.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, D), Room 101, LOB

9:30 a.m. Regular meeting.

WEDNESDAY, FEBRUARY 19

SHORELAND ADVISORY COMMITTEE (RSA 483-B:21), Department of Environmental Services, Hazen Dr., Concord

1:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 21

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

9:00 a.m. Regular meeting.

THERAPEUTIC USE OF CANNABIS ADVISORY COUNCIL (RSA 126-X:9), Rooms 205-207, LOB

1:00 p.m. Regular meeting.

MONDAY, FEBRUARY 24

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 103, State House

10:00 a.m. Regular meeting.

MONDAY, MARCH 3

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2, I), Department of Fish and Game, 11 Hazen Drive, Concord

9:00 a.m. Regular meeting.

TUESDAY, MARCH 4

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

2:00 p.m. Regular business.

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

2:30 p.m. Regular business.

WEDNESDAY, MARCH 5

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

4:30 p.m. Regular meeting. *Snow date March 12th*

FRIDAY, MARCH 7

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

9:00 a.m. Continued regular meeting.

OFFICIAL NOTICES

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

Rep. Susan Emerson, c/o Navy Lodge, Room 509, 8901 Wisconsin Ave., Bethesda, MD 20889

Rep. Lester W. Bradley, 315 Thornton Gore Road, Thornton, New Hampshire 03285-6807

Rep. Barbara S. Helmstetter, Exeter Center, 8 Hampton, Exeter, NH 03833-4806

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

Karen O. Wadsworth, Clerk of the House

COUNTY DELEGATION NOTICE

The **Carroll** County Delegation will meet at the County Offices in Ossipee on **Monday, February 3rd** at 9:00 a.m. to continue their discussion on the budget.

Rep. Edward Butler, Clerk

Carroll County Delegation

COUNTY DELEGATION NOTICE

The **Coos** County Delegation will meet **Monday, February 10th** to approve the 4th Quarter Financials of 2013, at the State Offices in Lancaster. The meeting will begin at 10:00 a.m. sharp.

Rep. Robert Theberge, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

The **Coos** County Delegation will meet **Monday, March 17th** to approve the Annual Budget for 2014, in West Stewardstown (Nursing Home). The meeting will begin at 10:00 a.m. sharp.

Rep. Robert Theberge, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

The **Grafton** County Delegation will meet **Monday, January 27th at 10:00 a.m.** at the Grafton County Complex, North Haverhill for the purpose of appointing a Grafton County District 2 Commissioner.

Rep. Andrew White, Chairman
Grafton County Delegation

COUNTY DELEGATION NOTICE

The **Hillsborough** County Executive Committee will be meeting on **Friday, January 24th at 9:00 a.m.** at the Hillsborough County Complex, Bouchard Building, Goffstown.

Rep. Mariellen MacKay, Clerk
Hillsborough Executive Committee

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet **Friday, February 21st at 9:30 a.m.** in the Hilton Auditorium, Rockingham County Nursing Home, Brentwood.

Rep. Kevin K. Waterhouse, Clerk
Rockingham County Executive Committee

REVISED FISCAL NOTES

The following Bills have a revised fiscal note: HB 255, HB 404, HB 424, HB 439, HB 480, HB 469, HB 492, HB 525, HB 645, HB 649, HB 653, HB 666, HB 671, HB 682, HB 624, HB 1127, HB 1163, HB 1216, HB 1368, HB 1411, HB 1557, HB 1595, HB 1609, HB 1626, HB 1627, HB 1628, HB 1161, HB1631, SB 180 and SB 196.

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.

On **January 11 - 24, 2014** a coalition of organizations dedicated to implementation of campaign reform is planning three walks in New Hampshire during each of the next three years. Each walk will occur during the month of January. In 2014, the 185-mile walk from the north of the state to the south of the state will take place January 11, through January 24, and serve as the pilot to recruit support and volunteers for the ensuing years. January 24 is the birthday of Doris Granny D. Haddock, who, at age 89, walked 3200 miles across our country to bring attention to the corrosive influence of money in politics, and the need for campaign reform. The NH Rebellion is the lead organizer for the January walks.

To learn more about the NH Rebellion, please visit: nhrebellion.org/about_nhr.

You can also follow on Twitter @nhrebellion and on Facebook at: [facebook.com/nhrebellion](https://www.facebook.com/nhrebellion). For specific walk details, and an opportunity to participate, visit: www.nhrebellion.org/walk_route

Rep. Bob Perry

The Bi-State Primary Care Association is hosting its NH Legislative and Business Hot Breakfast on Wednesday, **February 5, 2014**, from 7:30 a.m. to 9:00 a.m. at the Holiday Inn, 172 N. Main Street, Concord. (Snow date: February 6, 2014.) The topic will be "A Smart Investment – NH Community Health Centers."

Speaker Terie Norelli

The Retail Merchants Association of New Hampshire invites all legislators and staff to its 48th Annual Legislative Reception and presentation of the annual "Law Enforcement Partner of the Year", "Retailer of the Year" and "Legislator of the Year", awards on **Wednesday, February 5th** at 4:00 p.m. or following the session, whichever is later, at the Concord Holiday Inn. Please join RMANH members, your colleagues and others for light fare and conversation.

Reps. Stephen J. Shurtleff and Gene G. Chandler

The NH Insurance Department will hold a public informational hearing regarding our regulatory standards and procedures for determining network adequacy for health insurance plans, and the balance between pro-

moting access to care and controlling costs. The hearing will be held on **Monday, February 10th** at 10:00 a.m. at the New Hampshire Department of Environmental Services Auditorium, 6 Hazen Dr., in Concord. Interested members of the public are welcome to attend. The Department will present information about its regulatory standards and procedures for determining network adequacy, including the review the Department conducted with respect to plans sold on the New Hampshire Health Insurance Marketplace. There will also be an opportunity to testify. This hearing will be important to those interested in why we have a narrow network of healthcare providers in our ACA-offered insurance policies.

Rep. Edward Butler

Northeast Delta Dental cordially invites all members of the New Hampshire House and the staff to its Fifteenth Annual Legislative Reception to be held **Tuesday, February 11th** from 4:00 p.m. to 6:30 p.m. at its corporate office at One Delta Drive in Concord.

Reps. Stephen J. Shurtleff and Gene G. Chandler

The House Business Caucus will meet on **Tuesday, January 28th** in Room 305, LOB at 3:00 p.m.

Reps. Laurie Sanborn, Patrick Abrami and
Adam Schroadter

The House Republican Alliance will meet Tuesday mornings at 8:30 a.m. in LOB 206.

Reps. Pamela Tucker, Al Baldasaro, and Carol McGuire

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 **2014**. 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. Note that large groups are divided into smaller groups for tours.

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

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

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>Group#/Grade</i>
Jan. 24	10:00	Chester Academy	54/4
Jan. 30	9:30	Mt. Zion Christian School – Manchester	7/4
Feb. 3	9:15	Peter Woodbury School – Bedford	43/4
Feb. 6	9:30	St. Benedict Academy – Manchester	24/4n
Feb. 7	9:15/10:30SH/SC	Peter Woodbury School – Bedford	65/4
Feb. 10	9:15	Broken Ground School – Concord	44/4
Feb. 10	10:30	Moultonborough Central School	39/4
Feb. 11	9:15	Broken Ground School – Concord	44/4
Feb. 11	10:30	Mount St. Mary Academy – Manchester	19/4
Feb. 12	9:15	Broken Ground School – Concord	44/4
Feb. 12	11:30	Leadership Greater Concord	30
Feb. 13	10:30	Walter F. Haigh School – Salem	44/4
Feb. 14	9:30/11:00 SH/SC	Pembroke Hill School	70/4
Feb. 18	9:00	Cardigan Mountain School – Finnish Hockey team	20/HS
Feb. 18	10:30	St. John's Regional School – Concord	29/4
Feb. 19	9:00	UNH Dept of Social Work	30/col
Feb. 19	10:30	American Cancer Society	20
Feb. 20	10:30	Tuftonboro Central School	10/4
Feb. 20	11:30	Portsmouth Christian Academy – Dover	12
Feb. 21	9:30	Milton & Sanbornville Home School Group	25
March 3	9:30/11:00 SH/HM	Maple Avenue Elementary School – Goffstown	60/4
March 4	10:15/11:30	Captain Samuel Douglas School – Brookline	100/4
March 5	11:00	Wells Memorial School – Harrisville	15/4&5
March 6	9:45/11:15 SH/HM	Hooksett Memorial School	60/4
March 7	9:45/11:15 SH/HM	Hooksett Memorial School	89/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 114 (2013-2382h)

Proposed by the Committee on Municipal and County Government - r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Subdivision Regulations; Easement Required. Amend RSA 674:41 by inserting after paragraph IV the following new paragraph:

V. The planning board may require that an applicant deed a right of way to a property owner with no legal access to his or her property if the applicant's subdivision would block the property owner's access to a public way. The right of way shall be of the same or similar dimensions as had been in use by the property owner prior to subdivision, or meet the dimensional requirements for a driveway in the zoning ordinance, whichever is greater. The right of way shall be recorded on the subdivision plat at the registry of deeds and shall be considered ownership of land for access purposes.

AMENDED ANALYSIS

This bill requires a subdivider to deed a right of way to an abutting owner of property with no legal access to a public way.

Amendment to HB 120 (2013-2322h)

Proposed by the Minority of the committee on Commerce and Consumer Affairs - r

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

1 Hours of Sales. Amend RSA 179:17, II(a) to read as follows:

(a) Off-premises licensees may sell from 6:00 a.m. to 11:45 p.m., 7 days a week. *The licensee may sell until 1:00 a.m. under conditions authorized by the legislative body of the city or town in which the premises are located if the legislative body adopts an ordinance authorizing such sales.*

2 Effective Date. This act shall take effect January 1, 2015.

AMENDED ANALYSIS

This bill permits off-premises liquor licensees to sell until 1:00 a.m if authorized by the municipality where they are located.

Amendment to HB 227 (2013-2298h)

Proposed by the Committee on Commerce and Consumer Affairs -c

Amend the bill by replacing all after section 2 with the following:

3 Insurance Companies and Agents; Premium Refunds. Amend RSA 402:81, I(c) to read as follows:

(c) For auditable policies:

(1) Audits shall be ~~conducted~~ **completed** promptly, no more than 120 days after the expiration or cancellation of the policy, provided that there is no bona fide dispute; and

(2) If there is no bona fide dispute, the refund of gross unearned premium shall become due on the date of the completed audit **or 120 days after the expiration or cancellation of the policy, whichever occurs first.**

(3) Any insurer that violates this subparagraph shall be subject to the penalty provisions of RSA 402:50.

~~[(3)]~~ **(4)** In cases where the amount of refund is in bona fide dispute, the refund shall not become due until the dispute is resolved and the audit is completed. The insurer shall notify the insured in writing that there is a bona fide dispute and this notice shall toll the 120-day time period until the dispute is resolved. Upon resolution of the dispute, the insurer shall proceed to complete the audit within the time remaining in the 120-day time period.

~~[(4)]~~ **(5)** A bona fide dispute includes the insured's failure to cooperate with the audit, provided the insurer has notified the insured of:

(A) The acts or omissions that constitute the insured's failure to cooperate; and

(B) The consequences of the insured's failure to cooperate, including delay in the completion of the audit and payment of any refund due.

4 Public Adjusters; Approval of Forms. Amend RSA 402-D:14, II to read as follows:

II. Contracts not containing all of the information required by RSA 402-D:13, **I** shall be automatically ~~deemed~~ disapproved~~[-and shall not be enforceable by the parties].~~ **Any disapproved contract that is used by a public adjuster in violation of this paragraph shall be voidable by the consumer who signed the contract.**

5 Third Party Administrators; Premium Collection and Payment of Claims. Amend RSA 402-H:7, IV to read as follows:

IV. All claims paid by the administrator from funds collected on behalf of or for an insurer shall be paid only on drafts or checks of and as authorized by the insurer, ***provided however that property and casualty claims may also be paid other than by draft or check, pursuant to rules adopted in accordance with RSA 281-A and RSA 417.***

6 Fire Insurance Contract. RSA 407:15 is repealed and reenacted to read as follows:

407:15 Notice to Insured. The insurer shall provide written notice to the insured of any denial of coverage. The notice shall inform the insured that any action based upon the denial shall be barred by law if not commenced within 12 months from the date of the written denial.

