State of
New Hampshire

HOUSE RECORD

Second Year of the 163rd General Court

Calendar and Journal of the 2014 Session

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Contains: Governor's Veto Messages on HB 183, HB 403, and HB 505, Retained Bill Reports, 2013 Bills Laid on Table, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, January 8, 2014,** at 10:00 a.m. to take up the Governor's vetoes and finish our work from the 2013 Session. Following a brief recess to switch over the voting system, we will then officially open the 2014 Session pursuant to Part II, Article 23 of the New Hampshire Constitution. At this time, the House will start with Part 1 of the Calendar to take up retained bill reports. We will continue to meet each Wednesday until action on all retained bills has concluded.

A list of proposed legislative deadlines for 2014 is printed elsewhere in this Calendar and will also be voted on during Wednesday's session.

Continuing education will resume on Thursday, January 9th, with two presentations outlined below.

As a reminder, please note that the House will take a winter break during the week of February 24-28, 2014.

I look forward to another productive session with all of you. Best wishes to you and your families for a very safe and peaceful New Year.

Terie Norelli, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on **Tuesday, January 7th**, at **8:30 a.m.** in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

House Continuing Education

DATE:	**Thursday January 9, 2014**
TOPIC 1:	**EPSCOR (Experimental Program to Stimulate Competitive Research) 10:00 a.m. – 12:00 p.m.**
TOPIC 2:	**Tar Sands 1:00 p.m. – 2:00 p.m.**
LOCATION:	**LOB 302-304**

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on **Wednesday, January 8th** at **9:00 a.m**. in Representatives Hall.

Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on **Wednesday, January 8th** 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

LEGISLATIVE ETHICS COMMITTEE

REQUIRED DISCLOSURE FILING

Copies of the "**2014 Financial Disclosure Form**," are being mailed to each member of the House. Members may fill out and file the paper form as in the past, but now may also file electronically with the new Financial Disclosure E-Form available at the following link: **http://gencourt.state.nh.us/ethics/Financial_Disclosure/disclosureEForm.aspx**, where you will find instructions on how to fill out the form and how to return it. The PCs in the State House and LOB Cyber Rooms are available for you to use for filling out the forms. If you choose to use the hard copy, please return your form to Rich Lambert in Room 112 of the State House. All legislators and legislative officers are required to complete and file a hard copy or E-Form with the Legislative Ethics Committee **no later than January 17, 2014**.

Richard M. Lambert, Executive Administrator
Legislative Ethics Committee

GOVERNOR'S VETO MESSAGE REGARDING HB 183

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 24, 2013, I vetoed House Bill 183, relative to processing absentee ballots.

Maintaining confidence in our elections through a transparent and straightforward system for processing ballots is essential to the ongoing health of our democracy. After reviewing HB 183 and hearing the concerns expressed by the Secretary of State's office through the legislative process, I believe that this legislation would cause increased confusion about the timing of processing absentee ballots, potentially undermining the transparency of the election process.

Under current law, all communities across New Hampshire are instructed to begin processing absentee ballots at 1 p.m. This ensures a transparent process where all members of the public and those tasked with oversight of our elections know when ballots are being reviewed.

HB 183 would eliminate that set time and leave it to poll workers at each individual voting location to determine when to begin processing absentee ballots without any requirement for advanced notice, so long as the processing begins at least two hours after the polls open.

The Senate appropriately realized the problems with this approach, and made changes to ensure that each voting location provided advanced notice to the public of the time that absentee ballots would begin to be processed. Unfortunately, that provision was not agreed to in the committee of conference and the bill as passed provides for no advanced notice.

I appreciate the dedication of our local election officials who make our democracy work, and I know that HB 183 was a well-intentioned attempt by sponsors to ease the process for election officials. However, the final version of this bill improves flexibility and efficiency without adequately preserving the element of transparency that is the foundation of our elections system.

Efficiency and transparency are not mutually exclusive, and I am confident that we can all work together to pass a bill that will achieve both before the next state-wide election, and I will work with the Legislature to do so.

Transparency and public involvement are essential to upholding our long-standing traditions of fair and trusted elections, and I have therefore vetoed this legislation.

Respectfully submitted,
Margaret Wood Hassan
Governor
Date: July 24, 2013

GOVERNOR'S VETO MESSAGE REGARDING HB 403

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 12, 2013, I vetoed House Bill 403, establishing a committee to study end of life decisions.

With any discussion of the complex and emotional issues related to en-of-life decisions, our focus must always be first and foremost on helping all of those in our society to fully live their lives with the dignity that they deserve.

In New Hampshire, we have approached these issues very seriously and thoughtfully, always seeking to include the input of those who understand these issues best: doctors, patients, advocates for the elderly and those who experience chronic conditions or disabilities, and the people of New Hampshire.

This thoughtful process has already produced important laws, including New Hampshire's advanced directive statute (RSA 137-J). In fact, I have just signed into law SB 170, which sought input from numerous stakeholders, ranging from medical community, patients, advocates for the elderly and people who experience disabilities, the religious community and many others, in order to clarify New Hampshire's advance directive statute.

Therefore, I see no need for the study committee outlined by HB 403 and have vetoed the legislation.

Respectfully submitted,
Margaret Wood Hassan
Governor
Date: July 12, 2013

GOVERNOR'S VETO MESSAGE REGARDING HB 505

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 16, 2013, I vetoed House Bill 505, relative to the economic development advisory council.

Creating jobs and spurring innovative economic growth are among our highest priorities, but to do so effectively we must ensure that the voices of all stakeholders, from business to local communities to our workers, are represented at the table.

When the state's economic development advisory council was established in 2008, we sought to ensure that diverse voices, representing people and businesses across New Hampshire, were informing the work of the Division of Economic Development at the Department of Resources and Economic Development. We must work together, and have all voices at the table, to move our state's economy forward.

It is clear that those who worked on and supported HB 505 were well-intentioned in seeking to improve the work of the Economic Development Advisory Council, and changes may be necessary to streamline the work of the council. But this bill as passed could lead to the exclusion of important viewpoints, most notably New Hampshire's workers, who have a crucial stake in New Hampshire's economic development and economic future.

I believe we can improve the advisory council's work to strengthen New Hampshire's economic development efforts in a way that maintains input from as wide a range of stakeholders as possible, and I am willing to work with the Legislature to do so. However HB 505 as written does not do enough to include the voices of all those who have a role in economic development, and I therefore have vetoed the legislation.

Respectfully submitted,
Margaret Wood Hassan
Governor
Date: July 16, 2013

NOTICE

The **2011 House Permanent Journals** have arrived. **House Members** who ordered a 2011 Journal may pick it up in the Clerk's office.

Karen O. Wadsworth, Clerk of the House

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*:	**AVAILABLE *FRIDAY:***
January 8	January 10
January 15	January 17

Karen O. Wadsworth, Clerk of the House

AMENDMENT TO HOUSE RULE 65
2014 HOUSE DEADLINES

Proposed by the House Rules Committee

Wednesday, January 8, 2014 (already adopted)	**Introduction** of 2014 Bills
Thursday, February 6, 2014	**Report** House Bills going to 2nd a committee
Thursday, February 13, 2014	**Act** on House Bills going to 2nd a committee
Thursday, March 6, 2014	**Report** single committee House Bills

Thursday, March 20, 2014	**Report** all remaining House Bills
Thursday, March 27, 2014	**Act** on remaining House Bills-**CROSSOVER**
Thursday, April 17, 2014	**Report** Senate Bills going to a 2nd committee
Thursday, April 24, 2014	**Act** on Senate Bills going to a 2nd committee
Thursday, May 8, 2014	**Report** all remaining Senate Bills
Thursday, May 15, 2014	**Act** on all remaining Senate Bills
Thursday, May 22, 2014	**Form** Committees of Conference
Friday, May 30, 2014 at 4:00 pm	**Sign-off** Committee of Conference reports
Thursday, June 5, 2014	**Act** on Committee of Conference reports

WEDNESDAY, JANUARY 8
CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 572, establishing a commission to study public-private partnerships for the treatment of abused and neglected children. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Eileen C. Flockhart for Children and Family Law. The amended bill is the final product of 16 meetings of subcommittee, which concluded that a commission of experts is needed to create effective recommendations. Thus, this bill establishes a commission of experts and professional to explore funding solutions from both public and private sources to provide for medical evaluations for abused and neglected children. **Vote 14-1.**

COMMERCE AND CONSUMER AFFAIRS

HB 149, relative to the information on fuel invoices. **REFER FOR INTERIM STUDY.**
Rep. Donna L. Schlachman for Commerce and Consumer Affairs. The bill sought to provide consumers with the market price of fuel on the day of delivery, not just when an invoice is mailed out. During the hearings, the committee learned that there are discrepancies in the state laws and regulations governing the delivery of home heating oil and propane. The committee would like to review all the New Hampshire statues related to fuel tickets and invoices, look at those from other states, and determine what laws need to be changed to achieve consistency and clarity for the industry and ensure consumer protection. **Vote 18-2.**

HB 175, relative to New Hampshire domestic liquor and wines. **INEXPEDIENT TO LEGISLATE.**
Rep. John B. Hunt for Commerce and Consumer Affairs. This bill, as introduced, requires special shelving in state liquor stores for New Hampshire domestic liquor and wines. The bill also requires annual reports by the liquor commission on the domestic liquor and wine industry. The issues were addressed in the amendment of HB 226, so this bill is redundant and unnecessary. **Vote 20-0.**

HB 222, relative to business names registered with the secretary of state. **INEXPEDIENT TO LEGISLATE.**
Rep. Emily C. Sandblade for Commerce and Consumer Affairs. This bill tries to address the process of business name approval by the secretary of state's office. There were a number of New Hampshire residents who complained that the process was arbitrary and unclear. An amendment to the bill proposed an algorithm for a more predictable name approval process.
While such a "hands off" approach would at first glance appear to be more desirable than the status quo, it also increases the risk of infringement on the names of already existing businesses. Furthermore, in response to the concerns about the apparent arbitrariness of business name approval, the assistant secretary of state agreed to put online their office documents showing how the process of name approval works. In addition, he also agreed to put online a document explaining the appeals process for a denied name.
Both documents are to be posted in an area where any person looking to obtain a business name can readily access them. Given the difficulty of achieving a good balance between the interests of existing businesses in the state and those wanting to start new businesses, it is painfully obvious that there will always be some need for human oversight of the process, and there will always be some degree of subjectivity. The solution offered by the secretary of state's office may be sufficient to address the issue as well as it can be. **Vote 19-1.**

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 529, relative to the regulation of health clubs. **INEXPEDIENT TO LEGISLATE.**
Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill modified the regulation of health clubs, seeking to exclude businesses which offer personal services rather than facilities from regulation as health clubs. It also changed the rules around contract length and cost when comparing annual and monthly contracts, and what kinds of plans can be offered.
The committee felt that the cost protections offered by RSA 358-I, regulating health clubs, were still required and that providers without facilities but offering service contracts should fall under the same provisions**. Vote 20-0.**

HB 565, relative to actions under the consumer protection law. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John B. Hunt for Commerce and Consumer Affairs. Under NH current law, business that are regulated by the public utilities commission, the securities division of the secretary of state's office, the insurance department and the banking department are exempt from the consumer protection act. The rationale is that they are highly regulated and the departments have the authority to enforce restitution similar to the consumer protection act. The bill as introduced attempted to narrow this exemption by saying only "transactions" were exempt. The committee was very concerned that this may create more problems than it was attempting to solve and instead focused on just the banking department because it did not have an "unfair trade practices" statute of its own like the consumer protection act has. The committee amendment not only creates an "unfair or deceptive act or practice" section in the banking statute but it also address the intention of the original bill which was to increase the ability of the attorney general's office to investigate criminal conduct under the banking statutes, which it did not have at the time of the Financial Resources Mortgage scandal. **Vote 18-0.**

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 contact 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.**

HB 592-FN, regulating the use of electronic tracking devices. **INEXPEDIENT TO LEGISLATE.**
Rep. Jill S. Hammond for Commerce and Consumer Affairs. The intent of this bill was the prohibition of electronic devices to track an individual without consent of that individual by either the government or private

entities, with certain well-delineated exceptions, such as court orders or property such as rental cars. Legislation of this sort has been proposed for several terms, usually to be studied, but never passed. Several years ago, the major concern was RFID chips, some as small as a thread embedded in clothing, with data encrypted within that could be read by scanners. Today, committee members realized, many of us carry around, and rely heavily on, smartphones and tablets with GPS capabilities, devices that are regularly tracked and activated, with our full compliance. The sponsor of the bill came with a carefully written amendment with definitions and clear exceptions. However, the tech industry representatives came with universal opposition; indeed, one brought to the committee's attention news reports of NH entrepreneurs carving out a space in the growing app economy, which is based on these electronics. To prohibit such devices, which no other state does, would put NH in the position of crippling innovation in a fast developing field. **Vote 19-1.**

HB 682-FN, relative to credit card fees. **REFER FOR INTERIM STUDY.**
Rep. Donna L. Schlachman for Commerce and Consumer Affairs. This bill would have prohibited the imposition of a surcharge fee to any consumer who elects to use a credit card in lieu of a check or cash when paying for a product or service. Presently, a lawsuit brought by retail merchants against VISA and MasterCard over price-fixing of credit card interchange fees is still not completely settled. The committee considered an amendment that, instead of banning business from passing fees onto consumers, would require up front disclosure of such fees. While the amendment was preferred over the bill as introduced, the committee was split on it and voted for interim study, to give more time for the lawsuit to be fully settled and the consequences fully realized. **Vote 18-2.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 125, requiring the reporting of certain felony offenses by postsecondary educational institutions. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark Warden for Criminal Justice and Public Safety. This bill was written in response to a tiny number of disputes between colleges and local police departments. The vast majority of colleges and universities in NH have MOU (memorandums of understanding) with their local police departments. The ambiguous text of the bill leaves some question as to whether trade and technical schools would be included in the new reporting requirements. Not only was there little public support for this bill, the prime sponsor withdrew his support. The committee honored his wishes by voting ITL. **Vote 15-3.**

HB 404-FN, relative to earned time credits for inmates participating in rehabilitative programming. **INEXPEDIENT TO LEGISLATE.**
Rep. Steve Vaillancourt for Criminal Justice and Public Safety. The committee received two similar bills dealing with good time for prisoners. While this bill is slightly more generous than the other bill, the sponsor himself agreed to work on the other bill as the basis for addressing these concerns. That other bill, HB 649-FN, appears in this calendar with an ought to pass as amended motion, thus negating the need for this bill. **Vote 17-0.**