7 Regulation of Forms and Rates; Forms. Amend RSA 412:5, II to read as follows:

II. No liability policy issued or delivered in this state ***that insures against personal risk*** shall contain any exclusion which would preclude coverage for intra-family or inter-spousal claims.

8 Regulation of Forms and Rates; Motor Vehicle Coverage. Amend RSA 412:8, II to read as follows:

II. No liability policy issued or delivered in this state ***that insures against personal risk*** shall contain any exclusion which would preclude coverage for intra-family or inter-spousal claims.

9 Regulation of Forms and Rates; Workers' Compensation. Amend RSA 412:35, III to read as follows:

III. Audits shall be completed promptly, no more than 120 days after the expiration or cancellation of the policy, provided that there is no bona fide dispute. ***Any insurer that violates the provisions of this paragraph shall be subject to the penalty provisions of RSA 412:40.***

10 Refusal to Issue, Cancellation and Refusal to Renew Automobile Insurance. Amend RSA 417-A:3 to read as follows:

417-A:3 Cancellation; Refusal to Write; Refusal to Renew; Insufficient Grounds. No insurer shall cancel, refuse to write or refuse to renew a policy of automobile insurance on any person [~~with at least 2 years' driving experience~~] solely because of the age, residence, race, color, creed, national origin, ancestry, marital status or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured.

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

Amendment to HB 263

(2013-2282h)

Proposed by the Majority of the Committee on Transportation - r

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

AN ACT relative to reporting a person as medically unfit to drive.

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

1 New Section; Drivers' Licenses; Medically Unfit Person. Amend RSA 263 by inserting after section 6-c the following new section:

263:6-d Reporting Medically Unfit Person; Immunity. Any person including a physician, physical therapist, occupational therapist, chiropractor, psychiatrist, psychologist, or mental health worker who reasonably and in good faith believes a person cannot safely operate a motor vehicle based upon personal observation or professional opinion and who reports such to the department shall be immune from any civil or criminal liability that might otherwise result from making the report. All reports made and medical records reviewed and maintained by the department pursuant to this section shall be kept confidential except upon an order of a court of competent jurisdiction or as necessary in an administrative hearing.

2 Effective Date. This act shall take effect January 1, 2015.

AMENDED ANALYSIS

This bill immunizes from civil and criminal liability persons who report someone as medically unfit to drive.

Amendment to HB 286

(2013-2354h)

Proposed by the Committee on Science, Technology and Energy - r

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

1 Findings and Purpose. The general court finds that:

I. Universal, easy, and affordable access to high speed Internet service in New Hampshire is essential for economic development, job creation, small business growth, state, federal, and local service delivery, and educational opportunities.

II. Current New Hampshire law makes universal access to broadband Internet services effectively impossible and discourages competition. Such lack of universal access is a significant missed opportunity for building the state's economy and putting people back to work.

III. The state of New Hampshire must act decisively to facilitate the infrastructure investments that are needed to make broadband/high speed Internet available to its citizens, just as it does with electricity, telephone service, highways, and roads.

IV. Open access networks and universal access are the keys to establishing a thriving, competitive market offering low cost, high-speed Internet services to the public.

V. The state should allow our counties and municipalities to provide access to service by building broadband infrastructure, provided they do not provide broadband services themselves.

VI. The state should facilitate rigorous competition in the broadband market and remove barriers that protect vested interests and discourage competition.

VII. Public-private partnerships are critical to achieving success in effectively building out infrastructure to the premises (i.e. "Last Mile" buildout to residential and businesses in communities) because more stakeholders, rather than fewer, get engaged in and take ownership of any build-out initiative.

VIII. The state should stimulate high speed Internet expansion by providing targeted tax credits and eliminating barriers that limit our counties' and municipalities' ability to use revenue bonds and other financial instruments to access the capital needed for infrastructure development.

IX. Municipalities should have control over whether to develop high speed Internet infrastructure, provided that their citizens request and approve such action through the local legislative process.

2 Municipal Finance; Purpose of Issue of Bonds or Notes. Amend RSA 33:3 to read as follows:

33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes for the acquisition of land, for planning relative to public facilities, for the construction, reconstruction, alteration, and enlargement or purchase of public buildings, for other public works or improvements of a permanent nature including broadband infrastructure as defined in RSA 38:38, I(e), ~~[to be purchased or constructed in areas not served by an existing broadband carrier or provider]~~ **providing broadband service to the municipality including, at a minimum, those areas of the municipality having no service or no adequate service,** for the purchase of departmental equipment of a lasting character, for the payment of judgments, and for purposes of economic development which shall include public-private partnerships involving capital improvements, loans, and guarantees. The public benefit in any public-private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes of economic development may be issued only after the governing body of the municipality or county has held hearings and presented the public benefit findings to the public and after such issuance has been approved by the legislative body. A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

3 Definitions; Revenue-Producing Facilities. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in RSA 38:38, I(e), ~~[purchased or constructed in areas not served by an existing broadband carrier or provider,]~~ sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas, any other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality, or regional water district, and qualifying energy conservation and clean energy improvements for which a municipality provides financing pursuant to RSA 53-F.

4 New Sections; Issuance of Revenue Bonds. Amend RSA 38 by inserting after section 41 the following new sections:

38:42 Issuance of Revenue Bonds. A municipality shall not issue revenue bonds under RSA 33-B for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure unless:

I. A request for proposals for private broadband investment in the municipality has been issued and responses considered;

II. The local legislative body determines that the benefit to the public accruing from any planned public-private partnership relating to the issuance of revenue bonds outweighs the benefit accruing to the private member of the partnership. Such public benefit requirement is satisfied without limitation if the governing body of the municipality has held hearings and presented the public benefit findings to its citizens, and, as a consequence of weighing the testimony elicited in such hearings, the legislative body approves the issuance of such bonds as required under RSA 33-B.

38:43 Broadband Infrastructure; Exclusion from Debt Limit. Any debt incurred for broadband infrastructure by the issuance of bonds consistent with RSA 38:42 shall be outside the debt limit prescribed in RSA 33. Such debt shall at no time be included in the net indebtedness of any municipality for the purpose of determining its borrowing capacity.

38:44 Expenditure of Funds. Funds from the issuance of a revenue bond for broadband infrastructure shall only be expended to deploy broadband infrastructure in a universal and nondiscriminatory manner and, at a minimum, in those areas of the municipality having no service or no adequate service.

38:45 License and Permit Neutrality. In determining whether the public good requires a municipality to grant, change, or revoke any permit or license to any entity under RSA 231:161 or RSA 231:163, the effect that such action may have upon the viability or success of the municipality's broadband infrastructure, whether existing, planned, or contemplated, shall not be a factor in such determination or in determining the terms and conditions of any license or permit that results.

5 Broadband Access; Definitions. RSA 38:38 is repealed and reenacted to read as follows:

38:38 Broadband Access.

I. In this subdivision:

(a) "Access tariff" means the fee charged on a monthly or annual basis to broadband carriers for access to the broadband infrastructure.

(b) "Adequate" means an area that has broadband service that meets the FCC definition of broadband as it shall be revised over time

(c) "Broadband" means advanced communications systems capable of providing high-speed transmission of services such as data, voice, and video over the Internet and other networks with transmission provided by a range of technologies including digital subscriber line and fiber optic cable, coaxial cable, wireless technology, and satellite. Broadband enables the convergence of voice, video, and data services onto a single network.

(d) "Broadband carrier" means any provider of broadband services, except aggregators of broadband services, as defined in section 226 of the 1996 Telecommunications Act.

(e) "Broadband infrastructure" means all equipment and facilities, including all changes, modifications, and expansions to existing facilities, as well as the customer premises equipment used to provide broadband, and any software integral to or related to the operations, support, facilitation, or interconnection of such equipment, including upgrades, and any installation, operations and support, maintenance, and other functions required to support the delivery of broadband.

(f) "Broadband service" means the offering of broadband for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(g) "Open access network" means any broadband infrastructure which is open to any third party users in a nondiscriminatory manner on a fair and equitable basis using publicly available access tariffs for services.

(h) "Open access technology" means the technical and operational means, manners, and methods for any third party access to the broadband infrastructure, which shall be provided on the basis of generally acceptable industry standards available at the time of access.

II. Except for municipally-owned networks which exclusively serve to connect municipal or school offices, or both, a municipality shall use its broadband infrastructure for the purpose of providing an open access network and shall make use of open access technology. No municipality shall be a provider of broadband service.

6 Broadband Access Tariffs. Amend RSA 38:39 to read as follows:

38:39 Broadband Access Tariffs. For defraying the cost of acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of broadband infrastructure, or the construction, enlargement, or improvement of such systems, the governing body ~~may~~ **shall** establish a scale of rates called access tariffs, ~~may~~ **shall** prescribe the manner and the time for the payment of such tariffs, and may change such tariffs when it deems advisable.

7 New Paragraph; Pole Attachments. Amend RSA 374:34-a by inserting after paragraph VIII the following new paragraph:

IX. Pole attachments sought by a municipality for the provision of broadband access pursuant to RSA 38:38 through RSA 38:45 shall be subject to this section.

8 Repeal. The following are repealed:

I. RSA 33:3-c, I(e), relative to the issuance of bonds for preliminary expenses.

II. RSA 33:3-g, relative to broadband infrastructure bonds.

III. RSA 33:6-f, relative to exclusion from debt limit; broadband infrastructure.

9 Effective Date. This act shall take effect July 1, 2014.

Amendment to HB 292-FN-A

(2013-2269h)

Proposed by the Majority of the Committee on Resources, Recreation and Development - r

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

AN ACT relative to registration fees for commercial, private, and pleasure vessels.

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

1 Vessel Registration; Registration Fees. Amend RSA 270-E:5, II(a) to read as follows:

(a) ~~[\$7.50]~~ **\$9.50** for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

2 Lake Restoration and Preservation Fund; Addition to Boat Registration. Amend RSA 487:25, I to read as follows:

I. The fee of [~~\$7.50~~] **\$9.50** collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, [~~\$3~~] **\$5** of the fee for the control of exotic aquatic weeds, and \$4 of the fee for the milfoil and other exotic aquatic plants prevention program. The department shall deposit the \$4 into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

3 Effective Date. This act shall take effect January 1, 2015.

AMENDED ANALYSIS

This bill increases the additional fee for commercial, private, and pleasure vessels.

Amendment to HB 341-FN (2013-2225h)

Proposed by the Minority of the Committee on Finance - r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Retirement System; Administration; Cost of Assessment of Proposed Legislation. Amend RSA 100-A:14 by inserting after paragraph XIII the following new paragraph:

XIII-a. Notwithstanding the requirements of paragraph V and paragraph XIII, the cost to the retirement system of the actuarial and professional assessments of proposed legislation required by RSA 14:44 and any amendments to the proposed legislation passed by a body of the legislature shall be a charge to the legislative budget assistant and shall not be from the assets of the retirement system or charged as expenses of administration. If the retirement system would have otherwise engaged in the use of actuarial or other professional services to review proposed legislation as a matter of its fiduciary responsibilities and this same information can be used to meet the requirements of RSA 14:44, the retirement system shall not seek reimbursement from the legislature. This paragraph is not intended to require the hiring or contracting of actuarial or other professional services by the legislative budget assistant but to reimburse the retirement system for use of actuarial and other professional services already engaged by the retirement system to address RSA 14:44 as it relates to proposed legislation.

This bill requires that the administrative and professional cost of the fiscal analysis of proposed legislation done by the retirement system be a charge against the legislative budget assistant budget and shall not be paid from retirement system assets or charged as an expense of administration.