HB 480-FN, relative to solitary confinement. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark Warden for Criminal Justice and Public Safety. This bill sought to redefine and place some limits on the practice of solitary confinement in the state's prisons. It also would have established a study committee to study the use of solitary confinement. The committee heard testimony from inmate advocates and the dept. of corrections, along with civil liberties groups. While the committee condemns any form of "cruel and unusual" punishment, we did not hear compelling evidence that there is currently a problem in NH prisons. Further, the details for setting up the study committee seemed overly complicated and impractical. **Vote 17-1.**

HB 618, relative to disclosure of annulled criminal records. **INEXPEDIENT TO LEGISLATE.**
Rep. Geoffrey D. Hirsch for Criminal Justice and Public Safety. With this year's passage of HB 450, Ch. 123, relative to the annulment of criminal records, passed by both bodies and signed by the Governor, HB 618 is unnecessary and therefore the majority of the committee recommends ITL. **Vote 15-3.**

HB 649-FN, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Steve Vaillancourt for Criminal Justice and Public Safety. After many years of working on a "good time" bill which would be acceptable to the department of corrections and others vested in law enforcement, the committee managed to reach unanimity on an amended version of this bill which has bipartisan and bicameral sponsors. At the same time, we worked with DOC concerns since that department will have to administer this effort. This bill, in a sense, is a step in the direction the committee would like to go; some would like to see us move a step further but agreed to opt for politics being the art of the possible. The committee was faced with overwhelming evidence that education levels have a direct impact on recidivism with our prison population; the more education an inmate receives, the less likely that inmate is to be a continuing menace to society and return to prison. This bill allows for a 90 day reduction in a prisoner's maximum sentence for completing a GED; 120 days for receiving a high school diplomas; and a further 180 days for acquiring an associate's or

bachelor's degree although the committee was informed that these degrees are only rarely achieved. It also provides 60 days "good time" for completely an approved vocational program. Originally the DOC expressed concerns about the legality of this approach, but research alleviated these concerns as did other provisions the committee agreed to. The committee also approved language which would alleviate any concerns that this bill would back away from the state's "truth in sentencing" laws. That remains an argument for future legislatures, but this bill before us today will offer incentives for our prisoners to better themselves, thus becoming less a burden on society, and thus, it will save the state money in the long term, hopefully money which will eventually be available for additional education programs. This bill is offered as an alternative to HB 404 which appears with an ITL motion for that reason. **Vote 15-0.**

HB 653-FN-A, relative to funding law enforcement prosecution of Internet crimes against children. **INEXPEDIENT TO LEGISLATE.**
Rep. Laura C. Pantelakos for Criminal Justice and Public Safety. The committee retained this bill to determine if a new funding source could be found to establish the program. After additional study, the committee believes that, while a laudable idea, funding is not feasible at this time. The committee therefore unanimously recommends Inexpedient to Legislate. **Vote 18-0.**

HB 666-FN, relative to penalties for speeding offenses. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark Warden for Criminal Justice and Public Safety. The purpose of this bill was to raise the monetary fines on a number of speed limit violations. There was no public testimony in favor of raising the fines. Only the department of safety (state police/troopers) was in support. The committee noted that the fiscal note was incomplete and the state budget has already been finalized without considering any changes to speeding violation fine collections. **Vote 17-1.**

EDUCATION

HB 243, relative to the board of trustees of a chartered public school. **INEXPEDIENT TO LEGISLATE.**
Rep. Barbara E. Shaw for Education. This bill is unnecessary because access to information of this type is already covered under the right-to-know laws of the State of New Hampshire. **Vote 20-0.**

SB 82, establishing a commission to identify strategies needed for developing and implementing a competency-based public education system. **INEXPEDIENT TO LEGISLATE.**
Rep. June M. Frazer for Education. This bill would establish a committee to study strategies for competency based education in the New Hampshire schools. The committee agreed that the bill is unnecessary, since competency based education is already being used in the public schools. **Vote 18-0.**

ELECTION LAW

CACR 5, Relating to bribery and corruption. Providing that no person incarcerated for a crime, under a conditional release from incarceration, completing an order of restitution for a crime, nor any person who has been convicted of intentional murder shall hold any office of trust in the New Hampshire government. **INEXPEDIENT TO LEGISLATE.**
Rep. Marcia G. Moody for Election Law. CACR 5 was considered by the committee as unnecessary. The amendment's language was too complex with unclear intent and vague definitions. Therefore, the committee unanimously recommends Inexpedient to Legislate. **Vote 17-0.**

HB 150, relative to inspectors of election at town and school district meetings. **INEXPEDIENT TO LEGISLATE.**
Rep. Kathleen M. Hoelzel for Election Law. The committee unanimously agreed that the duties and appointment of inspectors of elections should be studied further by the statutory committee to review election laws before more changes are made in existing law. **Vote 17-0.**

HB 250-FN-A, relative to campaign contributions and expenditures. **REFER FOR INTERIM STUDY.**
Rep. Evelyn M. Connor for Election Law. The committee felt this bill would be difficult to implement as it would have to be supported by public funding and New Hampshire does not have the money or any programs that could support this. The committee therefore recommends Interim Study. **Vote 17-0.**

HB 294, relative to voter database information provided for preparation of jury lists. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert J. Perry for Election Law. The intent of this bill is to clarify what voter information the secretary of state is authorized to provide for preparation of jury lists.
The issue was resolved by the passage of SB 35, (Ch. 261, 2013). There being no further need for the bill, the committee recommends Inexpedient to Legislate. **Vote 17-0.**

HB 351, relative to appointment of inspectors of election. **INEXPEDIENT TO LEGISLATE.**
Rep. Evelyn M. Connor for Election Law. Election inspectors are currently appointed by selectmen only if political parties fail to make these appointments. This bill would make this the sole responsibility of the town and city clerks. The committee feels that what is in place now is working. **Vote 17-0.**

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.**

HB 392-FN, relative to political contributions and expenditures and relative to reporting by political committees. **REFER FOR INTERIM STUDY.**
Rep. Evelyn M. Connor for Election Law. This bill seeks to improve disclosure of political contributions and expenditures, which is something that all of the committee supports. Unfortunately, what information should be disclosed, and who should be required to make disclosures, is a complex issue. In the end, after a great deal of work on the bill, the election law committee decided that the bill needs still more work. Accordingly, the committee recommends Interim Study so work may continue on this important issue. **Vote 17-0.**

HB 466-FN, relative to determining qualifications of voters. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Shawn N. Jasper for Election Law. As amended, HB 466 combines the current affidavit forms into 1 multipurpose form, which will provide a more convenient method of registering, for both voters and election officials, without lessening the requirements set in current law. This amendment provides that the voter must make clear which of the 4 categories of affidavits they are using the form for and which are not being used. **Vote 17-0.**

SB 196-FN, relative to the definition of push-polling. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Shawn N. Jasper for Election Law. As amended, SB 196 seeks to make clear what it is that constitutes a push-poll. For most major races it, would require that there would have to have been more than 2000 connected calls that last less than 2 minutes. For other races the number of calls is set at either 500 calls or 200 calls for state representative races. The amendment also clarifies that push-polling is for purposes other than bona fide survey and opinion research. It also adds a definition of survey and research. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 491-FN, relative to New Hampshire farm wineries. **INEXPEDIENT TO LEGISLATE.**
Rep. Tara A. Sad for Environment and Agriculture. This bill was brought forward in an attempt to prevent a definition unfriendly to agriculture from becoming law. The attempt was not pursued, and therefore the bill was no longer necessary. **Vote 17-0.**

HB 608, relative to the slaughter of poultry and rabbits. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Guy Comtois for Environment and Agriculture. This bill opens up an avenue for farms to sell up to 1,000 rabbits, and up to 1,000 poultry to restaurants per year without the added expense of USDA processing and inspection. It is a great opportunity for NH farmers, restaurants, and consumers. This bill was a collaboration with HHS and UNH Cooperative Extension to address labeling, traceability, and education to insure proper handling and processing. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Steven P. Beaudoin for Executive Departments and Administration. The amended version of this bill prohibits government agencies, except under very specific circumstances, from the arbitrary collection and retention of biometric data including RNA, DNA, fingerprints, retinal scans, photographs, and certain other biometric data.
Furthermore, such data cannot be collected as a condition of doing business with government entities. For those circumstances in which it is allowed, the bill requires that the data be destroyed upon the employee's termination of employment. The bill exempts the U.S. Transportation Safety Administration and the collection of data at a crime scene by law enforcement. **Vote 19-0.**

HB 419-FN, establishing a deferred retirement option in the judicial retirement plan. **INEXPEDIENT TO LEGISLATE.**
Rep. Raymond G. Gagnon for Executive Departments and Administration. The judicial retirement plan adopted in 2003 does not contain a provision for a deferred benefit for judges similar to the deferred benefit in the retirement plan for state, school system and municipal employees. This bill would permit eligible judges to defer receipt of a pension upon attaining the required age rather than collecting their accumulated contributions upon termination of service. The committee thought that it was not prudent to adopt this legislation at this time due to the additional cost involved. **Vote 19-0.**

HB 469, relative to time limits for regulatory boards and commissions to hold disciplinary proceedings. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Lucy M. Weber for Executive Departments and Administration. This bill was introduced because of concern about the excessive amounts of time taken in some cases for regulatory boards to resolve certain administrative disciplinary hearings for holders of professional licenses. After extensive discussions with various stakeholders, the bill was amended in its entirety to address several issues. 1) The time period in which to hold a disciplinary hearing for certain boards was extended from the current three months to one year, as it was determined that the three month window was not realistic. 2) For those boards which do not currently have any time limits in which to hold a hearing, the bill requires that the notice of hearing on a disciplinary proceeding be issued within two years of the receipt of notice of the complaint or the initiation of formal disciplinary proceedings. The longer time period was set because these proceedings generally require investigation at both the board level and by the attorney general's office. 3) A statute of limitations was put in place requiring that disciplinary actions be commenced within five years of the violation or the time when the violation could reasonably have been discovered. The statute of limitations would be tolled, that is, the clock would stop running on the five year period, for the duration of any criminal prosecution arising out of the violation, during the time the complainant is a minor or incapacitated, or when discovery of the violation is prevented because the accused is engaged in a cover-up. Finally, the Board of Real Estate Appraisers is exempted from these new time limitations because the limitations conflict with the federal regulations for real estate appraisers, which we need to comply with so commercial lending in NH is not adversely impacted. **Vote 19-0.**

HB 646-FN, relative to New Hampshire correctional industries. **REFER FOR INTERIM STUDY.**
Rep. Jeffrey P. Goley for Executive Departments and Administration. The current director of prison industries is retiring and the department of corrections would like to wait for a new director to be in place before moving forward with the legislation and requested it be referred for Interim Study. The committee agreed. **Vote 19-0.**

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.**

FINANCE

HB 299-FN, relative to tuition payments for chartered public school pupils. **INEXPEDIENT TO LEGISLATE.**
Rep. John W. Cebrowski for Finance. The committee found that HB 2, the "trailer bill" in its section 61, in the 2014-2015 budget, funded chartered public school tuition payments, thus making this bill unnecessary. **Vote 21-0.**

HB 319-FN, relative to benefits for state employees serving in the armed forces. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Lynne M. Ober for Finance. This bill was retained to ensure that requirements were in compliance with state and federal law. When a service member returns from a deployment on active duty, if the service member has leave available with the state, the returning service member may take up to 15 days leave before returning to his/her state job. **Vote 21-0.**

HB 671-FN, restoring state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent. **INEXPEDIENT TO LEGISLATE.**
Rep. William A. Hatch for Finance. This bill was to restore the state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent. The funding for the fees was placed in the budget thus eliminating the need for HB 671, and therefore the committee voted to ITL the bill. **Vote 21-0.**

FISH AND GAME AND MARINE RESOURCES

HB 256-FN, relative to funding for the fish and game search and rescue fund. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Jonathan F. Manley for Fish and Game and Marine Resources. This legislation authorizes the Fish and Game Department to establish and issue a voluntary "Hike Safe" card with all revenue generated going

towards funding of the Search and Rescue fund. This bill also extends the commission to study opportunities and options to improve the sustainability of the fish and game department that was established in HB 588 for one year and removes the eight hours of volunteer service as a requirement for serving as a deputy conservation officer. **Vote 12-0.**

HB 258-FN, prohibiting the taking of deer from baited areas. **INEXPEDIENT TO LEGISLATE.**
Rep. Jonathan F. Manley for Fish and Game and Marine Resources. The committee strongly reaffirms the fact that the Fish and Game Department already has the statutory authority to manage this issue and others pertaining to wildlife management as they deem necessary within the rule making process and that the regulatory process is the better venue for such action. **Vote 12-0.**

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

HB 329-FN, requiring purchasers of medical equipment to be notified of the actual cost of such equipment at time of sale. **INEXPEDIENT TO LEGISLATE.**
Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs. The price transparency provided by the medical equipment suppliers to customers now meets the transparency goals as discussed in the committee. Testimony indicated to all members that there is access to costs incurred for medical equipment prior to purchase by consumers. Therefore, the committee supported a vote of ITL. **Vote 14-0.**

HB 462-FN, relative to an independent review process under the medical assistance program. **INEXPEDIENT TO LEGISLATE.**
Rep. Susan Ticehurst for Health, Human Services and Elderly Affairs. The independent review process (for Medicaid claims that have been denied) would restore a process that was in place from 2007-11. The intent is to support persons who have special health care needs and disabilities by covering medically necessary services and items. This would allow people to live in their homes and communities as independently as possible, with the maximum ability to be mobile and exercise self-care. Reconsideration would be allowed when new information about efficacy or medical appropriateness arises or when approval would prevent the need for more costly services or items. While the committee supports the goals of the bill, they could be accomplished by rule rather than by legislation. Also, the new Medicaid Managed Care program adds an option for a similar review, but within an even shorter time frame. (If that appeal is denied, the department of health and services provides yet another opportunity for review.) Further, the goal of this bill could be addressed more effectively through the Governor's Commission on Managed Care. **Vote 18-0.**

HB 476, relative to medical care price disclosure and transparency. **REFER FOR INTERIM STUDY.**
Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs. Medical cost transparency is an important component in the work of choosing cost effective treatment by New Hampshire citizens. This bill targets providing the tools needed to provide this opportunity for consumers to know the cost of medical procedures before they are used. The work required to present a quality result for this purpose to present to the House for consideration requires more time and effort. The committee unanimously supported the continued work that needs to be done and the bill was proposed for interim study. **Vote 18-0.**

HB 494, relative to the administration of glucagon injections for pupils. **INEXPEDIENT TO LEGISLATE.**
Rep. Stephen J. Schmidt for Health, Human Services and Elderly Affairs. The New Hampshire board of nursing and New Hampshire School Nurses Association have collaborated on changes to existing delegation rules to more clearly provide the needed flexibility to delegate emergency medications. These rule changes are scheduled to become effective by year end 2013. In addition, school nurses will be provided education on the intent of these changes. The proposed rule changes address the intent of the legislation thereby negating the need for its passage. **Vote 18-0.**

HB 584, relative to covered prescription drugs. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill addresses the consumer's desire to be able to get prescriptions filled at the retail pharmacy of their choice. The amendment qualifies this statement so that it specifies that the pharmacy must be in the insured's network. In addition, the individual must comply with any specified terms, conditions, and reimbursement rates which the plan may require for mail order pharmacies that fill 90-day prescriptions. **Vote 18-0.**

HB 677-FN, relative to the certificate of need board. **INEXPEDIENT TO LEGISLATE.**
Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill, which reforms the certificate of need board, was incorporated into HB 2 and passed this past spring. Therefore, the committee unanimously supported a motion of inexpedient to legislate as the legislation is no longer needed. **Vote 18-0**

JUDICIARY

HB 590, relative to the unauthorized practice of law. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David Woodbury for Judiciary. This bill, as amended, makes clear that with proper authorization, a person of good character, who is not an attorney, may represent a small corporate business entity in district

divisions of the circuit courts in civil matters. The committee agreed that this clarification removed barriers to fair access to the courts for certain businesses who chose not to use a licensed attorney in specific circumstances. **Vote 14-2.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 203, relative to workers' compensation coverage for contractors on state projects and state land timber sales. **INEXPEDIENT TO LEGISLATE.**
Rep. Linda L. Tanner for Labor, Industrial and Rehabilitative Services. This bill addressed concerns about workers' compensation requirement for contractors on state transportation projects and state land timber sales. An agreement was reached between the Association of General Contractors who requested the bill and the department of transportation. A memorandum of understanding has been signed by both parties and is included in the committee file. Therefore, the bill is unnecessary. **Vote 19-0.**

HB 255-FN, relative to the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Douglas A. Ley for Labor, Industrial and Rehabilitative Services. Over the course of the past year, a growing number of issues have arisen in regards to New Hampshire's current worker compensation system. Among these issues are the adequacy of indemnity payment levels as well as rising medical costs. Rather than piecemeal adjustments, this bill as amended establishes a commission made up of stakeholders to study both medical costs and indemnity payments in a comprehensive manor. **Vote 19-0.**

HB 439-FN, relative to weekly workers' compensation payments. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services. This bill increases the weekly worker's compensation payments from 60% to 66 2/3%. This increase brings the percentage back to what it was in the early 1990's. New Hampshire has the lowest payment percentage in New England. Issues we're having with workers compensation rates in New Hampshire have to do with medical cost not indemnity costs. We should not penalize the injured employee because of increased medical costs. **Vote 16-3.**

LEGISLATIVE ADMINISTRATION

HB 170, relative to the definition of a gift to an elected official, public official, public employee, constitutional official, or legislative employee. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary B. Richardson for Legislative Administration. Last session the legislature approved HB 410 creating a study commission to study and recommend changes as needed to ethical rules and procedures. The Commission is charged with the responsibility to report back to the legislature not later than December 1, 2014. Committee members decided that it would be more productive to allow the Commission to complete its work prior to enacting any new legislation, and therefore recommends that this bill be found Inexpedient to Legislate at this time. **Vote 10-0.**

HB 415, relative to ethics requirements for members of the general court. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary B. Richardson for Legislative Administration. Last session the legislature approved HB 410 creating a study commission to study and recommend changes as needed to ethical rules and procedures. The Commission is charged with the responsibility to report back to the legislature not later than December 1, 2014. Committee members decided that it would be more productive to allow the Commission to complete its work prior to enacting any new legislation, and therefore recommends that this bill be found Inexpedient to Legislate at this time. **Vote 10-0.**

HB 548, relative to ethics requirements and procedures for legislators and legislative employees. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary B. Richardson for Legislative Administration. Last session the legislature approved HB 410 creating a study commission to study and recommend changes as needed to ethical rules and procedures. The Commission is charged with the responsibility to report back to the legislature not later than December 1, 2014. Committee members decided that it would be more productive to allow the Commission to complete its work prior to enacting any new legislation, and therefore recommends that this bill be found Inexpedient to Legislate at this time. **Vote 10-0**

MUNICIPAL AND COUNTY GOVERNMENT

HB 297, relative to the management of trust funds and capital reserve funds. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Dennis J. Malloy for Municipal and County Government. This bill is enabling legislation that sets up a mechanism for expanding capital reserve investment opportunities and fee reporting requirements, giving the trustees of trust funds much of the same flexibility with capital reserve funds as they now have with trust funds. It provides a way for trustees of trust funds to pay the investment fees out of the proceeds of the capital reserve funds, and provide transparency to the taxpayers as to the amount of those fees. To accomplish

this, a city, town council or town meeting may vote to authorize the trustees of trust funds to charge any expenses incurred against the capital reserve funds with this authority remaining in effect for a minimum of 5 years and thereafter may be rescinded by vote of the city, town council or town meeting. The vote to allow this will be held during town meeting and if passed, grants the authority to the trustees to use the proceeds of capital reserve funds to pay the investment fees generated by any bank, brokerage firm, portfolio management department, or investment advisor with any professional banking and brokerage fees reported in the annual report of the trustees of the trust funds as expenditures out of capital reserves. The committee felt this legislation clearly shows taxpayers how the investment fees are paid, and may allow towns to realize more growth in their capital reserve funds. These revisions do not change trustees' authority to invest trust and capital reserve funds as they see fit. This bill includes allowing municipalities to keep certain trust records in electronic format, changes the date by which certain municipal sums shall be transferred and allows library trustees to govern investments through application of the prudent investor rule. **Vote 15-0.**

HB 422, relative to the adoption, revision, and amendment of municipal charters. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Dorothea D. Hooper for Municipal and County Government. This bill as amended makes it easier to establish a charter commission by making the requirements parallel to those for establishing an SB 2 town. The bill also establishes more reasonable time-lines for adoption, revision or amendment to charters. **Vote 15-0.**

HB 672-FN, relative to the property tax exemption for water and air pollution control facilities. **INEXPEDIENT TO LEGISLATE.**
Rep. James Verschueren for Municipal and County Government. The intent of this bill is to replace the current unrestricted property tax exemption for water and air pollution control facilities with a new criterion. Currently the property tax exemption is calculated as the value of the facility. This property tax exemption was created in 1955 and made permanent in perpetuity by the New Hampshire legislature in 1998. HB 672 would limit the application of the property tax exemption to the net book value of a facility, and would effectively eliminate the property tax exemption for many facilities around the state. Many such facilities have been in place for as long as several decades and therefore have no net book value. Others are more recent and were built on the premise of ongoing tax relief. Some are owned by major entities such as Public Service of New Hampshire. Others are owned by small companies and at least one is owned by an educational institution. Proponents of the bill argue that towns are losing tax revenue by these exemptions, particularly from facilities whose investment costs have long ago been recouped by the entities which own them.
The unanimous consensus of the committee is that a change in exemption tax law that offers no compensation to the entities that own these facilities is fraught with both known negative impacts on jobs and the New Hampshire economy and with unintended consequences. The current property tax exemption has been relied upon for decades in major investment decisions. The committee received testimony regarding the potential for substantial harm to jobs and the economy as well as a likely increase in electric rates. With respect to prospective revenue foregone by the towns in which these facilities are located, it is also true that those towns receive substantial benefits in terms of jobs and economic activity as well as tax revenues from the primary facilities to which these water and air pollution control facilities are attached. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 437-FN-A, relative to the road toll. **INEXPEDIENT TO LEGISLATE.**
Rep. David B. Campbell for Public Works and Highways. Many on the committee lauded the sponsor for his recognition of the critical need for additional infrastructure revenue. However, the committee believed the mechanism to increase the road toll by 5 cents, only when and if gasoline prices drop 50 cents. was too uncertain as a future revenue source. **Vote 15-0.**

HB 534, establishing a commission to study the sale of naming rights for certain structures. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Gene G. Chandler for Public Works and Highways. This bill, as amended, establishes a commission to study the possibility of sponsorship agreements including naming rights of certain structures. Federal highway rules are evolving in this area and there is a potential for funds to be raised for use by the department of transportation to support their efforts in maintaining our highways and bridges. We need to continue to explore any and all avenues to increase the department of transportation's revenue stream. **Vote 15-0.**

HB 674-FN-L, relative to state highway aid. **INEXPEDIENT TO LEGISLATE.**
Rep. Karen E. Ebel for Public Works and Highways. This bill would modify the formula for the computation of state highway aid by reducing the required local match from 33% to 20% for the improvement of the condition of a Class I, II or III highway, but requiring municipalities to assume ownership. The bill would retain the current 33% local match requirement if a Class I, II or III highway's capacity is increased, and the state would retain ownership. The committee objected to the requirement that a municipality assume ownership and, therefore, responsibility for maintenance for a highway, as a condition for state highway aid for repairs.

The committee members believed that ownership by a municipality should remain optional in those circumstances. It was determined that the state already had the statutory authority to negotiate lower match and ownership requirements. Further legislation was unnecessary to accomplish this. **Vote 15-0.**

HB 684, relative to bridge replacement and bridge aid funds. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Karen E. Ebel for Public Works and Highways. This bill provides a mechanism allowing the state to reimburse municipalities for the costs associated with bridge repairs completed by municipalities ahead of the state bridge aid fund schedule. When municipal bridges are closed for safety reasons, the economies of affected towns suffer and citizens are inconvenienced. When a local bridge is closed, a municipality must wait to receive state bridge aid funds in the year it is scheduled (as long as 10 years out). Emergency funds are not available due to a lack of revenue. This bill enables towns to expend local funds on bridge repair or replacement and seek subsequent reimbursement from the state bridge aid fund. This would save both state and towns money because bridges can be repaired or replaced at a lower cost since inflation drives the costs up in the future. The committee amended the legislation to provide that if a municipality chooses to expend local funds before state bridge aid is available, it may receive reimbursement in the year it is scheduled, provided that: the bridge is in the program, it was closed in accordance with a department of transportation recommendation, the bridge design is approved by the department, and that state funds are available when the bridge was scheduled for repair or replacement. DOT expressed concern that this process would create an unfunded liability. The state treasurer approved language which clarifies that a municipality has no legal or financial claim against the state if funds are not available in the year it is scheduled for state bridge aid. **Vote 15-0.**

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.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 158, relative to the issuance of waivers for lot loading or setback distances in condominium conversion. **INEXPEDIENT TO LEGISLATE.**
Rep. Jane E. Beaulieu for Resources, Recreation and Development. The committee unanimously voted to ITL the bill. All parties involved, including the property owner and DES, agreed to work together over the next year to research and find innovative ways to treat waste on site which may allow for future condominium conversions. **Vote 18-0.**

HB 338-FN-L, relative to the state contribution for water pollution control. **INEXPEDIENT TO LEGISLATE.**
Rep. Pamela J. Hubbard for Resources, Recreation and Development. The bill sought to change the payment method used by the state to fund water pollution control projects. A study commission addressing the issue of state funding for water and water treatment projects for the long term has completed its work and the report with background and recommendations will be forthcoming. It was felt that commission report with its information and findings would be a better point from which to develop the necessary legislation for the future. **Vote 18-0.**

HB 397, relative to state aid for wastewater and public water supply projects. **INEXPEDIENT TO LEGISLATE.**
Rep. Brian Wazlaw for Resources, Recreation and Development. This bill was relative to wastewater and public water supply projects that were approved by local authorization before the end of calendar year 2008 for state aid grants. This issue was previously resolved in 2013 HB 2 Section 100. **Vote 18-0.**

HB 545, relative to rafting of boats. **INEXPEDIENT TO LEGISLATE.**
Rep. John A. Mullen for Resources, Recreation and Development. The bill sought to increase the number of boats that would be allowed to raft together in rafting restricted areas as defined in RSA 270:42 IV and RSA 270:44

sections II and III on lakes Winnipesaukee, Sunapee and Ossipee. After several sub-committee meetings and visits to Lakes Winnipesaukee and Sunapee, the subcommittee recommended, and the committee agreed, that the bill be found inexpedient to legislate. The sub-committee found that some areas were used properly and some were highly congested. Violations of the current law were observed. It also noted that some sites were not even being used and many nonrestricted sites existed on the lakes for un-restricted rafting. The NH department of safety was not in support of the bill because of safety concerns due to increased congestion. Other stakeholders expressed concerns that increasing the number of boats allowed to raft together in restricted zones would risk the safety of boaters as well as damage to the environment. Further concerns about the amount of increased noise and trash were also noted. The committee felt that increase in the number of boats allowed to raft in restricted areas would adversely affect safety and the environment in those areas and, notably, that many viable alternatives were available to raft unrestricted upon those lakes. **Vote 18-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 166, requiring the public utilities commission to make specific findings as to the public need for proposed transmission lines. **INEXPEDIENT TO LEGISLATE.**
Rep. Charles L. Townsend for Science, Technology and Energy. The bill as drafted would require that some new electric transmission lines be buried. Language implementing this requirement was added as an amendment to HB 569, so this bill is not necessary. **Vote 18-0.**

HB 449, relative to the application process for a certificate for an energy facility. **INEXPEDIENT TO LEGISLATE.**
Rep. Ian P. Raymond for Science, Technology and Energy. Technology and Energy: This bill would require the Site Evaluation Committee to consider the economic impact and findings and recommendations from local planning boards prior to issuance of certificates. The committee felt that the bill was unnecessary, as the Site Evaluation Committee already follows rules that serve a similar purpose of providing the opportunity for input from the community level. **Vote 18-0.**

HB 465, repealing New Hampshire's atomic energy policy. **REFER FOR INTERIM STUDY.**
Rep. Robert A. Backus for Science, Technology and Energy. The New Hampshire Atomic Energy Act, RSA 162-B, which was passed in 1955, no longer serves any practical purpose. The state's interest with regard to atomic energy are now found in various other statutes, including those dealing with nuclear plant decommissioning, use of nuclear isotopes for medical purposes, radiological health and safety, and transportation of nuclear waste. A majority of the committee believes it is no longer appropriate to maintain a statute, which in effect endorses atomic energy as a top energy option priority. However, the committee determined that it was appropriate to send this repeal bill to interim study in order to have time to consult with and assure all stakeholders that the repeal will not affect any current users of atomic energy, including Seabrook Station, radiation control specialists and those using nuclear isotopes for medical purposes. **Vote 18-0.**