Amendment to HB 343-FN (2013-2305h)

Proposed by the Committee on Commerce and Consumer Affairs -r

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

AN ACT establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

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

1 New Section; Pawnbrokers; Commission to Study Regulatory Requirements for Pawnbrokers and Secondhand Dealers in New Hampshire. Amend RSA 399-A by inserting after section 19 the following new section:

399-A:20 Commission to Study Regulatory Requirements for Pawnbrokers and Secondhand Dealers in New Hampshire.

I. There is established a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire, the purpose of which shall be to review state and local regulation of pawnbrokers and secondhand dealers to determine whether current statutes and ordinances should be revised for consistency and to better reflect current business practices and/or law enforcement concerns.

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

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

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

(c) One representative of law enforcement from a municipality in which a pawnshop and secondhand shop are located, appointed by the senate president.

(d) A representative of the New Hampshire Association of Chiefs of Police, appointed by the association.

(e) A county attorney with experience in property crimes, appointed by the governor.

(f) One representative of the pawnbroker industry who is also a member of the National Pawnbrokers Association, appointed by the senate president.

(g) One representative of the secondhand dealer industry, appointed by the speaker of the house of representatives.

(h) One representative of the coin dealer industry who transacts business with the general public, appointed by the senate president.

(i) One representative of the antique dealer industry, who transacts business with the general public, appointed by the speaker of the house of representatives.

III. The commission shall:

(a) Study current laws and ordinances regulating pawnbrokers and secondhand dealers in New Hampshire.

(b) Study issues surrounding recordkeeping, reporting, and retention periods, including privacy and constitutional questions.

(c) Study the changes in recovery rates in municipalities that have mandated recordkeeping, reporting, and retention periods, and determine what caused the change and whether the amount of change justified the increase in regulation.

(d) Consider the impact changes to state law would have on the industry, including any ethical concerns.

(e) Study issues related to jurisdiction and law enforcement inspections.

(f) Identify the type of items and transactions that should be regulated and those that should be excluded from regulation, including whether a minimum dollar value is appropriate.

(g) Recommend statutory changes to reflect current business practices and address identified enforcement issues.

(h) Solicit such information and testimony from individuals, agencies, and entities as may assist the commission in the performance of its duties.

IV. Members of the commission shall serve without compensation, except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

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

VI. The commission shall report 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, 2014.

2 Repeal. RSA 399-A:20, relative to the commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2014.

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

AMENDED ANALYSIS

This bill establishes a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

Amendment to HB 366-FN (2013-2223h)

Proposed by the Committee on Election Law - c

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

1 Showing or Specially Marking Ballot. Amend RSA 659:35 to read as follows:

659:35 Showing or Specially Marking Ballot.

I. No voter shall allow his **or her** ballot to be seen by any person with the intention of letting it be known how he **or she** is about to vote **or how he or she has voted** except as provided in RSA 659:20. ***This prohibition shall include taking a digital image or photograph of his or her marked ballot and distributing or sharing the image via social media or by any other means.***

II. No voter shall place a distinguishing mark upon his **or her** ballot nor write in any name as the candidate of his **or her** choice with the intention of thereby placing a distinguishing mark upon [his] **the** ballot.

III. No voter shall use or attempt to use any ballot not given him **or her** by the ballot clerk to accomplish any of the acts or purposes prohibited by paragraph I or II or both.

IV Any person willfully violating any of the provisions of this section shall be guilty of a misdemeanor.

V. Before each state election, the secretary of state shall prepare and distribute to the town and ward clerks a sufficient number of posters measuring 8-1/2 inches by 11 inches highlighting the provisions of paragraphs I through IV.

VI. Each town and ward clerk shall prominently post the posters referred to in paragraph V at each polling place in his or her town or ward.

2 Effective Date. This act shall take effect September 1, 2014.

AMENDED ANALYSIS

This bill adds the acts of a voter allowing his or her marked ballot to be seen and a voter distributing or sharing a photograph or digital image of his or her marked ballot to the prohibitions on showing or specially marking ballots. This bill also requires posters at each polling place highlighting the prohibitions on showing or specially marking ballots.

**Amendment to HB 421
(2013-2212h)**

Proposed by the Majority of the Committee on Executive Departments and Administration - r
Amend RSA 331-A:4, I through II as inserted by section 2 of the bill by replacing them with the following:

I. An owner[~~builder or tenant of real estate or to regular employees with respect to property owned or leased by the owner, builder, or tenant, or to a prospective purchaser or tenant of real estate or to regular employees with respect to property sought to be acquired or leased by the purchaser or tenant, and who does not hold himself or herself out as a real estate broker~~] ***who is not a licensee, or the regular employees of an owner of real estate who are not licensees, with respect to the real property of the owner;***

I-a. A prospective purchaser or tenant who is not a licensee, or the regular employees of a prospective purchaser or tenant who are not licensees, with respect to the real property of the owner;

II. An attorney-in-fact ***who is not a licensee acting under a power of attorney with respect to real property of the principal of the attorney-in-fact;***

Amend RSA 331-A: 4, IX as inserted by section 2 of the bill by replacing it with the following:

IX. A ***condominium*** unit owners' association that rents condominium [and townhouse] units for periods of 30 days or less for the exclusive benefit of the unit owners and the unit owners' association provided ***that*** such rentals are managed through an on-site rental office that is operated and controlled exclusively by the unit owners' association.

Amend the bill by replacing section 3 with the following:

3 Continuing Education. Amend RSA 331-A:20, II to read as follows:

II. ***In reviewing and approving an application for a continuing education course, the commission shall assess the content with the primary purpose of assuring that real estate licensees possess the knowledge, skills, and competence necessary to perform the licensee's duties in the real estate business. The subject matter of the course must be directly related to real estate practice in New Hampshire. Continuing education courses shall consist of the following:***

(a) Continuing education 3-hour ***core*** courses shall cover, but not be limited to, changes in state and federal laws dealing with real estate brokerage, housing, financing of real property and consumer protection as well as changes in state enabling laws dealing with zoning and subdivision practices. The ***core*** courses shall be [designated as core courses] designed to [improve the licensee's knowledge of the real estate business and to] assist the licensee in keeping abreast of changing laws, rules and practices which will affect the interest of the licensee's clients ***or customers.***

(b) ***Continuing education elective courses shall cover, but not be limited to, property valuation, construction, contract and agency law, ethics, financing and investment, land use and zoning, property management, taxation, environmental issues, and supervision and office management. The elective courses shall be designed to assist the licensee in keeping abreast of changing laws, rules, and practices which affect the interest of the licensee's clients or customers.***

Amend the bill by replacing section 5 with the following:

5 Disciplinary Actions; Appeals. Amend RSA 331-A:28, III to read as follows:

III. The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior court at the instance of the licensee or an accredited individual, institution, or organization, within 30 days after the filing of the commission's decision. An appeal shall suspend the commission's decision, ***except in the case of revocation of license or accreditation.*** The record of the hearing of the action of the commission shall be presented to the superior court for review and the superior court shall give the review under this chapter priority on the court calendar. The superior court may confirm, reverse, or modify the commission's decision, or order a trial de novo without a jury as justice may require.

Amend the bill by replacing section 6 with the following:

6 Penalty; Unlawful Practice Added; Injunction; Fine Authority. Amend RSA 331-A:34 to read as follows:
331-A:34 ***Unlawful Practice***; Penalty.

I. Whoever, not being licensed or otherwise authorized according to the law of this state, shall advertise oneself as engaging in real estate brokerage activity, or shall engage in real estate brokerage activity, according to this chapter, or in any way hold oneself out as qualified to do so, or call oneself a "real estate salesperson", "real estate broker", or "real estate licensee", or whoever does such acts after receiving notice that such person's license has been suspended or revoked, is engaged in unlawful practice.

II. Any person ~~[acting as a real estate broker or real estate salesperson, without a license,]~~ **who engages in unlawful practice** shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if any other person.

III. *The commission, after hearing and upon making an affirmative finding under paragraph I, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:*

(a) A cease and desist order in accordance with paragraph IV.

(b) The imposition of a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation or \$10,000 for each offense, whichever amount is greater.

IV. *The commission is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.*

V. *The attorney general, the commission, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the commission.*

Floor Amendment to HB 421

(2014-0004h)

Proposed by Rep. Warden

Amend the bill by deleting section 4 and renumbering the original sections 5-9 to read as 4-8, respectively.

Amendment to HB 427

(2013-2275h)

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

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

1 Unauthorized Sales. Amend RSA 78:12-a to read as follows:

78:12-a Unauthorized Sales.

I. Manufacturers, wholesalers, and sub-jobbers shall not sell tobacco products to any licensee who does not possess a valid or current license issued by the commissioner or issued by the liquor commission under RSA 178. ~~[Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.]~~

II. *New Hampshire licensed manufacturers engaged in the business of importing, exporting, producing, or manufacturing tobacco products, other than products defined as premium cigars under RSA 78:1, XXI, shall sell the products only to licensed wholesalers.*

III. *New Hampshire licensed wholesalers engaged in business in this state shall purchase all unstamped tobacco products directly from a New Hampshire licensed manufacturer, and shall sell all products to licensed wholesalers, sub-jobbers, vending machine operators, retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

IV. *Sub-jobbers shall only re-sell tobacco products to other licensed sub-jobbers, vending machine operators, retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

V. *Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.*

2 Required Taxpayer Records. Amend RSA 78:18 to read as follows:

78:18 Required Taxpayer Records. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of **tobacco stamps and of** all tobacco products manufactured, produced, purchased, **distributed**, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator and retailer shall keep complete and accurate records of all **tobacco stamps and all** such tobacco products **manufactured, produced, purchased, distributed, and sold**. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and the commissioner's authorized agents. The commissioner and the authorized agents may examine the books, papers and records of any manufacturer, wholesaler, sub-jobber, vending machine operator or retailer doing business in this state, for the purpose of determining whether the tax imposed by this chapter has been fully paid, and they may investigate and examine the stock of tobacco products in or upon any premises where such tobacco products are possessed, stored or sold, for the purpose of determining whether the provisions of this chapter are being obeyed. Each sampler shall keep complete and accurate records of tobacco products distributed free to consumers in New Hampshire for promotional purposes. The commissioner and the commissioner's authorized agents may examine such records.

3 Definitions. Amend RSA 78:1, III to read as follows:

III. "Manufacturer" means any person engaged in the business of importing, exporting, producing, or manufacturing tobacco products, **other than products defined as premium cigars under RSA 78:1, XXI**, who sells his **or her** product only to licensed wholesalers.

4 Definitions. RSA 78:1, XXI is repealed and reenacted to read as follows:

XXI. "Premium cigars" means cigars which:

- (a) Are made entirely by hand of all natural tobacco leaf;
- (b) Are hand constructed and hand wrapped;
- (c) Are sold by a manufacturer for an established price of \$1.50 or more, exclusive of any discount or other reduction;
- (d) Weigh more than 3 pounds per 1000 cigars; and
- (e) Are kept in a humidor.

5 New Paragraph; Definitions; Humidor. Amend RSA 78:1 by inserting after paragraph XXI the following new paragraph:

XXII. "Humidor" means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

6 New Paragraph; Liquor Commission; Definitions. Amend RSA 175:1 by inserting after paragraph XXXVII the following new paragraph:

XXXVII-a. "Humidor" means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

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

AMENDED ANALYSIS

This bill clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records. The bill changes definitions relating to "manufacturer" and "premium cigars" and adds a definition of "humidor" to the tobacco tax laws and the liquor laws.

Amendment to HB 430 (2013-1708h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs -r

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

AN ACT requiring insurance companies sending out solicitations for insurance to include a disclosure on such solicitations.

Amend the bill by replacing section 1 with the following:

1 New Section; Life Insurance; Solicitations for Insurance. Amend RSA 408 by inserting after section 11 the following new section:

408:11-a Advertisements. Any solicitation for insurance authorized to be sold in New Hampshire under authority of RSA 401:1, III which is sent through the United States Postal Service, targeted primarily, but not solely to New Hampshire consumers over age 60, and which invites the consumer to send his or her contact information to the insurer or any person acting on behalf of the insurer using a pre-paid response card, shall include the following disclosure or a substantially similar disclosure, conspicuously on the mailing: "*This is a solicitation for insurance. You do not have to respond. If you have questions and are a New Hampshire resident, contact the New Hampshire Insurance Department at _____.*" The solicitation shall include the address and toll-free number for the New Hampshire insurance department.

AMENDED ANALYSIS

This bill requires insurance companies sending out solicitations for insurance to include a disclosure on such solicitations.

Floor Amendment to HB 456-FN (2014-0014h)

Proposed by Reps. John Hunt and D. Schlachman

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

AN ACT relative to liquor manufacturers and relative to samples of alcoholic beverages.

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

1 New Paragraph; Definitions; Liquor Manufacturer. Amend RSA 175:1 by inserting after paragraph XLIV the following new paragraph:

XLIV-a. "Liquor manufacturer" means a licensee who produces liquor from raw materials by the process of fermentation and distillation.

2 New Paragraph; Definitions; Rectifier. Amend RSA 175:1 by inserting after paragraph LVIII the following new paragraph:

LVIII-a. "Rectifier" means a licensee who produces liquor by combining liquor with other products.

3 Liquor Manufacturer Licensee. Amend RSA 178:6, I to read as follows:

I. A liquor manufacturer licensee ~~[may]~~ **must** ferment[,], **and** distill **liquor from raw materials, and may** blend, age, and bottle ~~[liquor other than wine]~~ **those liquors or wine produced at the licensed premises** in this state. A liquor manufacturer licensee may sell the liquor it manufactures to the commission for resale in this state.

4 Liquor Manufacturer; Retail Sales. Amend RSA 178:6, III to read as follows:

III. Each liquor manufacturer ~~[distilling less than 5,000 cases of liquor per year]~~ shall have the right to sell at retail at its **licensed manufacturing** facility **no more than the equivalent of 3,000 9-liter cases** for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No liquor manufacturer shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

5 Liquor Manufacturer; Sample Fee. Amend RSA 178:6, VI to read as follows:

VI. Each liquor manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under paragraph III **and samples distributed under paragraph IX** and shall pay to the commission monthly a fee equal to 8 percent of such sales **or 8 percent of the retail value of such samples** on or before the tenth day of the month following the sale **or the sample distribution**.

6 New Paragraph; Liquor Manufacturer; Distribution of Samples. Amend RSA 178:6 by inserting after paragraph VIII the following new paragraph:

IX. Each liquor manufacturer selling no more than the equivalent of 3,000 9-liter cases of liquor per year at its licensed manufacturing facility shall have the right to distribute samples directly to on-premises and agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

7 Samples Provided for Tasting. Amend the introductory paragraph of RSA 179:31, II to read as follows:

II. Manufacturers, wholesale distributors, or wine and liquor vendors or their salespersons may distribute samples of their products to licensees for purposes of tasting. The following restrictions shall apply **annually**:

8 Samples Provided for Tasting. Amend RSA 179:31, II(e) to read as follows:

(e) All liquor or wine for this purpose shall be purchased from the commission, **except as provided in RSA 178:6, IX and RSA 178:6, VI. The cost shall be no more than the commission's original cost paid by the commission plus 8 percent.**

9 Free Drinks. Amend RSA 179:44 to read as follows:

179:44 Free Drinks.

I. No licensee shall give away free drinks to customers, patrons, members, or guests, in any manner.

II. Notwithstanding ~~[the above]~~ **paragraph I**, beverage manufacturers, **liquor manufacturers**, beverage vendors, brew pubs, wholesale distributors and their liquor or wine vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises.

III. Liquor, beverage, or wine samples shall be consumed on the premises, and, except for wine samples provided by wine manufacturers **and liquor samples provided by liquor manufacturers in accordance with RSA 178:6, IX**, liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as prescribed by this title.

IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor, beverage, and wine tasting within the state.

V. All samples furnished for tasting shall be considered sales for the requirements of RSA 178:26 **and RSA 178:6, VI.**

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

AMENDED ANALYSIS

This bill:

I. Requires that all liquor manufacturer licensees ferment and distill liquor from raw materials.

II. Allows liquor manufacturer licensees to distribute samples to off-premises and agency store licensees for tasting on licensed premises.

III. Establishes annual restrictions on alcoholic beverage samples.

Amendment to HB 485-FN-A (2013-2393h)

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

Amend the introductory paragraph of RSA 284:45, VI as inserted by section 1 of the bill by replacing it with the following:

VI. To be eligible for licensure under this subdivision an applicant shall:

Amend RSA 284:46, II as inserted by section 1 of the bill by replacing it with the following:

II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92 percent:

(a) One percent shall be paid to the department of health and human services to support research, prevention, intervention, and treatment services for problem gamblers.

(b) The remainder shall be deposited in the education trust fund established under RSA 198:39.

AMENDED ANALYSIS

This bill:

- I. Allows the operation and playing of keno games.
- II. Provides for licensing of keno game operators by the lottery commission.
- III. Directs revenues from keno to the department of health and human services to address problem gamblers and to the education trust fund.

**Amendment to HB 495-FN
(2013-2231h)**

Proposed by the Committee on Transportation -r

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

1 Certificate of Title; Exempted Vehicles. Amend RSA 261:3, I(k) to read as follows:

(k) Any motor vehicle whose manufacturer's model year is ~~[older than 15 years]~~ ***before the year 2000***, except heavy trucks and truck-tractors whose gross vehicle weight exceeds 18,000 pounds.

2 Effective Date. This act shall take effect January 1, 2015.

**Amendment to HB 496-FN
(2013-2250h)**

Proposed by the Committee on Criminal Justice -r

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

1 Driver's License Fees; Restoration. Amend RSA 263:42, V to read as follows:

V. ***(a)*** Whenever a driver's license has been suspended or revoked, or notwithstanding RSA 263:56-a, III, whenever the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of \$100 shall be paid by the licensee for the restoration of such license or commercial driver license; provided, however, that in the event of a license suspension under RSA 263:14, a fee of \$50 shall be paid by the licensee for the restoration of the original or youth operators' license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures.

(b) Whenever a driver's license has been suspended or revoked and a limited privilege license is issued under RSA 263:57-b, a fee of \$50 shall be paid by the licensee for the issuance of the limited privilege license.

2 New Section; Limited Driving Privilege After Revocation or Suspension. Amend RSA 263 by inserting after section 57-a the following new section:

263:57-b Limited Driving Privilege After Revocation or Suspension.

I. Notwithstanding any provision of law to the contrary, if a person is convicted of a first offense under RSA 265-A:2, I, not including any conviction involving driving a commercial motor vehicle, he or she may petition the court for a restoration of his or her operator's license with limited driving privileges. To qualify for consideration, the person shall submit proof of financial responsibility in accordance with RSA 265-A:28 and an application that demonstrates the need for the license. Satisfactory evidence of at least one of the following must be presented, including satisfactory proof from the employer, program, medical treatment facility, or other destination:

(a) That the person must operate a motor vehicle as a requisite of the person's occupation or employment.

(b) That the person must operate a motor vehicle to seek employment or to get to and from a place of employment.

(c) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment or rehabilitation program.

(d) That the person or a member of the person's immediate family requires medical treatment on a regular basis and the person must operate a motor vehicle in order that the treatment may be obtained.

II. A license restored under this section shall limit the person's driving privileges:

(a) To the times, places, and days determined to be necessary for the person to seek or retain employment, to attend any alcohol or drug treatment or rehabilitation program, or to obtain required medical treatment for the person or a member of the person's immediate family.

(b) To times, places, and days that are specifically stated.

(c) To vehicles equipped with enhanced technology ignition interlock devices.

III. A license restored under this section shall not be effective until after a minimum of 14 days of the period of revocation has passed and shall expire on the date specified by the court.

IV. A violation of this section or the terms of the license restored under this section shall be considered a violation of RSA 263:64 and the license shall be revoked.

3 Effective Date. This act shall take effect January 1, 2015.

**Floor Amendment to HB 496-FN
(2014-0012h)**

Proposed by Rep. Warden

Amend RSA 263:57-b, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) To vehicles equipped with ignition interlock devices.

**Amendment to HB 532
(2013-2301h)**

Proposed by the Majority of the Committee on Municipal and County Government - r

Amend RSA 53-F:1, V as inserted by section 1 of this act by replacing it with the following:

V. "Property owner" means the owner of record of real property within the boundaries of the district, whether zoned or used for residential, commercial, industrial, or other uses, ***excluding residential property containing less than 5 dwelling units.***

Amend the bill by replacing all after section 2 with the following:

3 Agreements With Property Owners. Amend RSA 53-F:4, V to read as follows:

V. Any personal ***or business*** financial information provided to a municipality or an entity administering a program under this chapter on behalf of a municipality by a participating property owner or potential participating property owner shall be confidential and shall not be disclosed to any person except as required to administer the program and only on a need-to-know basis.

4 Eligibility of Property Owners. Amend RSA 53-F:5, II to read as follows:

II. Prior to entering into an agreement with a property owner, the municipality shall determine that all property taxes and any other assessments levied with property taxes are current and have been current for 3 years or the property owner's period of ownership, whichever is less; that there are no involuntary liens such as mechanic's liens on the property; and that no notices of default or other evidence of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever is less. The municipality shall adopt additional criteria, appropriate to property-assessed clean energy finance programs, for determining the creditworthiness of property owners. ***The municipality shall determine whether any mortgages or liens of record exist in the registry of deeds on the property and whether they are current in the obligations. If any such mortgage or lien exists, the municipality shall notify each such mortgagee or lienholder in writing that it is considering making a loan secured by a municipal lien pursuant to the provisions of this chapter and request the consent of each such mortgagee or lienholder to the making of such loan. Each mortgagee or lienholder shall have the right to determine in its sole discretion whether or not it will consent to such loan. If all of the mortgagees or lienholders of record elect to consent, the consents shall be in writing and recorded with the municipal lien in the registry of deeds. The legal effect of having all consents shall be that the municipal lien shall not be extinguished in the event of a foreclosure or sheriff's sale by the mortgagee or lienholder as provided in RSA 53-F:8. If all of the mortgagees or lienholders of record do not consent, but the municipality determines that it will proceed in making such loan, then in the event of a foreclosure or sheriff's sale by a mortgagee or lienholder, the municipal lien shall be extinguished.***

5 Financing Terms. RSA 53-F:7 is repealed and reenacted to read as follows:

53-F:7 Financing Terms.

I. Improvements shall be financed pursuant to an agreement under this chapter only on terms such that the total energy cost savings realized by the property owner and the property owner's successors during the useful lives of the improvements are expected to exceed the total cost to the property owner and the property owner's successors of the improvements.

II. A municipality that provides financing to participating property owners shall establish a loss reserve account and maintain funds in such account at a level that meets generally accepted standards for property-assessed clean energy finance programs. Funds in a loss reserve account shall not be provided from general municipal revenues.

III. A property owner who escrows property taxes with the holder of a mortgage on a property subject to an agreement under this chapter may be required by the holder to escrow amounts due on the assessment under this chapter and the mortgage holder shall remit such amounts to the municipality in the manner that property taxes are escrowed and remitted.