HB 484-FN-L, requiring public approval prior to issuance of certain site evaluation certificates. **INEXPEDIENT TO LEGISLATE.**
Rep. Ian P. Raymond for Science, Technology and Energy. While the committee feels strongly that local public input is essential to the site evaluation process, the General Court has already determined as a matter of public policy that the siting of large energy projects is of significant interest to the welfare of the entire state. It would therefore be inappropriate to give local communities veto power over the issuance of site evaluation certificates for projects located in their town, or for projects within their viewshed that are located in another town, even if that other town supports hosting the facility. **Vote 19-0.**

HB 568, requiring new electric transmission lines in New Hampshire to be buried. **INEXPEDIENT TO LEGISLATE.**
Rep. Laurence M. Rappaport for Science, Technology and Energy. The committee recommended ITL because the essence of HB 568 was folded into HB 569 via an amendment. **Vote 18-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 88, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces. **INEXPEDIENT TO LEGISLATE.**
Rep. Lorrie J. Carey for State Federal Relations and Veterans Affairs. The committee members had a thorough and respectful discussion on flags flown as both state and personal flags. Based on testimony from Veterans and families, the committee researched how and why flags are flown. The members determined the Honor and Remember Flag could be flown year round at the New Hampshire Veteran's Cemetery in Boscawen above the Reflection Fountain without any legislation. The subcommittee proposed that a House Resolution be created to address the need for families to honor lost members with a personal flag which is beyond the fundamental meaning of the American flag. **Vote 9-1.**

TRANSPORTATION

HB 587, relative to medical examination requirements for commercial drivers' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce E. Hodgdon for Transportation. This bill as amended will give commercial drivers license holders a 24 month grace period to send a copy of their medical examiners certificate to DMV to avoid retesting. Starting January 2014, CDL holders must send a copy of their medical card to DMV or risk the CDL license being downgraded to an operator's license. Once the license is down graded he or she must have a current medical card, complete a knowledge and skills test to upgrade to a commercial license. If for some reason this CDL holder was unable to receive a medical card because of deployment, injury, surgery, etc., he or she would lose their privilege to operate a commercial vehicle and be required to be retested. This bill will give these individuals some extra time and avoid added cost for retesting and not create a hardship. **Vote 18-0.**

WAYS AND MEANS

HB 459, relative to poker games and charitable gaming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T. Lovejoy for Ways and Means. This bill legalizes home poker games as long as the "house" takes no rake, no admission can be charged, odds can't favor any player, there is not a house bank and the games can not be advertised to the public. **Vote 19-0.**

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

Rep. Russell T. Ober for Ways and Means. This bill would have changed the tax rate on tobacco products other than cigarettes to a percentage of the wholesale price which would be equivalent to the tax rate on cigarettes. The committee retained this bill in case it was needed, but the tax rate was changed by HB 2, Laws of 2011, Chapter 224. The second part of this bill would have established a tobacco use and prevention cessation program as well. The committee felt that a separate bill was needed to establish such a fund and make appropriations to said fund. **Vote 19-0.**

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

Rep. Frank W. Davis for Ways and Means. This legislation would have provided a tax credit to the motion picture industry for any project in which the total New Hampshire expenses exceed 50% of the total production expenses or at least 50% of the total photography days take place in the state of New Hampshire. There were no caps on the number of projects which might be approved, and the credits would be either refundable or transferable. It would not be possible to determine the total amount of credits which could become available, but it could be possible that it would total more than $100 million.

The committee studied hundreds of pages of reports from other states to help determine if there could be any economic benefits to New Hampshire from this legislation.

Tax credits for film production were rarely given until recent years. In 1999 only 4 states gave credits and the total was about $2 million. But rapid increases in grants resulted in more than 40 states granting about $1.5 billion by 2010. States competed against each other to offer the greatest incentives. During the current economic recession many states realized that the grants were generating little economic growth. Eight states discontinued programs or appropriated no funds in 2010-2011, and legislators in many other states voiced their concerns. The committee studied the latest Massachusetts report (March 2013) and discovered that after grants of more than $300 million very few jobs were created, and most of these were temporary. The tax credits were rarely used by the film industry, and 89% were sold through brokers to insurance companies, banks, and other financial institutions to use toward reducing their own tax liability.

The transferability of credits and the absence of a method to determine the costs of this legislation were some of the reasons why committee members felt that this legislation would not be beneficial to New Hampshire at this time. **Vote 17-2.**

WEDNESDAY, JANUARY 8
REGULAR CALENDAR- PART ONE

CHILDREN AND FAMILY LAW

HB 525-FN, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel C. Itse for Children and Family Law. This bill raises the age from 17 to 18 for determining when a juvenile is considered an adult in the criminal system. Historically, 17 year olds have not been treated as adults and in every other manner, they are still not adults in New Hampshire. This bill is part of a nationwide trend to raise the age, and includes Massachusetts which recently raised their aged of delinquency to 18. This is significant because New Hampshire lowered the age, in part, to be consistent with Massachusetts. Raising the age is good public policy. There are numerous studies showing a physical lack of brain development in 17 year olds. In states where 17 year olds remain in the juvenile system, there is a lower rate of recidivism because these young offenders get age appropriate services in the juvenile system. Many 17 year old offenders are not receiving any significant punishment and when they are punished, they are exposed to adult offenders who teach them more bad behavior. Raising the age lowers both overall corrections costs, and the cost to society. Young offenders who enter a juvenile diversion program can emerge without a criminal record. This makes it possible for them to get school loans and improves their chances of getting a job.

The most pressing reason to raise the age now is the enforcement of the Prison Rape Elimination Act (PREA) and the Civil Rights of Incarcerated Persons Act. These laws require sight and sound separation of inmates under 18 from inmates over 18 and require a chaperone for younger inmates while in common areas. This will require significant investment at each of our County Prisons and the State Prison. Any incident at one of our facilities holds the potential for significant civil suits if we fail to take steps address the situation. Currently, there are between 20 and 30, 17 year olds in our County prisons

on any given day. Most are being held awaiting trial; only a few are serving prison terms. There are also over 60 empty beds in the Sununu Center. The cost of complying with the federal statutes and the availability of beds in a secure facility, substantially diminishes, if not eliminates the fiscal impact of the change. The committee thinks that raising the juvenile age, with the enactment date at the end of the current budget, is the most prudent strategy to deal with issues surrounding the incarceration of 17 year olds. We should also be mindful of the instruction given in Part 1, Article 18, "The true design of all punishments being to reform, not to exterminate mankind." These individuals are among those most likely to be rehabilitated. **Vote 15-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 544, repealing the prohibition on a state-based health exchange. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. Initially it was felt that there was a need to remove the prohibition against state-based exchanges in order to have a conversation about whether we should consider that option once again. Obviously those conversations can still be had. It was therefore determined that this bill was not needed at this time. **Vote 20-0.**

SB 92, prohibiting multiple prescription drug failures. **OUGHT TO PASS.**

Rep. Richard D. McNamara for Commerce and Consumer Affairs. This bill provides that no health benefit plan that provides prescription drug benefits and establishes the specific sequence in which prescription drugs for a medical condition are to be prescribed (called Step Therapy), shall require failure on the same medication on more than one occasion for patients continuously enrolled in the plan. The bill does not do away with Step Therapy- but if a medication is used and the patient fails in the opinion of the patient and his/her physician – the patient cannot be forced to repeat that medication. Generic as well as non-generic medications are included in this bill. This bill gives greater protection to the insured and is a minor step in letting doctors do their job without medical decisions regarding prescription drugs being made by the insurance company. **Vote 12-8.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gene P. Charron for the **Majority** of Criminal Justice and Public Safety. For many years the practice of firing firearms in honor of our fallen warriors by military branches and surviving veterans has been a common and accepted practice. It has also been a practice for our law enforcement and fire personnel to honor their loss on state and local levels. Traditionally, re-enactment groups may fire cannon as part of their programs. These practices have always been a piece of our patriotic fabric and include, for example, a military service at the cemetery or a service for celebrating a national holiday at local monuments.

As times have changed, in recent years it has become a concern to the public when the sound of gunfire is heard in a compact area, especially near a school or other facility where people congregate. To alleviate that fear and to accommodate all parties involved, this bill as amended provides that any of the above groups must notify the police chief or governing body of the event being conducted and must then receive approval of the request. The committee believes that this is a reasonable compromise which allows these entities to continue to honor the fallen while protecting public safety. **Vote 10-8.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. The bipartisan minority is convinced that the amendment to this bill merely takes a potentially problematic situation and makes it worse. Veterans filed this bill because they did not want to have to live up to RSA 644:13 which requires that prior to discharge of firearms in a congested area of a community notification be made and written permission received from an official within the town. Veterans argued that at times, they do not have time for such notification since a special ceremony might involve firearms for funeral services. Veterans in fact told the committee that provision of this RSA is in fact often ignored. The committee is convinced that notification is in fact needed so that gunfire will not be heard in congested areas, perhaps adjacent to a school. The committee amendment continues to require notification and approval but for this one select group, veterans, the notification need not be in writing. The minority thus is convinced that this is the worst of all possible situations. Veterans' concerns are not met since permission will still be required. However, there will be no paper trail. In this era when nearly everyone, certainly city and town officials, has access to a computer, the minority does not believe it wise to not continue to expect approval in writing. It's as simple as giving notification and then sending an email back so there will be no question as to approval. The minority fears that this amendment merely makes the situation worse without addressing the real concerns of the bill's sponsors.

HB 675-FN, authorizing and regulating the use of license plate scanning devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burridge for the **Majority** of Criminal Justice and Public Safety. This bill as amended is enabling legislation that will allow cities, towns, and state law enforcement agencies to decide whether to use license plate scanners, (LPR) devices. The use of the LPR technology will be strictly limited and will allow police officers to heighten traffic safety, recover stolen license plates and vehicles, and most importantly recover missing children under the Amber Alert system and apprehend individuals who present a risk to public safety. An LPR will be used by an officer to scan license plates only for certain law enforcement purposes as follows: stolen vehicles; vehicles driven or occupied by wanted, missing, or endangered persons; people who have defaulted court appearances; people with criminal warrants pending or in effect; people with suspended or revoked driver's licenses or registrations; persons suspected of criminal or terrorist acts, transportation of stolen items or contraband, or motor vehicle violations; commercial trucking enforcement; case specific criminal investigative surveillance; and finally, license plate canvasses in homicides, shootings, and other major crimes or incidents. Records of captured license plate numbers must be purged from the LPR within three minutes unless the identified vehicle causes an alarm which results in an arrest, citation, protective custody or identified a vehicle that was subject of a missing person or wanted broadcast. In the case of an alarm, the plate may be retained until disposition of the court case. New Hampshire is the only state that does not permit the use of LPR devices. In states using LPR's, several favorable court decisions have been issued to establish that this technology is proven, reliable, and verifiable. Finally, this bill establishes strict standards for using the devices and retaining data that will protect civil liberties, while ensuring limited but effective use. **Vote 10-7.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety. The minority is extremely concerned about the erosion to Granite Staters' privacy advanced by this legislation. This bill would allow local police departments to acquire expensive license plate reader (LPR) devices to hand-hold or mount on law enforcement vehicles. This issue came to light when the Hanover PD was informed that it was violating state law for using such devices for parking enforcement.

Several people from the public spoke against this bill. Only law enforcement spoke in favor. The NHCLU and association of criminal defense lawyers spoke in strong opposition to the bill. The committee is deeply divided. We have serious concerns about the accuracy of LPR devices. There are 50 states, and each state has multiple generations of plates, using different fonts and letter styles, not to mention special-issue versions such as Moose, Veterans, Arts, Pink Ribbon and other such plates. This bill also allows partial number matches, which exponentially expand the chance of false positives.

Another concern is the accuracy of the data being cross-referenced by these systems. In regards to computer programming, there is the phrase, "garbage in, garbage out." New Hampshire has no way to verify that the databases contain up-to-date information about missing persons, moving violations, warrants, or other data points from 49 other states and the federal government. Yet all that information will be used to investigate local drivers whose NH plates register a match. We cannot enforce the accuracy of the databases, and thus the possibility for harassing innocent people is unacceptably high. The potential for wrongful traffic stops, car chases, and arresting non-offender drivers of vehicles is too great for the minority to accept. This Big

Brother approach to policing goes against 4th Amendment protections to be secure in your papers and effects. Every minute law enforcement spends looking at license plate readers is a minute not patrolling dangerous neighborhoods or trying to solve crimes against people and property. Spending time and money to enforce unpaid parking tickets is not in the best interest of the people of this state.

EDUCATION

HB 424-FN, relative to review of chartered public school applications by the state board of education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Stuart Gile for the **Majority** of Education. This bill proposes three requirements: First to provide technical assistance to improve a charter public school's application; second to require the state board of education (SBE) to grant charter status to any applicant that meets the application requirements; and third to require the SBE to assess all the elements of the chartered public school application and specify all areas in the application deemed deficient. After researching the relevant statutes, New Hampshire department of education materials and protocols required by the SBE, the committee agreed that to do any more or add further requirements would be confusing and could possibly diminish efforts to initiate additional charter school applications. **Vote 11-9.**

Rep. Rick M. Ladd for the **Minority** of Education. The minority believes that the state board should grant conditional approval to a charter school application that meets all the elements set forth in RSA 194-B:3, and not deny or delay approval if sufficient state funding is not immediately available. At the beginning of the next fiscal year in which sufficient funding is available for a chartered public school to begin operation, the state board shall grant full approval to the application. This process will better encourage and promote the establishment and operation of public charters in New Hampshire.

HB 435-FN, relative to funding for chartered public school pupils. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Anne C. Grassie for the **Majority** of Education. The committee felt the needs of charter schools for more financial support as well as traditional public schools are apparent, but the formula in HB 435 is not the best way to remedy these issues. **Vote 10-9.**

Rep. Ralph G. Boehm for the **Minority** of Education. This bill increases funding for charter schools to be 50 percent of the most recently available statewide average cost per pupil for public school pupils as calculated by the department of education. Charter schools are public schools but are only funded by approximately 1/3 of the cost of regular public schools. State charter schools do not receive any local funding. As a policy committee the minority believes that charter schools are a benefit to children and thus should receive more funding.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 326-FN, relative to licensure of polysomnographers by the board of respiratory care practitioners. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary S. Nelson for the **Majority** of Executive Departments and Administration. Currently, polysomnographers (sleep therapists) are not licensed or registered by the state of New Hampshire. HB 326 as introduced would have required them to be licensed by the board of respiratory care practice. The proposed amendment would have established a governing board of polysomnographic technologists within the Allied Health Professionals. Although HB 326 was retained in committee and worked on over the break, some questions still remained. It was thought that further study would be necessary to answer remaining questions. **Vote 9-7.**

Rep. Peter B. Schmidt for the **Minority** of Executive Departments and Administration. This Interim Study report is counterproductive. HB 326-FN needs no further study. The bill is necessary because sleep technicians, also called polysomnographers, are not currently registered by the state of New Hampshire. The bill, as introduced, would have had polysomnographers regulated by the board of respiratory care practitioners. Further study revealed that, of the many different sleep disorders, only one, sleep apnea, is respiratory in nature. Because of this, the proposed amendment creates a new board to regulate the polysomnographers. The amendment has been carefully written and vetted in collaboration with numerous practitioners of sleep medicine, both medical doctors and sleep technicians, and is overwhelmingly supported by the NH sleep medicine community. In addition, it is endorsed by the board of respiratory care practitioners, under whose auspices the original bill was brought forward. Far from promoting and protecting the legitimate interests of sleep medicine practitioners, the hospitals that employ most of them and, most importantly, those citizens of NH who suffer from sleep disorders, Interim Study would delay, and potentially derail, the major improvement in governance and safety that HB 326-FN represents. HB 326-FN is ready for passage and implementation. It is the Interim Study report that should be put to sleep.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 350, prohibiting discrimination against the unemployed. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority believes this bill acknowledges a real problem facing the unemployed who are actively seeking employment. There are many examples of ads soliciting employees that say unemployed need not apply. HB 350 enables penalties to discourage discrimination on the basis of unemployment status in ads soliciting workers and in acting upon the applications. The bill also reiterates the rights of employers to make employment decisions on the basis of licensure, education, experience, or credentials that are related to the job advertised, or to an advertisement that states only current employees of the company are eligible for the job. **Vote 11-8.**
Rep. Jack B. Flanagan for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill, although well intended, is trying to legislate poor decision making. This body cannot and should not try. What this bill tries to do is impossible to prove. It also will create additional litigation in an already crowded judicial system. If someone feels they are discriminated due to their employment status it is easily defended but an additional expense for employers.

RESOURCES, RECREATION AND DEVELOPMENT

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Suzanne J. Smith for Resources, Recreation and Development. NH department of parks relies on admission fees and enterprise functions to maintain and support state parks and recreation areas including Franconia Notch State Park. SB 190-FN as amended will allow residents of NH who have attained the age of 65 to be admitted without charge to state recreation areas, including day use parks, historical sites, beaches and state-operated ski areas, without charge. However, under SB 190, free admission will not apply to "uphill devices," including ski lifts and trams or enterprise functions including the Flume Gorge.
Further, members of the General Court, General Court staff, Governor and Council and Governor's staff will no longer receive free admission to state recreation areas, unless the purpose of such visit is state business. SB 190 as amended also repeals the discount coupon program for state parks, but will not affect summer youth programs that bring school groups and campers to our state parks.
Because many state employees receive discounted admissions to NH state parks and campgrounds through collective bargaining contracts, SB 190 also requires that effective July 1, 2015, the difference of regular admission minus discounts state employees receive shall be paid by the employee's employing state agency. **Vote 16-2.**

REGULAR CALENDAR- PART TWO

COMMERCE AND CONSUMER AFFAIRS

HB 226, establishing a committee to study the promotion of New Hampshire wines. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John B. Hunt for Commerce and Consumer Affairs. The amendment replaces the study committee and using some of the language and intent of HB175 to add to the current law (RSA 176:12) expands the responsibility of the Liquor commission to not only sell but also "promote" domestic liquor and wines and report to the legislature annually on how it is supporting sales of NH's liquors and wines. The amendment also adds "notwithstanding RSA 176:3, I" because that law requires that the primary duties of the liquor commission shall be to optimize the profitability of the commission and there was some concern that this duty conflicts with the "promotion" of domestic liquor and wines because it might not always be profitable to do so. **Vote 17-3.**

HB 331-FN, relative to wine manufacturers. **INEXPEDIENT TO LEGISLATE.**
Rep. John B. Hunt for Commerce and Consumer Affairs. This bill attempts to exempt NH wineries from New Hampshire's 3-tier system so that they may deliver wine directly to restaurants and stores without going through the Liquor Commission and only pay 5% to the Commission. The wine distributors made it clear that passage of this legislation would have brought on a lawsuit by them for the same right and frankly most of the wineries were not really interested in the bill. **Vote 17-3.**

HB 562, relative to the interest rate on title loans. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Donna L. Schlachman for Commerce and Consumer Affairs. The car title loan product is one that has come before the legislature many times. It is a different product than a payday loan. The consumer's car is collateral for the loan and can be repossessed if the consumer does not pay the loan back. Car title lenders operate in 21 states; many of those states have interest rate caps. New Hampshire currently caps the interest rate on car title loans at 25 percent per month. If the consumer renews the loan for the maximum ten renewals, and pays 10 percent of principal each month, as required under New Hampshire law, he or she will pay interest equal to 138 percent of the original principal. Without the 10% principal pay down each month, a 25 percent per month interest translates into an annual percentage rate of 300%. According to one title loan company, most loans are paid off within six months. The bill sought to prohibit title loan companies from charging interest above 36 percent per year, which was the cap until the last legislature removed it. Car title

loan company representatives testified that if the 36 percent cap returns they will have to close their doors. The committee learned that title loans are sought by individuals who do not qualify for short-term loans from conventional sources. Such loans seem to be used when people fall behind in their bills or incur unexpected expenses. The committee heard anecdotally that some small contractors take out title loans to purchase supplies for which the contractor will later be reimbursed. The committee also heard from individuals representing community support agencies and consumer advocacy organizations that assist people who cannot keep up with their payments. Their clients turn to them and to public assistance for help with rent, utilities and food because of car title loan debt. There were 9,305 title loans made in FY2012 with a total dollar amount of $10,619,469, as reported by the banking department. Only a few credit unions, such as St. Mary's Bank's short-term emergency assistance, currently have loan products for low-income citizens as an alternative to title loans. Three changes to the requirements of the current law were considered: lowering the interest rate per month; disclosing to the borrower the full amount of interest and principal paid each month for the life of the loan; and including in the required annual report to the banking department the number of loans taken out for varying lengths of time and the number of repossessions. The committee was evenly split on lowering the current 25 percent per month interest rate and agreed on the other changes. The amendment replaces the entire bill and, as noted, includes the disclosure and annual reporting requirements. **Vote 17-3.**

HB 585, relative to insurance parity for optometrists. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Chris Muns for the **Majority** of Commerce and Consumer Affairs. This bill requires that insurers not discriminate in the rate of fee for service reimbursement they offer to optometrists and ophthalmologists, for the same procedure that each is licensed by the state to provide, based solely on whether the provider providing the procedure is an optometrist or ophthalmologist. It also prevents insurers from requiring that an optometrist must participate in a separate vision plan owned, operated or administered by the insurer, as a condition for the optometrist to be a participating provider with the insurer or to participate in the insurer's preferred provider network. Optometrists are doctors of optometry and are licensed to diagnose and treat diseases of the eye and prescribe prescription drugs. Ophthalmologists are Doctors of Medicine who choose to specialize in medical and surgical eye problems. They are licensed to perform operations on eyes, which optometrists are not. During testimony the committee learned that there is a significant overlap in the number of procedures that optometrists and ophthalmologists are both licensed to perform in New Hampshire. The committee heard testimony that in some group practices with both optometrists and ophthalmologists on staff, the practice is reimbursed at a higher level for patients in a health plan who are referred to an ophthalmologist in that practice than they are for patients in the same health plan who are referred to optometrists in the same practice for identical procedures. To determine how widespread this issue might be the committee asked the department of insurance to complete a study of the payment differences in reimbursement to ophthalmologists and optometrists. The study revealed that 84% of the dollars that ophthalmologists receive comes from services that both they and optometrists are licensed to perform, yet in most cases ophthalmologists are reimbursed at significantly higher rates; exactly how much depends on the insurer and the product (e.g. HMO, PPO, Indemnity) offering. Nothing in this bill shall prevent any insurer from negotiating payment rates with any specific health care provider or group practice based upon factors otherwise provided by law (e.g. size or location of practice or quality of outcomes). **Vote 11-9.**

Rep. John B. Hunt for the **Minority** of Commerce and Consumer Affairs. The minority of the committee agrees that this new health insurance mandate interferes with commercial insurance reimbursement through government interference with the private contracting process. This is an unnecessary and unwelcomed interference with the free market. The minority of the committee further agrees that this new health insurance mandate will not have a huge effect on premiums because most private health insurance plans do not cover much for eye care. Anthem's Matthew Thornton plan (the state's most popular) covers only routine exams once every two years and does not cover eye glasses. The minority of the committee is also very concerned about the implication of this legislation if the other dozen or more licensed non-physicians seek parity when it comes to reimbursement for the same CPT (Current Procedural Terminology) codes as another practitioner or physician. The effect of HB 585 is to send a message and say to the ophthalmologists (who are physicians) that we do not value their knowledge when it comes to more routine examinations. But more importantly, this bill undervalues the importance of education and experience with the consequence being that a nurse midwife should be reimbursed the same as an obstetrician; a licensed nurse assistant, the same as a registered nurse or a nurse practitioner if they are all using the same CPT code. In other aspects of society, education and training is reflected in reimbursement rates: bachelor vs. masters vs. PhD teacher and paralegal vs. associate vs. partner in a law firm. Further, reimbursement differences already exist within the physician community: commercial insurers start with a set fee schedule for many CPT codes, but reimburse some physicians at a higher level, based on private contract negotiation. And, HB 585 would prohibit commercial insurers from adjusting rates for a selected provider based on quality measures, as is done by Medicare.

The intended use of the CPT code is to describe the service being rendered by the clinician within the scope of their license. CPT was not designed to define services at the license or training level; therefore to suggest

a CPT code for one provider (optometrist) means the same thing as the same CPT code being used by another (ophthalmologist) is fundamentally flawed because CPT does not contemplate education, training, nor scope of license. The AMA website under CPT states: "A 'physician or other qualified healthcare professional' is an individual who is qualified by education, training, licensure/regulation (when applicable), and facility privileging (when applicable) who performs a professional service within his/her scope of practice and independently reports that professional service."
The amendment to HB 585 states that insurance companies can still negotiate rates, and the minority believes that the only way to implement this is to set one reimbursement rate statewide, and one group will end up being paid more and one will end up being paid less than under the current reimbursement practice. The minority strongly urges you to send this bill to study since, in most of the states that have a similar provision, that provision applies to Medicaid and not to private commercial insurance. This bill heads New Hampshire down a slippery slope and needs further study.

SB 180, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund. **WITHOUT RECOMMENDATION.**
Statement in support of Ought to Pass: This bill creates a fund to restore losses to victims of the Financial Resources Mortgage (FRM) fraud & Ponzi scheme. The committee spent many hours reviewing the historical information and reports related to FRM, and listened to testimony from victims and current and former state officials. Overwhelming evidence was presented that, while FRM was a fraudulent enterprise, much of the victims' losses were due to the failure by state officials to exercise their statutory authority, misinformation provided to the lenders by state agencies, and some amount of malfeasance. The committee split, not on whether these acts occurred, but on whether the state should take financial responsibility for its failure to shut FRM down and for the state's decision to place FRM in Chapter 7 involuntary bankruptcy - the latter which led to victims losing properties on which they held legal mortgages.
An amendment will be offered to modify the original bill which provides full restitution, to cap the total amount to be paid at $5 million, disbursed in proportion to each victim's documented loss. The amendment requires the state to take some portion of responsibility, but not all.

Rep. Kermit R. Williams

Statement in support of Inexpedient to Legislate: The premise of this legislation is that the state of New Hampshire is not only at fault for the FRM investors losing all of their investment but that the state should pay restitution. Not only would this be a precedent, it could create a Pandora's box of future legislation every time someone perceives incompetence of State employees. To begin with, SB180 should be inexpedient because the investors failed to do their proper research prior to their investment and further failed to understand that the state banking department's jurisdiction was limited to first or second mortgage loans on property to be used primarily for personal, family, or household use, not commercial loans. The fact that no state employee has been charged, let alone convicted of any crime is further proof that there is no evidence that the state has any responsibility for the investors' bad investment. Frankly, a lot of people lost money from the recent real estate crash but the state is not providing restitution to them. Why does the state of New Hampshire owe FRM investors money? Is it simply because they had brought their concerns to several state agencies prior to the collapse? Since neither the banking department nor the bureau of securities was willing to exercise jurisdiction, the attorney general's office used the only law reasonably available to them, which was to put FRM into bankruptcy. Ultimately, the investors lost money through poor investment and through the actions of the Federal Bankruptcy Court and not because of what any New Hampshire department did or did not do. The funding for this restitution would come from any undesignated funds that the attorney general's office may acquire in the future from other suits against financial institutions. Given that the AG's consumer protection bureau is already under-funded, taking additional money away from the bureau will further limit its ability to pursue cases like FRM. This inappropriate precedent seems counter productive and may, in the future, discourage due diligence on the part of investors.