IV. The maximum term of finance provided pursuant to an agreement under this chapter shall be 30 years.

6 Priority; Collection and Enforcement. Amend RSA 53-F:8 to read as follows:

53-F:8 Priority; Collection and Enforcement. Collection of assessments under this chapter shall be made by the tax collector or other official responsible for property tax or municipal service charge collection. A municipality shall commit bills for amounts due on the assessments, including interest and any charges, to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to

collect them. Each year bills for amounts due on the assessments shall coincide with bills for property taxes or municipal service charges. Each assessment on the property of a participating property owner shall create a lien on the property pursuant to RSA 80:19, except that the lien shall be junior to existing liens of record at the time the bill for the assessment is mailed to the participating property owner. Enforcement powers for nonpayment shall be those provided under RSA 80 relative to property tax collection, including RSA 80:19; provided, however, a tax sale of the property shall not extinguish prior liens of record. At the time of enforcement, only the past due balances of the assessment under this chapter, including all interest, charges, and penalties, shall be due for payment. Notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure or a sheriff's sale by a senior [lienor, ~~the lien of the municipality shall be extinguished~~], ***mortgagee or lienholder which has consented to the making of a loan by a municipality under the provisions of this chapter, the lien of the municipality shall not be extinguished, and the net proceeds of the sale, if any, after payment of all prior obligations to mortgagees and lienholders, costs and expenses of foreclosure or sheriff's sale, shall be first applied to the payment of any past due balances of the municipal loan and then any excess shall be applied against the remaining balance of the loan. If a senior mortgagee or lienholder has not given its consent to the loan, a foreclosure or sheriff's sale by the mortgagee or lienholder shall extinguish all junior mortgages and liens.*** Payment of a past due balance from the loss reserve established under this chapter shall not relieve a participating property owner from the obligation to pay that amount.

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

Amendment to HB 533

(2013-2253h)

Proposed by the Majority of the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Board of Education; Rulemaking. Amend RSA 186:8 by inserting after paragraph VI the following new paragraph:

VII. The state board of education shall adopt rules, pursuant to RSA 541-A that require a high school pupil to attain competency in mathematics for each year in which he or she is in high school through graduation to ensure career and college readiness. A pupil may meet this requirement either by satisfactorily completing a minimum of 4 courses in mathematics or by satisfactorily completing a minimum of 3 mathematics courses and one non-mathematics content area course in which mathematics knowledge and skills are embedded and applied, as may be approved by the school board. The rules shall be implemented in the 2015-16 school year.

Floor Amendment to HB 580

(2014-0178h)

Proposed by Reps. Reilly and R. LeVasseur

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

AN ACT establishing moratoriums on wind turbine plants and their electric transmission line projects.

Amend the bill by replacing section 1 with the following:

1 Moratorium; Wind Turbine Plants and Their Electric Transmission Line Projects. Notwithstanding any provision of law to the contrary, there is hereby established moratorium on the construction of wind turbine plants and their electric transmission line projects in the state of New Hampshire until the state issues a comprehensive energy plan. The site evaluation committee, established in RSA 162-H:3, shall not issue any certificates for wind turbine plants and their electric transmission line projects under RSA 162-H while such moratorium is in effect.

2014-0178h

AMENDED ANALYSIS

This bill establishes a moratorium on the construction of wind turbine plants and their electric transmission line projects until the state issues a comprehensive energy plan.

Amendment to HB 650-FN-A

(2013-0294h)

Proposed by the Committee on Transportation - r

Amend the bill by replacing section 1 with the following:

1 Department of Transportation; Bus Service Between Claremont and Lebanon; Appropriation.

I. The sum of \$1 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 2014 to be used to institute bus service between Claremont and Lebanon. Such funds shall be expended as a supplement to private and/or federal funding to the community alliance transportation services in Newport. The governor is authorized to draw a warrant out of any sums in the treasury not otherwise appropriated.

II. Upon receipt of private funds raised, and of notification of the award of a federal matching grant, the department of transportation may request, with prior approval of the fiscal committee of the general

court, that the governor and council authorize additional funding up to the sum of \$250,000 for the purposes of paragraph I. For funds requested and approved, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

III. The community alliance transportation services, with the support of the department of transportation, shall actively solicit federal funds and the community alliance transportation services shall actively solicit private matching funds to finance all or part of the proposed start-up costs. If sufficient federal funds are not received by June 30, 2017, any appropriation shall lapse and any private matching funds received for the project plus interest shall be returned to the donating entities.

**Amendment to HB 654-FN
(2013-2391h)**

Proposed by the Committee on Way and Means - r

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

1 Acupuncture; Rulemaking Authority. Amend RSA 328-G:7, II to read as follows:

II. Scope of practice[; **and** fees for applications[, ~~and fees for licenses issued or renewed under this chapter~~].

2 Acupuncture; License Fee. Amend RSA 328-G:9, II(d) to read as follows:

(d) Has paid the [~~requisite fees~~] **\$110 license fee** and filed the application established by the board.

3 Acupuncture License Renewal Fee. Amend RSA 328-G:9, IX to read as follows:

IX. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted, and upon payment of [~~fees established by the board~~] **a \$110 renewal fee**.

4 Alcohol and Other Drug Use; License and Renewal Fee Established. Amend RSA 330-C:8, I to read as follows:

I. The board shall charge [~~fees for the application, issuance, renewal,~~] **licensed drug and alcohol counselors, licensed clinical supervisors, and certified recovery support workers a \$110 fee for the issuance of an initial license or certification, and \$110 for the renewal of a license or certificate under this chapter. The fee for a master licensed drug and alcohol counselor shall be \$300 and the renewal fee shall be \$300. All license and renewal fees under this paragraph shall be valid for 2 years from the date of issuance. In addition the board shall establish by rule fees for license and certificate applications,** late renewal, and reinstatement of all licenses and certifications authorized by this chapter. [~~The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses for the board for the previous fiscal year.~~]

5 Alcohol and Other Drug Use; Rulemaking Authority. Amend RSA 330-C:9, IV to read as follows:

IV. The establishment of **license and certificate application, late renewal, and reinstatement** fees required under this chapter.

6 Boxing and Wrestling; Rulemaking Authority. Amend RSA 285:7, IV to read as follows:

IV. A fee schedule for [~~licenses,~~] permits and amateur cards and for the renewal of [~~licenses and~~] amateur cards;

7 Boxing and Wrestling; Promoter Permit Fees Established. Amend RSA 285:10, I to read as follows:

I. No promoter shall arrange a professional fighting sports competition in the state without a permit from the commission. **The fee for permits shall be \$100 for each day of the event.** A different permit shall be required for each day of competitions.

8 Boxing and Wrestling; License Fees Established. Amend RSA 285:11 to read as follows:

285:11 Licenses Required. No person shall participate in a professional fighting sports competition as a contestant, manager, referee, judge, second or timekeeper without a license from the commission. **The fee for all licenses issued by the commission shall be \$20.** Licenses granted by the commission shall be valid for one year from the date of issue unless revoked or suspended by the commission. The commission shall, upon application, renew any license unless good cause is shown that the license should not be renewed. **The fee for all license renewals issued by the commission shall be \$20.**

9 Dietitians; Rulemaking Authority. Amend RSA 326-H:10 to read as follows:

326-H:10 Rulemaking.

[E.] The board shall adopt rules, pursuant to RSA 541-A, relative to:

[(a)] **I.** The application procedures for licensure or temporary licensure to practice as a licensed dietitian in this state.

[(b)] **II.** The renewal, suspension, revocation, and reinstatement of licenses.

[(c)] **III.** The establishment of fees for [~~licenses, renewals, and~~] reinstatement of licenses.

[(d)] **IV.** Educational qualifications for licensure.

[(e)] **V.** The conditions and fees for licensing out-of-state dietitians.

[(f)] **VI.** Continuing education requirements.

[(g)] **VII.** Procedures for investigations and hearings held under this chapter.

~~[(h)]~~ **VIII.** Procedures for appealing hearing board decisions.

~~[(i)]~~ **IX.** Disciplinary actions including penalties, sanctions, supplemental training requirements, and treatment and counseling requirements for licensees involved in violations of the code of ethics, which may include revocation of license, suspension of license, fines, community service, oral or written reprimand, additional education or training, and supervised training and counseling, including substance abuse treatment and counseling.

~~[H. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

10 New Paragraph; Dietitians; License Fee Established. Amend RSA 326-H:12 by inserting after paragraph IV the following new paragraph:

V. Pay the \$110 license fee.

11 Dietitians; Renewal Fee Established. Amend RSA 326-H:14, II to read as follows:

II. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted and upon payment of ~~[fees established by the board]~~ **a \$110 license renewal fee.** The board shall cause notification of impending license expiration to be sent to each licensed person at least 60 days prior to the expiration of the license. Licenses shall continue as valid until final action is exercised by the board on an application for renewal, provided that the application is filed before the expiration date of the license.

12 Electrology; License and Renewal Fees Established. Amend RSA 314:10 to read as follows:

314:10 Fees.

I. **The fee for an initial biennial license and for renewal of the biennial license issued under this chapter shall be \$110.** The commissioner shall establish by rule a schedule of fees for ~~[application and licensure;]~~ **applications**, examinations, ~~[license renewal]~~ and license replacement.

II. ~~[The schedule of fees adopted by the commissioner shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses incurred by the department in carrying out the substance of this chapter in the previous fiscal year.]~~ Fees collected shall be appropriated to the department and used to carry out the provisions of this chapter.

13 Funeral Directors and Embalmers; Rulemaking Authority. Amend RSA 325:9, V to read as follows:

V. The establishment of ~~[all]~~ fees ~~[required under this chapter]~~ **for the examination of applicants, funeral home inspections, and transcribing and transferring records and other services;**

14 Funeral Directors and Embalmers; License and Renewal Fee Established. Amend RSA 325:12-a to read as follows:

325:12-a Fees. **The fee for an initial annual license and for renewal of an annual license issued under this chapter shall be: \$55 for embalmers and apprentices and \$150 for funeral directors.** The board shall establish fees for examination of applicants, ~~[for licenses and for renewal of licenses to practice under this chapter;]~~ for funeral home inspections, and for transcribing and transferring records and other services. ~~[The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

15 Funeral Directors and Embalmers; Renewal Period Extended. Amend RSA 325:25, I to read as follows:

I. Every person licensed to practice under this chapter, except as provided in RSA 325:29, shall apply to the board for annual license renewal. The board shall require each licensee to show proof of meeting the continuing education requirement of RSA 325:28-a within the preceding year. Payment shall be made to the board secretary of ~~[a]~~ **the** renewal fee established ~~[by the board]~~ in RSA 325:12-a.

16 Hearing Care Providers; Rulemaking. Amend RSA 137-F:6, V to read as follows:

V. ~~[License and registration application fees;]~~ Examination fees, ~~[renewal fees;]~~ and any other fees required under this chapter~~;~~ ~~provided that the fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

17 Hearing Aid Dealer Registration and Renewal Fees. Amend RSA 137-F:8 to read as follows:

137-F:8 Registration of Hearing Aid Dealers Required. No person shall engage in the business of selling or offering for rent hearing aids unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. **The fee for an initial registration under this section is \$150.** This section includes the selling or renting of hearing aids by mail in this state by a person outside the state. Registration certificates shall be renewed annually on or before June 30 **upon payment of a \$150 renewal fee.**

18 Audiology License Fee. Amend RSA 137-F:11, II to read as follows:

II. The board shall license each applicant who satisfies the requirements of this chapter. Upon payment of a **\$300** license fee, the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice as an audiologist. **The license shall be valid for 2 years from the date of issuance.**

19 Audiology License Fee; Reference Change. Amend RSA 137-F:13, I(b) to read as follows:

(b) Pay to the board the appropriate license ~~[application]~~ fee.

20 Audiology License Renewal Fee. Amend RSA 137-F:20 to read as follows:

137-F:20 License Renewal. A license issued under RSA 137-F:13 shall expire at 12:01 a.m. on July 1 of the odd year next succeeding its date of issuance. Every person licensed under this chapter who wishes to renew a license shall, on or before the expiration date, pay a ~~[fee for renewal of license]~~ **\$300 renewal fee** to the board. The board shall notify each person licensed under this chapter of the date of expiration of such person's license and the renewal fee required. The notice shall be mailed to such person's last known address as provided to the board at least 60 days in advance of the expiration of such license. Renewals are contingent upon evidence of 20 hours or the equivalent in continuing education units, including, but not limited to, attending professional meetings or completing approved independent studies and regional in-service programs, as determined by the board.

21 Massage Therapists and Establishments; Rulemaking Authority. Amend RSA 328-B:4, VII(e) to read as follows:

(e) License modifications and license renewal applications ~~[and fees]~~.

22 Massage Therapists and Establishments; License Fee Established. Amend RSA 328-B:6, I(a) to read as follows:

(a) Submits the required application form and **\$110 licensing** fee.

23 Massage Therapists and Establishments; License Renewal Fee Established. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire 2 years after the date of issue. License renewals shall be granted upon approval of the commissioner of the renewal application and submission of the required **\$110** renewal fee.

24 Midwives; Powers and Duties. Amend RSA 326-D:4, I(b) to read as follows:

(b) Establishing fees for examination of applicants~~[-certification, and renewal of certification]~~.

25 Midwives; Rulemaking Authority. Amend RSA 326-D:5, I(h) to read as follows:

(h) Establishing ~~[aH]~~ **examination** fees authorized under RSA 326-D:4, I(b)~~[-provided that the fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the council for the previous fiscal year]~~.

26 Midwives; Certification and Renewal Fee Established. Amend RSA 326-D:6, I and II to read as follows:

I. No person shall practice midwifery in this state without first obtaining certification from the council. The council shall certify for the practice of midwifery any person applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits ~~[the]~~ **a \$110** certification fee ~~[established by the council pursuant to RSA 326-D:4, I(b)]~~.

II. Certification issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the council and upon payment of ~~[the]~~ **a \$110** renewal fee ~~[established under RSA 326-D:4, I(b)]~~.

27 Naturopaths; Board Duties. Amend RSA 328-E:8, I(a) to read as follows:

(a) Determine fees ~~[for licensure;]~~ for application to take the examination pursuant to RSA 328-E:9, I(f) and RSA 332-G:2~~[-and for license renewal under RSA 328-E:13]~~.

28 Naturopaths; License Fees Established. Amend RSA 328-E:9, I(f) to read as follows:

(f) File an application and pay the **\$300** license ~~[fees]~~ **fee**.

29 Naturopaths; License Renewal Fees Established. Amend RSA 328-E:13, I to read as follows:

I. The license to practice naturopathic medicine shall be renewed biennially. A fee in the amount ~~[determined by the board]~~ **of \$300** shall accompany the application for renewal.

30 Nursing Home Administrators. Amend RSA 151-A:4-a, II to read as follows:

II. To establish and collect fees for examination of applicants, ~~[for licenses and renewal of licenses to practice under this chapter;]~~ for temporary and emergency permits, and for transcribing and transferring records and other services. ~~[The fees established by the board shall recover revenues equal to 125 percent of the direct operating expenses of the board for the previous year or the full cost of the board, including the cost of support and administrative services provided by other agencies, whichever is greater.]~~

31 Nursing Home Administrators; License Fee Established. Amend the introductory paragraph of RSA 151-A:5 to read as follows:

151-A:5 Qualifications for Admission to Examination. The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a ~~[reasonable]~~ **\$300 licensing** fee ~~[as established by the board]~~ and submits evidence of good moral character and suitability prescribed by the board and evidence that the candidate is at least 21 years old and has completed preliminary education satisfactory to the board; provided:

32 Nursing Home Administrators; Registration Renewal Fee Established. Amend RSA 151-A:8, II to read as follows:

II. Upon making an application for a new certificate of registration such individual shall pay a ~~[reasonable]~~ **\$300** biennial registration **renewal** fee ~~[as established by the board]~~.

33 Optometrists; Fees. Amend RSA 327:5-a to read as follows:

327:5-a Fees. The board shall establish fees for ~~[application for licensure, renewal, and]~~ **license** reinstatement[;] and for transcribing and transferring records and other services. ~~[The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

34 Optometrists; License Fee Established. Amend RSA 327:6 to read as follows:

327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry without a license. The board shall not issue a license to any applicant until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A, **and pay the \$150 licensing fee**, shall be licensed by the board.

35 Optometrists; License Renewal Fee Established. Amend RSA 327:13, I to read as follows:

I. All licenses issued under this chapter shall automatically expire on July 1 of each year, unless an application for renewal of the license is received by the board on or before that date **along with the \$150 license renewal fee**.

36 Optometrists; Rulemaking Authority. Amend RSA 327:31, VI to read as follows:

VI. The establishment of ~~[all]~~ fees ~~[required under this chapter]~~ **for license reinstatement, and for transcribing and transferring records and other services;**

37 Podiatrists; Rulemaking Authority. Amend RSA 315:4, VII to read as follows:

VII. The establishment of ~~[all]~~ fees ~~[required under this chapter]~~ **for license reinstatement and for transcribing and transferring records and other services;**

38 Podiatrists; License Fee Established. Amend RSA 315:8, I to read as follows:

I. The board shall issue a license to applicants who have submitted a complete application, **paid a \$150 license fee**, achieved a satisfactory examination score, and satisfied all other criteria of competence and professional character required by this chapter.

39 Podiatrists; Renewal Fee Established. Amend RSA 315:11, I to read as follows:

I. Every person licensed to practice under this chapter shall apply to the board on ~~[a biennial]~~ **an annual** basis for renewal of license on forms provided by the board and shall pay a **\$150** renewal fee ~~[as established in rules of the board]~~. As a condition of renewal of license, each licensee shall show proof of having completed the continuing education units as required in rules adopted by the board.

40 Podiatrists; Fees. Amend RSA 315:15 to read as follows:

315:15 Fees. The board shall establish fees for ~~[license applications and for renewal of licenses to practice podiatry and for]~~ transcribing and transferring records and other services. ~~[The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

41 Reflexologists; Rulemaking Authority. Amend RSA 328-H:5, VIII(a) to read as follows:

(a) ~~[License application fees,]~~ Late fees~~[-, renewal fees,]~~ and reinstated license fees.

42 Reflexologists; License Fee Established. Amend RSA 328-H:8, I(c) to read as follows:

(c) Makes payment of ~~[fees required in rules adopted by the department]~~ **the \$110 license fee;**

43 Reflexologists; Renewal Fee Established. Amend RSA 328-H:9, II to read as follows:

II. All licenses issued pursuant to this chapter shall expire 2 years after the date of issuance. License renewals shall be granted upon approval by the department of the renewal application and submission of the required **\$110** renewal fee.

44 Body Art; License Required. Amend RSA 314-A:2, II to read as follows:

II. ~~[Licenses issued by the commissioner shall be valid for one year from the date of issue.]~~ **The fee for an initial license and a renewal license shall be \$55. The license shall be valid for one year from the date of issuance.**

45 Psychologists Board; Fees Established. Amend RSA 329-B:12 to read as follows:

329-B:12 Establishment of Fees; Continued Responsibility of Board of Mental Health Practice.

I. The fee for an initial license and for a renewal license shall be \$300. The license shall be valid for 2 years from the date of issuance.

II. The board of mental health practice, pursuant to RSA 330-A:12, II, shall continue to establish fees applicable to psychologists for review of applicants; ~~[licensure; renewal of license;]~~ reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.

46 Chiropractor License. Amend RSA 316-A:14 to read as follows:

316-A:14 Licenses and Certificates. Each applicant who qualifies and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. **The fee for an initial license and for a license renewal shall be \$300. The license shall be valid for 2 years from the date of issuance.**

47 Renewals. Amend 316-A:20 to read as follows:

316-A:20 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of the **\$300 renewal** fee [established by the board]. Each applicant shall submit satisfactory evidence that the applicant has completed at least 20 hours of continuing education approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why the license should not be suspended.

48 Ophthalmic Dispensers. Amend RSA 327-A:7 to read as follows:

327-A:7 Application and Registration Fees. Every application for a certificate of registration for ophthalmic dispensing shall be accompanied by a non-refundable registration fee of \$[100] **110**. Upon approval of the application by the commissioner, the applicant shall be issued a certificate of registration for ophthalmic dispensing to be valid for 2 years. The fee for renewal of any certificate of registration shall be \$[100] **110**.

49 Office of Professional Licensing. Amend RSA 126-A:10-a to read as follows:

126-A:10-a ~~[Administrative Support; Professional Regulatory Boards]~~ **Office of Professional Licensing.**

I. For any professional regulatory boards and advisory councils or committees which are under the supervision and control of the department, ~~[and] for any boards or councils which are administratively attached under RSA 21-G:10 to the department and are designated as subject to the provisions of this section, and for any profession or occupation licensed by the department,~~ the commissioner ~~[may]~~ **shall establish an office of professional licensing to** consolidate the following functions in order to provide efficiency and coordination of the administrative support of professional regulatory boards:

- (a) Location of office space and meeting space.
- (b) Provision of staff for administrative support functions.
- (c) Mailing and processing services.
- (d) Automated licensing and regulatory compliance system administration and support.
- (e) Procurement of supplies.

I-a.(a) The office of professional licensing shall assess an annual license and renewal fee of either \$55 or \$150, or a biennial license and renewal fee of \$110 or \$300, for each professional regulatory board, council, or profession subject to the provisions of this section. This subparagraph shall not apply to the board of dental examiners under RSA 317-A; the office of licensed allied health professionals under RSA 328-F; or the board of mental health practice under RSA 330-A.

(b) If the license and renewal fee for a new professional category is not established in statute, the relevant board shall recommend the appropriate fee level to the commissioner. The total of all license and renewal fees from the professions identified in paragraph IV, excluding the boards in subparagraphs IV(e), (k), and (n), shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses for the board for the previous fiscal year.

II. Department costs for the services provided under this section shall be reimbursed by the boards and councils with such costs allocated equitably amongst the respective boards and councils, as determined by the commissioner.

III. Nothing in this section shall affect the authority of professional regulatory boards and councils administratively attached to the department from exercising the powers, duties, functions, and responsibilities granted by statute.

IV. The following regulatory boards and councils shall be subject to the provisions of this section:

- (a) The board of hearing care providers under RSA 137-F:3.***
- (b) The board of examiners of nursing home administrators under RSA 151-A.***
- (c) The board of podiatry under RSA 315.***
- (d) The board of chiropractors examiners under RSA 316-A.***
- (e) The board of dental examiners under RSA 317-A.***
- (f) The board of registration of funeral directors and embalmers under RSA 325.***
- (g) The midwifery council under RSA 326-D.***
- (h) The board of licensed dietitians under RSA 326-H.***
- (i) The board of registration in optometry under RSA 327.***
- (j) The naturopathic board of examiners under RSA 328-E.***
- (k) The office of licensed allied health professionals under RSA 328-F.***
- (l) The board of acupuncture licensing under RSA 328-G.***
- (m) The board of psychologists under RSA 329-B.***
- (n) The board of mental health practice under RSA 330-A.***
- (o) The board of licensing for alcohol and other drug use professionals under RSA 330-C.***

V. The following professions, licensed by the department of health and human services, shall be subject to the provisions of this section:

- (a) Electrologists under RSA 314.***

(b) Body art practitioners under RSA 314-A.

(c) Ophthalmic dispensers under RSA 327-A.

(d) Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-H.

(e) Massage therapists under RSA 328-B.

50 Home Health Care Providers. RSA 151:5, XI is repealed and reenacted to read as follows:

XI. Home health care providers:

(a) Registered individuals; \$25.

(b) Agencies; \$250.

51 Repeal. The following are repealed:

I. RSA 137-F:3, VI, relative to appropriations to the hearing care providers board.

II. RSA 328-B:4, VII(a), relative to rulemaking authority for massage license application fees.

III. RSA 327-A:12, III, relative to fees for ophthalmic dispensers established by rule.

52 Effective Date. This act shall take effect July 1, 2014.

Amendment to HB 657-FN

(2013-2279h)

Proposed by the Committee on Finance - r

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

1 Requests for Appropriations and Statement of Objectives. RSA 9:4 is repealed and reenacted to read as follows:

9:4 Requests for Appropriations and Statement of Objectives; Efficiency Expenditure Requests.

I. On or before October 1 prior to each biennial legislative session, all departments of the state shall transmit to the commissioner of administrative services, on forms to be furnished by the commissioner, an efficiency expenditure request for each fiscal year of the following biennium for administration, operation, and program services, including costs for workers' compensation and unemployment compensation. In case of the failure of any department to submit such requests within the time specified, the commissioner of administrative services shall cause to be prepared such requests for such department as in the commissioner's opinion are reasonable and proper.