Rep. John B. Hunt

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 492-FN-L, relative to the legalization and regulation of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT**
Rep. Laura C. Pantelakos for the **Majority** of Criminal Justice and Public Safety. The majority of the committee believes that this bill represents bad public policy because it is harmful to public health and public safety and will prove difficult to properly enforce and regulate; therefore the majority agrees with the various state agencies and private entities who testified against the bill. The majority initially notes that the United States Department of Justice continues to recognize that marijuana remains an illegal drug under the Controlled Substances Act and federal prosecutors will continue to aggressively enforce the law. If New Hampshire were to legalize and regulate marijuana, it would create an unclear picture of state v. federal law enforcement, particularly since the DOJ has stated that it will rely on states that legalize to strictly enforce

and regulate marijuana. The majority believes that this is likely to result in a cost shift to the state. To this end, the department of safety has stated that it would be "virtually impossible" for the agencies charged with implementing legalization and regulation to get the necessary mechanisms in place and conduct the period of public education that should accompany such "radical change." Additionally, the department of revenue administration believes that there will be a significant cost to study, develop and implement a licensing, certification process, enforcement mechanisms, new tax implementations and collections, auditing, appeals and hearings procedures. Finally, the Governor's Commission of Alcohol and Drug Abuse Prevention, Intervention and Treatment finds that there is "no evidence" that legalized marijuana would lower drug trafficking or associated crimes because marijuana represents only a small portion of the illegal drug trade. In terms of public health, the Governor's commission also states that marijuana today is significantly more potent and toxic than in the past. New Futures testified that legalization would significantly decrease the price of marijuana and significantly increase the number of users and particularly increase youth access to and use of marijuana; on this issue, the department of health and human services, bureau of drug and alcohol services states that legalization would lead to an increase in number of individuals needing treatment for abuse or dependence, but the bill does not fund treatment programs. Finally, the majority would note that the recent initiatives of legalization and regulation in both Colorado and Washington are too recent to provide any track record for a similar program in New Hampshire. For all of these reasons, the bipartisan majority of the committee recommends Inexpedient to Legislate. **Vote 11-7.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. This bill, based on what Colorado voters approved by a 55-45 percent margin last November, would not merely legalize possession of small amount of marijuana but would also strictly regulate selling or growing the substance and would also tax it. Washington voters also approved a similar measure by the same 55-45 percent margin last year, and the latest nationwide Gallup poll shows that Americans now support legalization and not by a small margin either, but by 19 points, 58-39 percent. The numbers are even more astounding in a UNH Granite State survey of New Hampshire voters. By a 24 point margin (60-36 percent), voters expressed support for this bill, at least in part because of the revenue ramifications. While firm figure are hard to come by, with the amendment which adds a $30 tax per ounce to a 15 percent tax previously in the bill, estimates are that $20-30 million would be generated by passage of this bill. The same UNH poll showed opposition to a gasoline tax increase by a 40 point margin, 27-67. Thus, New Hampshire voters clearly recognize the need for additional state revenues, and they see legalization and taxation of marijuana as an opportunity whose time has come. While no one would ever suggest that we should ever legislate simply based on poll results, the Gallup and UNH surveys serve as proof that our society has turned the corner when it comes to legalization. Rather than spending millions of dollars prosecuting and incarcerating people who use marijuana, we have a chance to make money off the subject. This bill would only apply to those 21 and older. Nothing in the bill would allow anyone to drive under the influence of marijuana or any other substance. By legalizing, regulating, and taxing, society would in effect be taking the profit away from illegal operations which truly harm society. Most people agree that anyone these days can acquire "illegal" marijuana. Supporters of this bill are not saying that anyone should use marijuana; merely that it should be an option for consenting adults. While excess use of marijuana could be harmful, all studies indicate that it is much less harmful than excess use of alcohol and many other subjects. This house has heard all the arguments before, but the minority believes that the arguments in favor of legalization resonate even more today with the latest polls which show support from all age groups of society except 65 and over (and in that category it's only negative two at 47-49). Democrats polled supported this bill 78-19, but many of the votes in favor of the bill were from Republicans, making this a truly bipartisan effort. The federal government this past summer notified Colorado and Washington that it would not take action against what their voters have done as long as the state does not allow sale to minors. The minority is encouraged by those words from the feds but even more encouraged from all data that shows the time has come to pass this bill, thus making New Hampshire first in the nation once again, in this case, the first for a legislature to legalize, regulate, and tax (Colorado and Washington but approved it by referendum, an option not available in New Hampshire). The amendment changes the effective date of the bill to July 1, 2014, thus allowing enough time for systems to be implemented to make it work.

EDUCATION

HB 474, relative to eligibility for in-state tuition rates at the university system of New Hampshire. **MAJORITY**: **OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. June M. Frazer for the **Majority** of Education. This bill grants eligibility for in-state tuition in the university system of New Hampshire for children of undocumented immigrants if they have graduated from a New Hampshire high school or attained a New Hampshire high school equivalency certificate; have attended a New Hampshire high school for three years prior to graduation or receiving a New Hampshire high school equivalency certificate; and have met all other criteria for in-state tuition status. These students will also be required, if not already having legal residency in the United States, to file an application, with a copy to the university system of New Hampshire, to legalize the student's status, or will file such an application, with a copy to the university system of New Hampshire as soon as he or she is eligible to do so. **Vote 11-7.**

Rep. Ralph G. Boehm for the **Minority** of Education. This bill gives in-state resident tuition privileges to persons that are in this country illegally. It is not fair for out-of state students to have to pay higher tuition than other students that are in this country illegally. It is not right for your children or grand-children to not be able to take a course because it is filled by illegal residents. The federal government has said continuously that immigration is the purview of the federal government, we in the state should not be interfering with that decision.

ENVIRONMENT AND AGRICULTURE

HB 110, requiring persons who record cruelty to livestock to report such cruelty and submit such recordings to a law enforcement agency. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Haefner for the **Majority** of Environment and Agriculture. The majority of the committee believes that HB 110 is an important step for protecting livestock as well as the New Hampshire farmers that raise them. The bill is simple, clear and concise. It protects livestock from intentional cruelty by requiring that the cruelty be reported to the only people that can stop the abuse - our law enforcement officers. The bill enables prosecution of the abusers of the animals, and the bill helps protect our farmers from those that would convict them in the court of public opinion. This bill requires that if you see someone, other than yourself, intentionally abusing an animal, you have a duty to report it within 48 hours to law enforcement. Some claim that in order to exact real punishment for abusers, one needs to videotape over a period of time. What they don't say is that while the filming goes on the abuse continues and continues. Under what moral authority can horrible cruelty to livestock be allowed to continue? While this bill has been mischaracterized by those opposed to it, it is a non-partisan agriculture bill that does exactly what the national animal rights groups ask of their supporters, "If you see animal abuse, report it to local law enforcement." **Vote 11-6.**

Rep. Christy D. Bartlett for the **Minority** of Environment and Agriculture: This bill creates a new crime by amending the state's criminal code. It will make it a crime for any citizen who witnesses "another person" acting with "cruelty" toward "livestock" or "poultry" and does not report the "cruelty" within 48 hours. This bill applies only to agricultural livestock and poultry. The proposed penalty is a criminal violation to be recorded by the state police. This bill imposes the criminal penalty on any citizen of the state, whether experienced in animal agriculture or not. Testimony was anecdotal as to how "factory farms" in the West and Midwest have been exposed or been offended by certain video investigations on national television and there was no credible testimony that there had been problems experienced by NH farmers. The committee received substantial evidence that NH has an effective animal cruelty, statute while this bill adds a separate definition of animal cruelty. NH has trained animal control officers, and a state veterinarian who already, under existing law, works effectively with law enforcement to prevent cruelty to animals.

There was also no information about an increase in costs for investigations by the municipalities. There is no hold harmless provision in this bill to protect the citizens the bill would oblige to make reports. By contrast, the child protection statute legally protects any reporter of abuse, and the present animal cruelty statute expressly holds the state veterinarian harmless from lawsuits from animal owners. The minority believes the proposed bill is bad public policy, and an unnecessary change to the presently effective law against animal cruelty.

HB 660-FN, requiring the labeling of genetically engineered foods and agricultural commodities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Haefner for the **Majority** of Environment and Agriculture. This bill is a misplaced attempt to do at a state level what must be done at a national level - add specific information to our food labels. The FDA oversees labeling of all food sold in the United States, and it requires that food labeling be limited to that which is relevant to health, safety and nutrition. The FDA has not mandated GMO labeling because they have determined that foods containing these products are safe and substantially the same as their non-GE counterparts. A label would in effect serve as a skull and crossbones, suggesting to the consumer that there is something dangerous in the product when in fact science has shown there is not. This bill is considered by some legal experts to be unconstitutional. Should HB660 pass, food manufacturers and processors will most certainly mount a challenge on three arguments: the Interstate Commerce Clause, Federal Preemption, and the First Amendment. The costs to the state of fighting a constitutional challenge in court would be massive, and one that New Hampshire, with its small general fund coffers, can ill afford. Nor can the consumer afford the increased costs of food that studies show will come as a result of this bill. The complaint provisions of this bill are impossible to enforce. The onus for ensuring the accuracy of labeling doesn't fall on the shoulders of the food processors and manufacturers, such as Del Monte or Kellogg, but instead firmly on the shoulders of our New Hampshire retailers. How is the owner of your corner grocery going to guarantee that every item on his store shelves is labeled correctly? DHHS has no system in place for enforcement of this bill, since until now the FDA, not the state, has been responsible for all food safety investigation and enforcement. DHHS estimates the fiscal note for enforcement to be between $125,000 and $500,000 per year. Foods made with genetically engineered components are safe according to the Food and Drug Administration, The American

Association for the Advancement of Science, The American Medical Association, The Bill and Melinda Gates Foundation, The World Health Organization, National Academy of Sciences, the Royal Society of Medicine, The American Council on Science and Health, the European Commission, the American Society of Cell Biology and the International Council for Science, among others. The majority of the Environment and Agriculture Committee agrees with these experts, and recommends that you vote this bill Inexpedient to Legislate. **Vote 12-8.**
Rep. Peter W. Bixby for the **Minority** of Environment and Agriculture. New Hampshire citizens have the right to know whether their food is produced with genetic engineering. While we have concerns about the lack of safety and health testing by parties independent of the bio-tech industry, we are not opposed to the use of GE technology per se. We simply feel that people should have the freedom to make their own choices about food, and since knowledge is essential to the proper exercise of that freedom, information about genetically engineered content should be available on food labels. Although labeling of genetically engineered foods would ideally be done at the federal level, the federal government has failed to act on this for over twenty years. It is time for the states to lead, and New Hampshire should do its part by passing an amended version of HB 660 to provide for GE food labeling that is consistent with that in neighboring states.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 173, repealing the authority for supplemental allowances under the judicial retirement plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Raymond G. Gagnon for the **Majority** of Executive Departments and Administration. As introduced, this bill repealed provisions allowing the board of trustees of the judicial retirement plan to grant annual supplemental allowances to retired judges. This law, RSA 100-C, was adopted in 2003 and first implemented in 2005. Judges that retired under the retirement plan in effect prior to 2005 have received and continue to receive COLAs based on increases granted to active judges. Judges hired before 2005 that have retired since the new plan was implemented, filed a lawsuit challenging the method used for calculating their pension benefit under the new plan. The Supreme Court has ruled that the prior retirement statutes vested an implied contract that vested in the judges upon appointment and that RSA 100-C is unconstitutional as applied to the petitioning judges.
If the supplemental allowance provisions are repealed from RSA 100-C, recently retired judges will have strong grounds for a further lawsuit based on the disparity between the COLAs granted to pre-2005 retired judges and the absence of any possibility for supplemental allowances for post-2005 retired judges.
Under current law, the board of trustees may grant annual supplemental allowances totaling up to $50,000 in the aggregate to all retired judges. As more judges retire, this amount is divided among an ever increasing pool of retirees. The amendment increases the maximum total amount distributed in supplemental allowances to $250,000.00 to make up the insufficiency. **Vote 10-9.**
Rep. Carol M. McGuire for the **Minority** of Executive Departments and Administration. This bill was amended by the committee to quintuple the funds available for supplemental allowances in the judicial retirement plan, from $50,000 to $250,000 per year. Experience with state retirement plans indicates that the full amount will be used every year, bleeding nearly 1% of the fund's corpus from payment of the earned pensions to an attempt at an inflation adjustment. The minority is unwilling to risk the judges, or the taxpayers of the state, by increasing this benefit.

HB 473-FN, relative to retirement system status for members of the university system police force. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Raymond G. Gagnon for the **Majority** of Executive Departments and Administration. The request by UNH police officers to join Group II of the NH Retirement System has come before the NH General Court on numerous occasions. Supporters contend that these police officers are required to meet the same criteria (certification) as other NH law enforcement professionals; hence they should be eligible for the same retirement benefits. In addition it was mentioned that as members of regional special entry teams they are exposed to the same life threatening risks as their fellow officers.
One of the central issues that complicates matters is the fact that university system police are presently part of the federal social security program. This prompted the committee to contact and solicit an opinion from the U.S. Social Security Administration as to what would be required for the UNH police to terminate social security. Unfortunately, due to the recent shutdown of the US federal government this year, the social security administration has been unable to fully research the matter and provide any guidance on the matter. Therefore, the committee recommendation is for interim study, which would allow the necessary time for the US social security administration to fully research the matter and assist the legislature in crafting a substantive response to a recurring issue. **Vote 14-5.**
Rep. Carol M. McGuire for the **Minority** of Executive Departments and Administration. This bill would reassign the university system police force from their fully funded defined contribution plan to the state retirement system, which is billions of dollars underfunded. This move would require significantly increased contributions from both the police and the university, especially if the police are required to remain in the Social Security

system. Testimony on this matter was inconclusive, but the minority does not believe that this matter will be settled as the majority wishes. In addition, every other university employee is in the defined contribution plan.

HB 627-FN, requiring unused vacation and sick leave to be converted to service time for purposes of calculating retirement system benefits. **MAJORITY**: **INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Raymond G. Gagnon for the **Majority** of Executive Departments and Administration. This bill would add unused vacation and sick time to a retiree's creditable service in the New Hampshire Retirement System (NHRS). Under RSA 100-A, payment for unused vacation and sick time is added to some employees' earnable compensation for purposes of calculating the final pension benefit. Because of changes to this law adopted in 2011, if this bill were adopted, the benefit for employees vested prior to Jan. 1, 2012 would be reduced and the benefit for employees vested after Jan. 1, 2012 would increase since unused vacation and sick time is excluded from their pension calculation. Reducing benefits for the first group will lead to further litigation, and expanding benefits for the second group would be contrary to the original intent of the bill. The majority of the committee believed that neither result would be desirable. **Vote 12-7.**

Rep. Carol M. McGuire for the **Minority** of Executive Departments and Administration. HB 627 eliminates the practice of "spiking" in our state retirement system. Spiking occurs when an employee retires with accumulated time off, and receives a lump sum payment for that time. This artificially boosts their last year's salary to something beyond their normal earnings. Since that salary is a key component of the pension calculation, their pension will be higher than if the time off was taken. HB 627 changes the calculation so that the extra time off is added to the employee's length of service instead. Therefore the pension will accurately reflect the employee's actual final salary and their complete service time. The lump sum is still paid.