II. In this section, "efficiency expenditure request" means the cost of providing the services authorized and funded in the preceding biennium, considering and incorporating changes in the population and other factors outside the control of the department, consistent with the objectives in paragraph III. The governor shall communicate additional parameters, including desired departmental organization chart content and formats, and the total expenditure target for the development of efficiency expenditure requests, on or before August 1 prior to each biennial legislative session.

III. The primary objective of the efficiency expenditure request is to identify expenditure requests to fund current statutory requirements, and those additional statutes and rules, consistent with parameters and expectations as defined in paragraph IV, that will provide improved quality of services to the citizens of New Hampshire as a result of improved department efficiencies and performance. Additional objectives of the efficiency expenditure request are to embed a management culture of continuous improvement, prudence, and accountability and to provide the governor and department heads with a fiscal management work product that extends and emphasizes these objectives.

IV. The efficiency expenditure request shall include:

(a) An expenditure estimate for the first year of the next biennium. In accordance with this paragraph, the governor shall provide a total expenditure target for each department which shall be a percentage of the adjusted authorized budget for the second year of the current biennium. The adjusted authorized budget is the level of funding for the second year of the current operating budget including budget footnote adjustments, executive orders, and adjustments by law including additional appropriations and any changes in laws that affect revenues and expenses outside of the operating budget. The target shall have as its basis revenue and economic forecasts and the forecasted financial condition of the state for the first year of the next biennium.

(b) An estimate for the second year of the next biennium. In accordance with this paragraph, the governor shall provide a total expenditure target for each department which is a percentage of the estimate developed for the first year of the next biennium. The target shall have as its basis revenue and economic forecasts for the second year of the next biennium and the financial condition of the state and shall reflect any changes in law that affect both revenues and expenses.

(c) The current mission statement of the department and its divisions.

(d) The goals of the department and its divisions for the next biennium.

(e) The impact of salary grade and steps for each authorized and requested position.

(f) The identification of special or problematic needs to be funded or supported, consistent with department goals, which will support improved department efficiencies and deliverables. The department shall identify the risks or implications associated with not funding or supporting these special or problematic needs. Such needs are expected to be few and prioritized.

(g) All current performance measures, displaying trends over time, and the data used by the department to create those measures, to evaluate the quality and consequence of services it delivers; and the identification of performance measures it may develop and implement in the following biennium.

(h) Planned reorganization or restructuring initiatives that promise performance improvement and savings.

(i) The identification of information technology or other technology investments, and the linkage for which the net effect is process improvement, improved quality of deliverables, and the resultant cost reduction.

(j) The results of innovation initiatives in process improvement and delivery of services executed in the past biennium, if any, and those innovations planned for the following biennium that hold promise of improved efficiencies.

(k) Investments in staff training and development consistent with department goals, and with the objectives in paragraph III, that show promise of improved productivity, service, and results within a specific time frame.

(l) Inclusion of additional operating costs associated with previously authorized capital improvement projects to be completed during the biennium.

(m) The source of funding for all expenditures.

V. Within the meaning of this section, the governor shall make the final determination as to whether a particular cost shall be deemed to be an efficiency expenditure.

VI. The efficiency expenditure request shall incorporate recommendations for any necessary changes to state statutes and administrative rules which are barriers to the mission of the department, barriers to the attainment of goals, and barriers to enabling delivery of improved quality of services or services which have not been funded and have a financial burden on the department and/or taxpayers.

VII. Subsequent to submission to the commissioner of administrative services, requests and estimates submitted pursuant to this section shall be made publicly available by each department under RSA 91-A.

2 Reference Changes. Amend RSA 9:6 to read as follows:

9:6 Tentative Budget. Upon the receipt of the ~~estimates of~~ **efficiency** expenditure ~~requirements~~ **requests** called for by RSA 9:4 and the preparation of the estimates of income called for by RSA 9:5, and not later than November 1 next succeeding, the commissioner of administrative services shall cause to be prepared a tentative budget conforming as to scope, contents, and character to the requirements of RSA 9:3 and containing the ~~estimates of~~ **efficiency** expenditure **requests** and **estimates of** revenue as called for by RSA 9:4 and RSA 9:5, which tentative budget shall be transmitted to the director of the budget for submittal to the governor. The tentative budget shall comply with the requirements of RSA 9:9-b. The budget shall be made available in printed format and in at least one electronic computer file format in common use at the time. The sections of the budget that state: gross appropriations from the highway fund, the highway block grant aid appropriation, the highway fund appropriation to the department of safety, and highway fund appropriations that are transferred to other agencies that comply with part II, article 6-a of the New Hampshire constitution relative to the use of highway funds, shall be reported to the president of the senate, the speaker of the house of representatives, and the chairmen of the house and senate standing committees on finance.

3 Repeal. RSA 9:4, III, relative to reduction level expenditures, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 30, 2015.

Amendment to HB 658-FN (2013-2342h)

Proposed by the Majority of the Committee on Executive Departments and Administration- r
Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Board of Registration of Medical Technicians. Amend RSA by inserting after chapter 328-H the following new chapter:

BOARD OF REGISTRATION OF MEDICAL TECHNICIANS

328-I:1 Statement of Intent. The practice of medical technician is a privilege granted by the people according to laws enacted by the general court and not a natural right. In the interests of public health, safety, and welfare, and to protect the public from any unprofessional, improper, incompetent unlawful, fraudulent, and deceptive practice of medical technician it is necessary to provide laws and rules to regulate the granting and subsequent use of the privilege to practice as a medical technician.

328-I:2 Definitions. In this chapter:

I. "Board" means the board of registration of medical technicians.

II. "Commissioner" means the commissioner of the department of health and human services.

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

IV. "Health care facility" means health care facilities licensed under RSA 151.

V. Medical establishment" means a physician's office, clinic, laboratory or place where medicine is practiced which is not licensed under RSA 151.

VI. "Medical technician" means a health care professional who is not licensed or registered by a New Hampshire regulatory board and who assists licensed health care professionals in the diagnosis, treatment and prevention of disease. For the purposes of this chapter, medical technicians shall be limited to health care professionals with access to drugs and patients in a health care facility or in a medical establishment.

328-I:3 Board, Membership, Terms, Administrative Attachment.

I. There shall be a board of registration of medical technicians consisting of 5 members. The members shall be:

(a) The commissioner, or designee.

(b) Four members appointed by the governor with the consent of the council as follows:

(1) Three licensed health care providers, one of whom shall have experience supervising medical technicians and one of whom shall be a licensed physician.

(2) One public member, who shall be a person who is not, and never was, a member of a health care profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to health care.

II. The members under subparagraph (b) shall be appointed to a term of 5 years. The commissioner shall serve coterminous with his or her term of office. No member shall serve more than 2 consecutive terms.

III. Appointed members of the board shall receive \$50 for each day actually engaged in the duties of the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the provisions of this chapter.

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department. In addition, the board shall be subject to the provisions of RSA 126-A:10-a.

328-I:4 Powers and Duties of the Board. The board shall:

I. Accept applications for certificates of registration under this chapter, and approving or denying such applications.

II. Renew certificates of registration.

III. Suspend or revoke certificates of registration upon the grounds listed in RSA 328-I:10, and conduct hearings regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 328-I:12.

IV. Accept written complaints against registrants, conduct necessary investigations upon such written complaints, and resolve complaints.

V. Publicize the complaint procedure.

VI. Adopt rules pursuant to RSA 328-I:5.

VII. Maintain a database of registered medical technicians and share all information received with other licensing boards or advisory committees within this state, and with appropriate boards out of state and with any law enforcement entity, as allowed by RSA 91-A and in accordance with RSA 328-I:12, I.

VIII. Post a list of registrants and their status on its website.

IX. Prepare reports on any matter within the scope of this chapter.

X. Establish fees for registration and for renewal of registration to practice as a medical technician, including late fees, and fees for transcribing and transferring records and other services.

328-I:5 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The registration application form and content, and the registration application procedures.

II. The application form, content, and procedure for a renewal or reinstatement of a registration to work as a medical technician.

III. The establishment of fees required under this chapter.

IV. The conduct of investigations and hearings, in accordance with RSA 328-I:12.

V. Procedures for notice and hearing prior to denial, suspension, or revocation of a registration, and the imposition of administrative fines.

VI. Procedures for the handling and resolving complaints.

VII. Procedures for the approval or denial of an application.

VIII. Procedures for suspension or revocation of a registration.

IX. Procedures for appeal of decisions made pursuant to the provisions of this chapter and rules adopted pursuant to this chapter.

X. Procedures for sharing information with other in-state boards, out-of-state boards and law enforcement entities.

328-I:6 Registration of Medical Technicians Required.

I. Persons engaging in work as a medical technician in New Hampshire shall be registered in accordance with this chapter.

II. Any person who is not registered as a medical technician under this chapter, advertises himself or herself as being a medical technician, practices as a medical technician, or engages in such acts after receiving notice that such person's registration has been revoked shall be guilty of a misdemeanor.

III. The board, after hearing and upon making an affirmative finding under paragraph II, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:

- (a) A cease and desist order in accordance with paragraph IV.
- (b) The imposition of an administrative fine not to exceed \$50,000.
- (c) The imposition of an administrative fine for continuation of unlawful practice in the amount of \$1,000 for each day the activity continues after notice from the board that the activity shall cease.
- (d) The denial or conditional denial of a license application, application for renewal, or application for reinstatement.

IV. The board is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the board.

VI. In addition, every health care facility and medical establishment employing medical technicians, shall ensure that such technicians are registered in compliance with this chapter. Any health care facility violating this paragraph shall be subject to appropriate fines and penalties pursuant to RSA 151.

328-I:7 Initial Registration; Application, Fees.

I. The board may register any person who submits a completed application.

II. Completed applications shall include:

- (a) Payment of fees established by the board, including a non-refundable application fee;
- (b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification or registration boards.
- (c) A complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-I:8.
- (d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.

IV. Upon approval of the application by the board, the applicant shall be registered as a medical technician for 2 years. Such registration shall take effect within 90 days after the filing of such completed application.

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the board in writing within 30 days. For failure to report such a change within 30 days, the board may suspend the medical technician's registration.

328-I:8 Criminal History Record Checks.

I. Every applicant for initial registration or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

328-I:9 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the board. Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

328-I:10 Refusal to Issue or Renew Certificate; Return of Certificate.

I. The board may deny the application for registration or refuse to issue a renewal thereof if it is determined after hearing that such applicant or registrant:

- (a) Has made a material false statement or concealed or omitted a material fact in connection with his or her application for registration;
- (b) Had a registration issued under this chapter suspended previously;
- (c) Has been convicted of a felony under the laws of the United States or any state or any offense involving moral turpitude;

(d) Has willfully or repeatedly failed to comply with any other provision of this chapter or any rules adopted by the board; or

(e) Is a habitual user of drugs or intoxicants.

II. Upon the suspension or revocation of a certificate of registration by the board and the issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays, deliver to the board the certificate of registration. If surrendered by mail, the certificate of registration shall be sent by registered or certified mail, postmarked no later than 3 days, not including Sundays and holidays, following notice of suspension or revocation. Failure to return a certificate of registration which has been revoked or suspended hereunder within the prescribed time shall constitute a misdemeanor.

328-I:11 Disciplinary Action; Remedial Proceedings.

I. The board is authorized to undertake investigations and disciplinary proceedings upon:

(a) The board's initiative.

(b) A written complaint made by any person complaining that a registrant has committed an act of misconduct and specifying the nature of the misconduct.

(c) A written complaint made by any person that a person is engaged in unauthorized practice.

(d) Notification by a licensing or certifying agency of this state that a registrant has been disciplined by that agency.

(e) Notification by the regulatory authority of another domestic or foreign jurisdiction that a registrant has been disciplined in that jurisdiction.

(f) A report made pursuant to the obligation to report imposed by this chapter.