Spiking is part of the reason our pension system is billions of dollars short. It sets pensions at a level that were never earned during the employee's career, and thus contributions were never set adequately to cover them. This change is a simple, common sense way to give the employee the pension they actually earned and deserve.

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

HB 461-FN, relative to long-term care services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lisa DiMartino for Health, Human Services & Elderly Affairs. This bill attempts to address the long-term care system serving elders and adults with physical disabilities. The original bill would have allowed individuals eligible to receive Medicaid funded nursing home services an option to choose community based services, if such community services would not result in a greater cost to the state. The original bill had a significant fiscal note which would have impacted county budgets. Consequently, an amendment was adopted to replace the bill. The first part of the amendment increases the income cap for individuals that receive Medicaid from $591 to $2130 per month. DHHS will submit a request to the federal government for approval for the cap increase within 30 days of the effective date of this bill. In addition the amendment addresses the clinical assessment or reassessment at the time of eligibility for the choices for independence program (CFI= care in the community instead of a nursing home). The clinical assessment must be done within 45 days instead of 60, unless there are unusual circumstances such as a physician, or applicant not submitting the required information. The Health and Human Services Oversight subcommittee on Long-Term Care in collaboration with individual members of the Commission on the Medicaid Long-Term Care Financing will review the efficacy of our long-term care policy including the funding mechanism in order to address some of the other complexities presented by HB 461. **Vote 16-1.**

HB 597-FN, relative to mandatory drug testing for certain health care workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas M. Sherman for Health, Human Services & Elderly Affairs. This bill was introduced in response to the hepatitis C outbreak at Exeter Hospital, as a result of drug diversion by an employee of the hospital. The original bill required random drug testing. After an exhaustive collaborative effort involving the prime sponsor, the Statewide Task Force on Drug Diversion, NHDHHS and many stakeholders, the wording of the original bill was replaced by an amendment which requires all health care facilities licensed under RSA 151 to develop and implement a drug free workplace policy in order to maintain licensure. The amended bill defines the components of that required policy while leaving details up to the facilities, allowing flexibility given their wide diversity in size and structure. While facilities can elect to utilize a variety of drug testing strategies in their policy, only testing where a "reasonable suspicion exists" is required by statute. This is the most cost effective test methodology, and the requirement was requested to be in statute by the smaller facilities. **Vote 18-0.**

JUDICIARY

HB 582, repealing early offers for medical injury claims. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for the **Majority** of Judiciary. Early offer was passed last term in an effort to help those people who have smaller medical malpractice claims and had little or no recourse to settle them due to the expense of litigation. This bill as amended would revise the early offer law to provide greater fairness to a claimant who has suffered a medical injury. It would permit the claimant to recover for lost earning capacity as well as other economic losses. It would eliminate the penalty requiring a claimant who is awarded a recovery in court of less than 125% of a rejected early offer to pay the defendant's reasonable attorney's fees. Any waiver of rights signed by the claimant less than 60 days after the injury would be invalid, and the claimant would have 45 days, instead of 5, to decide whether to proceed with the early offer process after consulting a neutral advisor. It is possible that these changes might encourage claimants to consider participation in the early offer alternative. **Vote 10-6.**

Rep. Robert H. Rowe for the **Minority** of Judiciary. The early offer law can be considered as a tort reform law. It gives the citizens, injured as a result of medical error, an alternative process for recovery rather than a lengthy court process. It is an optional process, an alternative to a jury trial. It is not mandatory that the injured party choose the early offer process. As most things in life the law offers the injured citizen a trade off. They can wait longer – three or more years – for a jury trial and have the benefit of greater damages such as pain and suffering, or have a swift process that is primarily designed to compensate the citizen for financial losses alone.

Hundreds of hours were spent by the Senate and House committees last term amending the bill before its passage. The effective date was January 2013. The law is so new that as of the committee vote this past October that the rules of process have not been approved and no case has been processed.

The minority believes that, as in all major reform matters passed into law, changes may become apparent and modifications made, but not before hearings experience

The law will especially help citizens who have lesser injuries, less than $250,000 in estimated damages. These citizens can not currently obtain legal representation due to the high cost and complexity of medical malpractice litigation, and, as such, are without recourse. Early offer gives all injured citizens, especially those having a lesser valued injury, an optional alternative to trial.

The minority believes that future changes may be necessary, but not before changes are factually justified based on experience with the process. The newness of the law and the absence of its use have not given us a factual basis for changes to date. The law is just too new.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 249-FN, requiring employers to verify an employee's eligibility to work in the United States. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Janice E. Schmidt for the **Majority** of Labor, Industrial and Rehabilitative Services. This is a solution in search of a problem. The bill proposed to require the State and all political subdivisions as well as all contractors and sub-contractors of the state to implement the federal e-verify system to verify employment eligibility of all new hires. The state, all political subdivisions, and private employers in this State have the ability to implement e-verify at any time by a simple policy decision. E-verify also posses significant difficulties for certain groups, such as women whose names change due to marital status. E-verify imposes an excessive burden of proof on the individual seeking to clear their name and status. Finally, the e-verify program provides no penalties for the few found to be undocumented, but collect massive amounts of data (including photos) for inclusion in federal databases. The committee received information that the data entered into the e-verify system is maintained by the department of homeland security; we received no answers to our questions about which federal agencies have access to the information or how long that information was maintained in the database. The New Hampshire Legislature has rejected the federal "Real ID" provisions because of the same or similar privacy concerns regarding personal information in federal databases. **Vote 11-8.**

Rep. Kevin P. St. James for the **Minority** of Labor, Industrial and Rehabilitative Services. E-verify is merely a safeguard that our tax dollars do not go to people ineligible to work in the United States. The I-9 Form is never verified and it is filed in a folder and nothing more. E-verify is a federal employment verification System that actually verifies eligibility and if there is a problem in the database allows a perspective employee to fix a problem they may not know exists.

SCIENCE, TECHNOLOGY AND ENERGY

HB 569, relative to the placement of all new electric transmission lines in New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurence M. Rappaport for the **Majority** of Science, Technology and Energy. The committee believes that the site evaluation committee should give preference in its permitting process to the burial of elective transmission lines and locating them and all other new transmission lines along existing state transportation rights of way, where available, or private rights of way otherwise. Since the electrical output of large projects

often primarily benefits the populous states to our south, this amended bill is designed to lessen the likelihood that New Hampshire residents will have to suffer the visual impact to the landscape of such projects as a result of allowing elective, above ground transmission lines to pass through our state. The amended bill may also provide much needed revenue to the state through the lease of state rights of way. While New Hampshire has done an admirable job of planning for its energy needs in the future, other states have not. The committee believes that New Hampshire residents should not suffer because of this. The amended bill will not apply to the transmission lines associated with small renewable energy projects which the State may need to achieve its goal of 25% renewable energy by 2025. **Vote 12-7.**

Rep. Jacqueline A. Cali-Pitts for the **Minority** of Science, Technology and Energy. This bill is an attempt to influence the decisions of the site evaluation committee (SEC) on certain elective transmission projects.

There are extensive studies being done at this time to develop a state energy plan and to look into the methods and procedures of the SEC.

Trying to influence these at this time may likely deter new employers from coming to NH. We need stability and certainty in our process, not temporary stopgap measures. We may also stifle the development of new renewable energy sources. This bill is premature at best.

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 then $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 THREE

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 legis-

lators. 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 facilitaties 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' compensation 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 liened 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 15, naming a portion of route 101 after the 101st Airborne Division Screaming Eagles. **OUGHT TO PASS.**

Rep. Franklin T. Tilton for Public Works and Highways. This bill provides that the portion of New Hampshire

route 101 from Interstate 93 in Manchester to the Auburn/Candia town line be named the 101st Airborne Division Screaming Eagles Highway in honor of all New Hampshire veterans who have served with the 101st Airborne Division. The 101st is truly one of the Army's elite units with 24 campaigns to its credit. It has received 5 Presidential Unit Citations. 4 Valorous Unit Awards, 5 Meritorious Unit Citations, and 11 awards from foreign governments. This visible recognition of one of our proudest units is also a tribute to all veterans of all of the services. Officials from Manchester and Auburn have provided the Committee with letters of support of their communities for this action. **Vote 11-4.**

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. Shepardson 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. MINORTITY: 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 and 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 attach 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.**

2013 BILLS LAID ON TABLE

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

HB 344-FN-L, relative to aid to school districts for the cost of special education. (Pending question: adoption of the committee report of Inexpedient to Legislate.)

HB 420, establishing orange, red, and yellow as the state colors. (Pending question: adoption of the committee report of Ought to Pass.)

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

HB 615-FN-A, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefor. (Pending question: adoption of the majority committee report of Inexpedient to Legislate.)

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

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

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

HB 683-FN, relative to the retirement system status of the director and assistant director of the division of homeland security and emergency management. (Pending question: adoption of the report of Inexpedient to Legislate.)
HCR 3, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. (Pending question: Ought to Pass.)
HR 6, commemorating the 40th anniversary of the *Roe v Wade* Supreme Court decision and affirming support for its holding and principles.
HR 7, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by entities created by law. (Pending question: adoption of the Majority committee report of Inexpedient to Legislate.)
HR 8, affirming revenue estimates for fiscal years 2013, 2014, and 2015. (Pending question: adoption of Ought to Pass.)

COMMITTEE MEETINGS

MONDAY, JANUARY 6

COUNCIL FOR CHILDREN AND ADOLESCENTS WITH CHRONIC HEALTH CONDITIONS (RSA 126-J), Upham Walker House, 18 Park St., Concord
6:00 p.m. Regular meeting.

CURRENT USE BOARD (RSA 79-A:3), New Hampshire Department of Revenue Administration, 109 Pleasant St., Concord
1:00 p.m. Rulemaking Hearing.

JUDICIAL COUNCIL (RSA 494), Administrative Office of the Courts, 2 Charles Doe Dr., Training Room B2, Concord
10:00 a.m. Regular meeting.

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2, I), NH Fish and Game Headquarters, 11 Hazen Drive, Concord
9:00 a.m. Regular meeting.

TUESDAY, JANUARY 7

COMMISSION TO STUDY AND UPDATE RULES AND PROCEDURES OF THE LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:11), Room 104, LOB
3:00 p.m. Regular meeting.

ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Rooms 302-304, LOB
10:00 a.m. Regular meeting.

WEDNESDAY, JANUARY 8

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. ***Please note: snow date January 15th***

THURSDAY, JANUARY 9

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB
10:00 a.m. Ad Hoc committee on Retirement Plans.

FRIDAY, JANUARY 10

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB
10:00 a.m. Regular business.
10:30 a.m. Audits.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB
11:00 a.m. Regular meeting.
2:00 p.m. Lyme disease subcommittee. ***Please note Room 206, LOB***

SUNDAY, JANUARY 12

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community College, Room SC225, Concord

1:00 p.m. Regular meeting. ***Please note: snow date January 19.***

MONDAY, JANUARY 13

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 100, State House

3:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

NH COURT ACCREDITATION COMMISSION (RSA490:5-a), One Charles Doe Dr., Concord

1:00 p.m. Regular meeting.

TUESDAY, JANUARY 14

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Institute on Disability Professional Development Center, 56 Old Suncook Rd., Concord

9:00 a.m. Regulartory Work Group.

THURSDAY, JANUARY 16

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

1:00 p.m. Regular business.

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

1:30 p.m. Regular business.

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Rooms 201-203, LOB

2:30 p.m. Regular meeting.

FRIDAY, JANUARY 17

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

9:00 a.m. Regular meeting.

COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E), Urban Forestry Center, 45 Elwyn Rd., Portsmouth

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

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

11:00 a.m. Non Public session of the Complaint Review Committee.
1:00 p.m. Regular meeting.

THURSDAY, JANUARY 23

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

2:00 p.m. Long Term Care Subcommittee.

WEDNESDAY, JANUARY 24

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

1:00 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

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

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

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.

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, Genesis Health Care Center Exeter, Room 202, 8 Hampton, 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 **Belknap** County Delegation will meet **Tuesday, January 7, 2014** from 4:00 p.m. to 6:00 p.m. at the County Complex. The purpose of this meeting is for review/discussion of the 2014 county budget and any other business to come before the delegation. Following this meeting beginning at 6:00 p.m. will be a jail planning meeting.

Rep. Colette Worsman, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

The **Grafton** County Executive Committee will meet on **Monday**, **January 6, 2014**, at **9:00 a.m**. at the Grafton County Complex, North Haverhill for the purpose of conducting personal interviews for the vacant Grafton County District 2 Commissioner Office.

Rep. Andrew White, Chairman
Grafton County Executive Committee

COUNTY DELEGATION NOTICE

The **Grafton** County Delegation will meet **Monday, January 27, 2014** at **10:00 a.m.** at the Grafton County Complex, North Haverhill for the purpose of appointing a Grafton County District 2 Commissioner.

REVISED FISCAL NOTES

The following Bills have a revised fiscal note: HB 404, HB 424, HB 480, HB 469, HB 492, HB 645, HB 649, HB 653, HB 666, HB 671, HB 682, HB 624, HB 1127, HB 1163, HB 1216, HB 1368, HB 1595, HB 1609, 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.

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The House Business Caucus will meet on **Tuesday, January 7, 2014**, at 1:00 p.m. in LOB 202 to discuss retained bills to be heard in session on January 8th.

Reps. Laurie Sanborn, Patrick Abrami and Adam Schroadter

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Sheehan Phinney Capitol Group will be hosting the annual Welcome Back Reception for all House and Senate members and staff on **Wednesday**, **January 8**, **2014**, at Tandy's Top Shelf Restaurant, One Eagle Square, directly across the street from the State House, following the close of session, or 3:00 p.m. should the session end early.

Reps. Stephen Shurtleff and Gene Chandler

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Come to St. Paul's Church during the lunch break on **Wednesday, January 8th** for a delicious, all-natural lunch provided by the Concord Food Co-op and sponsored by Stonyfield and MegaFood. Get the facts on New Hampshire's GMO Labeling Bill.

Reps. Maureen Mann and Peter Bixby

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All legislators are invited to a conference on Health Care Access for Homeless Unaccompanied Youth: A Legal and Practical Perspective. The conference will be held on **Monday, January 13**, **2014** from 10:00 a.m. to 12:00 p.m. at the Lakes Region Community College, 379 Belmont Rd./Route 106, Laconia. Any questions, call Nick McIntyre at 603-271-0448.

Rep. Jim MacKay

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All legislators are invited to a light breakfast with Bishop Peter Libasci of the Roman Catholic Diocese of Manchester on **Tuesday, January 14th** at 8:00 a.m. at the Upham Walker House.