II. The board may undertake non-disciplinary remedial proceedings (a) upon its own initiative or (b) upon written complaint of any person which charges that a person registered by the board is afflicted with a condition as set forth in paragraph VII and which specifies the grounds therefor.

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the board any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the board. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

IV. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:12. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

V. The board, after hearing, may take disciplinary action against any person registered by it upon finding that the person:

(a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.

(d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.

(e) Has been convicted of a felony under the laws of the United States or any state.

VI. The board may take non-disciplinary remedial action against any person registered by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the board, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the board.

(b) By revocation of registration.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the board.

VII. The board, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the board.

(c) By revocation of registration.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

VIII. The board may issue a non-disciplinary confidential letter of concern to a registrant advising that, the board believes the medical technician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the registrant's registration. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the board.

IX. Disciplinary or non-disciplinary remedial action taken by the board under this section may be appealed to the supreme court under RSA 541.

X. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

XI. The board shall send all notices of hearing, and notices of suspension or revocation of registration to the department of health and human services and the department of safety.

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the board shall be brought within 6 years from the time the board could reasonably have discovered the act, omission or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making registration or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The board may also consider registrant conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The board shall destroy all information collected during the course of the investigation after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the registrant, or is determined by the board to be frivolous.

328-I:12 Investigations; Procedure for Complaints; Hearings; Judicial Review.

I. The board may investigate possible misconduct by registrants and applicants for registration, as well as the unauthorized practice under this act and other matters within the scope of this chapter. Board investigations and the information gathered in such investigations, including information provided to the board under RSA 328-I:11, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. No certificate of registration shall be suspended or revoked until after a hearing before the board, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the records of the board, such a registrant fails to attend such hearing, then the board may suspend his or her registration without a hearing pending his or her attendance at such hearing.

III. Upon the denial of an application for a certificate of registration, the board shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The board shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing.

IV. If a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, or thereafter, except in the discretion of the board.

V. The applicant or registrant may be heard in person or by counsel. The board shall notify the applicant of the time and place of the hearing. The board shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his or her deposition to be taken.

328-I:13 Civil Claims. Any person injured by the actions of a person engaged as a medical technician in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violation.

328-I:14 Administrative Fines. The board after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine in an amount which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater, upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the board shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter.

328-I:15 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

328-I:16 Annual Report. The board shall make an annual report commencing on November 1, 2016 relative to the conduct of activities under this chapter to the speaker of the house of representatives, the president of the senate, and the governor and council.

2 New Section; Verification of Medical Technician Registration. Amend RSA 151 by inserting after section 3-c the following new section:

151:3-d Verification of Medical Technician Registration. Every facility administrator, or designee, for any health care facility licensed under this chapter shall verify with the board of registration of medical technicians established under RSA 328-I:3, prior to employing a medical technician, as defined in RSA 328-I:2, VI, that such medical technician is registered with the board.

3 Health Facility Licensure; Report of Disciplinary Action. Amend RSA 151:6-b to read as follows:

151:6-b Report of Disciplinary Action. Every facility administrator, or designee, for any health care facility licensed under this chapter shall report to the board of medicine [or], the board of nursing, **or the board of registration of medical technicians** any disciplinary or adverse action taken against a licensee **or registrant** of the board. Such report shall be made within 30 days after such action is taken. Actions reported shall only involve misconduct sufficient to support disciplinary proceedings by the board and shall include all situations in which allegations of misconduct are settled by voluntary resignation without adverse action.

4 Board of Registration of Medical Technicians; Staggered Terms. The members of the board of registration of medical technicians as inserted by section one of this act shall serve staggered terms as follows: the public member shall be appointed to a term of 2 years and the health care providers shall be appointed to terms of 3, 4 and 5 years.

5 Appropriation. The sum of \$20,672 for the fiscal year ending June 30, 2015, is hereby appropriated to the department of health and human services/administratively attached boards and advisory committees for the purpose of paying for the expenses of establishing and maintaining the board of registration of medical technicians and paying the compensation and mileage of board members. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 2014.

AMENDED ANALYSIS

This bill establishes the board of registration of medical technicians which shall be administratively attached to the department of health and human services. This bill requires persons employed as medical technicians to register with the board. The bill also requires licensed health care facilities employing such technicians to ensure that they are registered in accordance with this chapter.

Amendment to HB 685 (2013-2312h)

Proposed by the Majority of the Committee on Judiciary - r

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

AN ACT relative to state agency communications and establishing a commission to study the costs of responding to the right-to-know law.

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

1 Office of Legislative Budget Assistant; General Duties. Amend RSA 14:31, III-VI to read as follows:

III. Both the audit division and the budget division shall conduct such investigations, analyses, or research into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, agency, political subdivision, or entity authorized to expend state funds for the information of the legislature, as the fiscal committee shall specifically direct. The authority of the legislative budget assistant to investigate, analyze, or research non-state agencies shall be limited to 5 entities in a 5-year period. In making any such investigation, analysis, or research, the legislative budget assistant, **and any assistants appointed pursuant to RSA 14:34 and under the direction of the legislative budget assistant**, shall have the power to examine whatever **operations**, accounts, or records of, or property or things of value held by, said department, board, institution, commission, agency, political subdivision, or entity authorized to expend state funds the ~~[fiscal committee shall deem]~~ **legislative budget assistant deems** useful to said investigation, analysis, or research.

IV. All state departments, boards, institutions, commissions, agencies, and political subdivisions, and other entities authorized to expend state funds, shall be required to furnish to the legislative budget assistant any information, including confidential information, he or she may request in the course of carrying out the duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, **including online access to such information in the state's integrated, multi-module, information technology system, and any related subsystems**, except that access to records, files, returns, or information deemed confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information~~[-except for work papers as described in RSA 91-A:4, V].~~ In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required **or permitted** by law. The legislative budget assistant shall notify the head of any state department, board, institution, commission, agency, or political subdivision, or other entity authorized to expend state funds, before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him or her in the carrying out of the duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the ~~[attorney general]~~ **fiscal committee of the general court** for disapproval of the request. ~~[The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his or her duties as required by law. If the attorney general finds that such examination is not necessary, he or she shall disapprove the request, and the agency shall not be required to provide such information. If the entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.]~~

V. The commissioner of administrative services shall deliver to the legislative budget assistant the official financial information under the control of the commissioner as required by this section in a form unaltered from that which is finally reported in the **state's integrated [financial], multi-module, information technology system, including any related subsystems**. The approval of the governor, the speaker of the house of representatives, and the senate president shall be required for delivery of any other information, other than the official financial information required by this section. The right of access to information under this section shall not arise until after each transaction or event subject to RSA 91-A has taken place. Such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format at the end of each business day. The legislative budget assistant shall be subject to the provisions of RSA 21-I:13-a, II. This paragraph shall not be construed as granting the legislative budget assistant access to any information or any information system relative to the internal functions of the office of the governor or any executive agency, department, board, commission, or institution ~~[through the integrated financial system]~~.

VI. In addition to any other reports required by statute or by the fiscal committee to be submitted by the legislative budget assistant, he **or she** shall submit to the members of the ~~[appropriations;] finance[;]~~ and ways and means committees a report of the results of post-audits, program result audits, and investigations he **or she** has conducted since the date of his **or her** last such report. The fiscal committee shall determine

which policy committees of both houses of the general court, in addition to those listed in this paragraph, shall receive reports pursuant to this paragraph. The report required by this paragraph shall be submitted not later than January 25 of each regular legislative session.

2 New Section; Commission to Study the Costs of Responding to the Right-to-Know Law. Amend RSA 91-A by inserting after section 10 the following new section:

91-A:10-a Commission to Study the Costs of Responding to the Right-to-Know Law.

I. There is established a commission to study funding options or alternative ways to allocate the cost to governmental bodies of responding to right-to-know requests. The members of the commission shall be as follows:

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

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

(c) Three municipal officials, appointed by the New Hampshire Municipal Association.

(d) One county official, appointed by the New Hampshire Association of Counties.

(e) Four members of the public, 2 of whom shall be members of the media, appointed by the governor with approval of the executive council.

(f) Two executive branch officials, appointed by the governor.

(g) The attorney general, or designee.

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

III. The commission shall:

(a) Study the costs to governmental bodies associated with responding to right-to-know requests.

(b) Review laws from other jurisdictions pertaining to public access to governmental records to determine whether there is a charge to the requestor and if so, how that charge is assessed; whether the law allows for a page-limited initial response at no or minimal costs; whether there are agencies or staff dedicated to responding to government records requests and, if so, how those units are funded; how costs are allocated; and whether the laws limit the scope of permissible requests.

(c) Make recommendations for legislation that would fairly balance the public's right to access government records with the need of each governmental body to ensure that its staff is not unduly diverted from their core work functions to respond to right-to-know requests.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

3 Repeal. RSA 91-A:10-a, relative to a commission to study the costs of responding to the right-to-know law, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2014.

II. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill clarifies state agency communications with the office of the legislative budget assistant.

This bill also establishes a commission to study funding options or alternative ways to allocate the cost to governmental bodies of responding to right-to-know requests

Amendment to SB 116-FN (2013-2368h)

Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT relative to exceptions from licensure by the mechanical licensing board.

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

1 Mechanical Licensing; Exceptions; Water Systems. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment, *provided this exception shall not extend to fuel gas fitting, nor shall it extend to the plumbing system of a building beyond the water meter or meter socket, but shall extend to the testing and repair of the drinking water system backflow prevention device.*

2 Mechanical Licensing; Exceptions; Plumbing. Amend RSA 153:36, VIII(b) to read as follows:

(b) To a person, firm, corporation, or limited liability company who regularly employs a person whose duties include ***the incidental repair***, installation, and maintenance of plumbing on the property of that person, firm, corporation, or limited liability company, when such employee is actually so engaged.

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

AMENDED ANALYSIS

This bill clarifies exceptions from licensure by the mechanical licensing board for employees and operators of public drinking water systems, and for incidental repairs and installation of plumbing.

Floor Amendment to SB 116-FN (2014-0011h)

Proposed by Rep. Beaudoin

Amend the bill by replacing section 1 with the following:

1 Mechanical Licensing; Exceptions; Water Systems. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment ***and the testing of backflow prevention devices in accordance with RSA 485:11; provided this exception shall not extend to fuel gas fitting, nor shall it extend to the plumbing system of a building beyond the water meter, meter socket, backflow prevention device, and appurtenances.***

Floor Amendment to SB 116-FN (2014-0127h)

Proposed by Reps. C. McGuire and Beaudoin

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

1 Mechanical Licensing; Exceptions; Water Systems. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment ***plants and distribution systems, when performing plumbing tasks within their certifications, as defined in RSA 485:11 and RSA 332-E:3. This exception is specifically limited to the testing, maintenance, repair or replacement, and installation of the water meter, meter horn, and backflow prevention devices directly adjacent to and required as part of the protection of the drinking water distribution system.***

2 Mechanical Licensing; Exceptions; Plumbing. Amend RSA 153:36, VIII to read as follows:

VIII. The license requirements of this subdivision shall not apply to the following persons while performing plumbing work under the circumstances specifically described ***but shall apply to fuel gas fitting in the same circumstances unless otherwise exempted under this subdivision***; provided, however, that plumbing installed or maintained by such persons under such circumstances shall conform to the state plumbing code:

(a) To regular employees of public utilities, as defined in RSA 362:2, when ~~working as such~~ ***performing plumbing tasks within their training, experience, and, if applicable, certification.***

(b) To a person, firm, corporation, or limited liability company who regularly employs a person whose duties include ***the incidental repair***, installation, and maintenance of plumbing on the property of that person, firm, corporation, or limited liability company, when such employee is actually so engaged.

(c) To a property owner or the property owner's agent who installs, repairs, or replaces plumbing in the property owner's own single-family detached or townhouse residence, including new construction, or any property owner or property owner's agent who makes minor installations, repairs, or replacements to the owner's property.

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

Amendment to SB 169 (2013-2296h)

Proposed by the Minority of the Committee on Commerce and Consumer Affairs -r

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect July 1, 2015.

NOTICE

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