Reps. Steve Shurtleff, John Cebrowski and Jordan Ulery

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All House members and staff are cordially invited to attend a "Welcome back Legislators" reception hosted by the Business and Industry Association, New Hampshire's statewide chamber of commerce. The reception will take place at the Holiday Inn, 172 North Main Street in Concord, from 4:00 p.m. to 6:00 p.m. on **Tuesday, January 14th**. The reception is complimentary to House members and staff, but the BIA is requesting advance registration to assist in planning for the event. You can RSVP online at **www.BIAofNH.com**. Click on the events calendar for January 14th. You may also call the BIA at 224-5388, ext. 116.

Reps. Steve Shurtleff and Gene Chandler

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HEAR in New Hampshire and the Council for Youths with Chronic Conditions invites you to a light breakfast reception to learn more about services to students with hearing loss on **Friday, January 17th** from 8:00 a.m. to 10:00 a.m. at 1650 Elm Street, Suite 203, Manchester.

Rep. Mariellen MacKay

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During January's national Eye Care Month, Health Services will have a lecture by local eye care professional Kristin Bryant, O.D. She will conduct three 30 minute "brown bag" seminars on eye health on **Tuesday, January 21st** from 11:30 a.m. to 1:00 p.m. in the State House Annex, room 411. An RSVP is appreciated at 271-2757 or email **dianne.bergquist@leg.state.nh.us**. Please indicate which seminar you wish to attend.

Rep. Jim MacKay

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State House Visitation Schedule

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

DATE	*TIME*	*GROUP*	*Group#/Grade*
Jan. 15	9:30/11:00 SH/HM	Weston Elementary School – Manchester	110/4
Jan. 16	12:30	KA Brett School – Tamworth	30/4
Jan. 23	9:15/10:45 SH/HM	Penacook Elementary School	60/4
Jan. 24	10:00	Chester Academy	54/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 110
(2013-2209h)
Proposed by the Majority of the Committee on Environment and Agriculture - r

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

AN ACT requiring persons who witness cruelty to livestock to report such cruelty and the existence of any evidence of such cruelty to a law enforcement agency.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Cruelty to Livestock. Amend RSA 644:8 by inserting after paragraph V the following new paragraph:

VI.(a) Anyone who witnesses another person performing acts of cruelty to livestock, as defined in RSA 427:38, or to poultry has a duty to report such cruelty to law enforcement with jurisdiction, within 48 hours of witnessing such cruelty. If the person making the report has evidence of the cruelty, he or she shall have the same duty to notify law enforcement that he or she has such evidence at the same time they make a report. If the evidence is a photograph or video, the witness shall keep an unedited copy for 60 days. It shall be a defense to prosecution under this section if the person witnessing the acts of cruelty reasonably believes his or herself to be criminally liable for the conduct of the actor pursuant to RSA 626:8. Failure to report cruelty to livestock or poultry is a violation and carries a $250 fine for the first offense and $1,000 fine for each subsequent offense.

(b) Cruelty for the purpose of this paragraph shall be defined as the commission of an offense which intentionally or knowingly tortures, maims, lacerates or grossly overworks livestock or poultry; or transports or confines livestock or poultry in a cruel manner not consistent with good animal agriculture practices.

AMENDED ANALYSIS

This bill requires persons who witness cruelty to livestock to report such cruelty and existence of any evidence of such cruelty to a law enforcement agency.

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 173
(2013-2247h)
Proposed by the Majority of the committee on Executive Departments and Administration - r

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

AN ACT relative to supplemental allowances under the judicial retirement plan.

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

1 Judicial Retirement Plan; Supplemental Benefits. Amend RSA 100-C:13, III(g) to read as follows:

(g) The board of trustees shall be permitted to pay out to, or for the benefit of, retired members retired after January 1, 2005 or their beneficiaries, supplemental benefits as provided in RSA 100-C:17, not to exceed [~~$50,000~~] ***$250,000*** in the aggregate per calendar year. Said benefits shall be on a nonrecurring basis. [~~Supplemental benefits greater than $50,000 per calendar year in the aggregate shall only be paid if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year.~~]

2 Supplemental Allowances; Approval. Amend RSA 100-C:17 to read as follows:

100-C:17 Supplemental Allowances. Each calendar year, the general court may approve supplemental benefits in an amount exceeding [~~$50,000~~] ***$250,000*** in the aggregate upon recommendation of the board. The board shall have the authority to provide supplemental benefits annually in such percentages or amounts as the board deems advisable, including the ability to segment or tier amounts based upon years without such a benefit. Supplemental benefits shall not be permanent. The board shall provide information required by the general court, including, but not limited to, any change in the Consumer Price Index--Urban for the year prior to the year in which the nonrecurring benefit is to be granted. Supplemental benefits greater than [~~$50,000~~] ***$250,000*** per year in the aggregate shall only be paid ***(1)*** if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year***, or (2) as the legislature otherwise provides***.

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

AMENDED ANALYSIS

This bill increases the amount which may be approved for supplemental allowances to be granted to judges retired under the judicial retirement plan.

Amendment to HB 226
(2013-2291h)
Proposed by the Committee on Commerce and Consumer Affairs -r

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

AN ACT relative to promotion of New Hampshire liquor and wines.

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

1 Liquor Commission; New Hampshire Products. Amend RSA 176:12 to read as follows:

176:12 New Hampshire Products. ***Notwithstanding RSA 176:3, I,*** the commission, wherever feasible, shall ***promote,*** purchase***,*** and list for sale in all state stores the domestic liquor and wines manufactured or bottled in this state by a manufacturer. ***The commission shall annually report its activities under this section to all house and senate standing committees with jurisdiction over commerce and agriculture.***

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

AMENDED ANALYSIS

This bill requires the liquor commission to promote New Hampshire liquor and wines. This bill also establishes an annual reporting requirement for the commission on its activities relating to New Hampshire products.

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 than 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 249-FN
(2013-2433h)

Proposed by the Minority of the Committee on Labor, Industrial and Rehabilitative Services - r

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

AN ACT requiring certain public employers to verify an employee's eligibility to work in the United States.

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

1 New Chapter; Verification of Eligibility to Work. Amend RSA by inserting after chapter 283 the following new chapter:

CHAPTER 283-A
VERIFICATION OF ELIGIBILITY TO WORK

283-A:1 Definitions. In this chapter:

I. "Status verification system" means an electronic system operated by the federal government, through which a person or entity may make an inquiry to verify or ascertain the citizenship or immigration status of any employee. The status verification system shall include:

(a) The electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L. 104-208, Division C, section 403(a), 8 U.S.C. section 1324a, and operated by the United States Department of Homeland Security, known as the Basic Pilot Program.

(b) Any equivalent federal program designated by the United States Department of Homeland Security or any other federal agency authorized to verify the work eligibility status of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603.

II. "Public employer" means every department and agency of the state.

283-A:2 Participation in Status Verification Program Required. Every public employer shall register and participate in the Basic Pilot Program, or an equivalent status verification system, to verify the work eligibility status of all new employees.

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

AMENDED ANALYSIS

This bill requires certain public employers to verify employees' eligibility to work in the United States by using a status verification system.

Amendment to HB 255-FN
(2013-2427h)
Proposed by the Committee on Labor, Industrial and Rehabilitative Services - c

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

AN ACT establishing a commission to study medical costs and payments under workers' compensation law.

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

1 New Subdivision; Workers' Compensation Study Commission. Amend RSA 281-A by inserting after section 70 the following new subdivision:

Workers' Compensation Study Commission

281-A:71 Workers' Compensation Study Commission.

I. There is established a commission to study medical costs and payments, under workers' compensation laws. The members of the commission shall be as follows:

(a) Five members of the house of representatives, all of whom shall be members of the labor, industrial and rehabilitative services committee, appointed by the speaker of the house of representatives.

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

(c) The commissioner of the department of labor, or designee.

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

(e) A physician, appointed by the New Hampshire Medical Society.

(f) One member from the New Hampshire Hospital Association, appointed by that association.

(g) One member from the advisory council on workers' compensation, appointed by the governor.

(h) Two attorneys, one representing injured workers and one representing insurance companies or employers, appointed by the governor.

(i) Two persons representing labor, appointed by the governor.

(j) Two persons representing business, appointed by the governor.

(k) A representative of an insurance company that writes workers' compensation in New Hampshire, appointed by the governor.

(l) A representative of a self insured entity, appointed by the governor.

(m) A licensed physician who treats injured workers, appointed by the governor.

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

III. No member appointed to the commission shall be a lobbyist registered under RSA 15:1.

IV. The commission shall study:

(a) Medical costs under workers' compensation laws.

(b) The rate of indemnity payment to injured workers.

V. The chairperson shall be the first-named house member. The first meeting of the commission shall be called by the chairperson and shall be held within 30 days of the effective date of this section. The departments

of insurance and labor and appropriate legislative research entities shall provide assistance and support to the commission as necessary. Nine members of the commission shall constitute a quorum.

VI. 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.

2 Repeal. RSA 281-A:71, relative to the commission to study medical costs and payments under workers' compensation law, is repealed.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill establishes a commission to study medical costs and payments under workers' compensation law.

Amendment to HB 256-FN
(2013-2344h)
Proposed by the Committee on Fish and Game and Marine Resources - c

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

AN ACT 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.

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

1 Search and Rescue Response Expenses. Amend RSA 206:26-bb, I to read as follows:

I. Notwithstanding RSA 153-A:24, any person determined by the department to have acted negligently in requiring a search and rescue response by the department shall be liable to the department for the reasonable cost of the department's expenses for such search and rescue response***, unless the person shows proof of possessing a current version of any of the following:***

(1) A hunting or fishing license issued by this state under title XVIII.

(2) An OHRV registration under RSA 215-A, a snowmobile registration under RSA 215-C, or a vessel registration under RSA 270-E.

(3) A voluntary hike safe card. The executive director shall adopt rules under RSA 541-A for the issuance to purchasers on the department's Internet site, and subsequent annual renewals, of a hike safe card prior to a person's need for a search and rescue response. The annual fee for a hike safe card shall be $25 for an individual or $35 for a family. A "family" shall consist of the purchaser, the purchaser's spouse, and the purchaser's minor children or stepchildren. The executive director shall forward to the state treasurer the amount of $22 from each individual hike safe card purchased and the amount of $32 from each family hike safe card purchased for deposit in the fish and game search and rescue fund under RSA 206:42. A transaction fee of $3 shall be for the Internet license agent under RSA 214-A:2.

I-a. The executive director shall bill the responsible person for such costs. Payment shall be made to the department within 30 days after the receipt of the bill, or by some other date determined by the executive director. If any person shall fail or refuse to pay the costs by the required date, the department may pursue payment by legal action, or by settlement or compromise, and the responsible person shall be liable for interest from the date that the bill is due and for legal fees and costs incurred by the department in obtaining and enforcing judgment under this paragraph. All amounts recovered, less the costs of collection and any percentage due pursuant to RSA 7:15-a, IV(b), shall be paid into the fish and game search and rescue fund established in RSA 206:42.

2 Fish and Game; Deputy Conservation Officers; Compensation. Amend RSA 206:27-h to read as follows:

206:27-h Compensation. All deputy conservation officers shall be compensated for their services while actively engaged in the performance of their official duties at rates as fixed by the executive director[~~; provided, however, all deputy conservation officers shall serve 8 hours per month without compensation~~]. This section shall not prohibit a deputy conservation officer from volunteering [~~more hours than the 8 hours per month~~] ***his or her service*** without compensation.

3 Commission Extended; Sustainability of the Fish and Game Department. Amend RSA 206:1-a, V to read as follows:

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, [~~2013~~] ***2014***.

4 Commission Extended; Sustainability of the Fish and Game Department; Prospective Repeal. Amend 2013, 241:9, I to read as follows:

I. Section 8 of this act shall take effect November 1, [~~2013~~] ***2014***.

5 Committee Established.

I. There is established a committee to study the funding of the fish and game search and rescue fund.

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

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

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

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

IV. The committee shall study proposals for funding the search and rescue response operations conducted by the fish and game department.

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

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

6 Effective Date.

I. Section 1 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill:

I. Establishes a voluntary hike safe card issued by the fish and game department for the purpose of funding search and rescue response operations.

II. Removes the requirement that deputy conservation officers of the fish and game department serve 8 hours per month without compensation.

III. Extends the reporting date of the commission to study opportunities and options to improve the sustainability of the fish and game department.

IV. Establishes a committee to study the funding of the fish and game search and rescue fund.

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 297
(2013-2381h)
Proposed by the Committee on Municipal and County Government - c

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

AN ACT relative to the management of trust funds and capital reserve funds and pertaining to library trustees.

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

1 Trust Funds; Records. Amend RSA 31:34 to read as follows:

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

2 Trust Funds; Reports. Amend RSA 31:38 to read as follows:

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

3 Appropriation. Amend RSA 35:12 to read as follows:

35:12 Appropriation. Whenever the vote of the town is to appropriate any sum for the capital reserve fund, the same duties shall devolve upon the town clerk, selectmen, and town treasurer, as specified in RSA 35:11, except that the order must be drawn, and the sum transferred on or before December [~~31~~] ***15*** following the vote, or, in the case of an optional fiscal year town, after July 1, but no later than June [~~30~~] ***15***, of the fiscal year for which the sum was appropriated.

4 New Section; Professional Banking or Brokerage Assistance. Amend RSA 34 by inserting after section 15 the following new section:

34:16 Professional Banking or Brokerage Assistance.

I. Any trustee or trustees of trust funds having custody of capital reserve funds authorized by this chapter may contract with the trust department or departments of a bank, a brokerage firm, a portfolio management department, or investment advisor in the same manner and for the same purposes as described in RSA 31:38-a, III. They may also place securities in the nominee name of a trust department or departments of a bank a brokerage firm, a portfolio management department, or investment advisor to facilitate transfers for such securities. Capital reserve fund records maintained by any bank, brokerage firm, portfolio management department, or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments of banks, brokerage firms, portfolio management departments, or investment advisors, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments or brokerage firms subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees. For purposes of this section, the terms "bank," "brokerage firm," "portfolio management department," and investment advisor" shall have the definitions set forth in RSA 31:38-a.

II. The governing body may authorize the trustees of trust funds to charge any expenses incurred pursuant to paragraph I against the capital reserve funds involved, and such authority shall remain in effect until rescinded by the governing body. No vote by the governing body to rescind such authority shall occur within 5 years of the original adoption of such article. Any professional banking and brokerage fees incurred shall be reported in the annual report of the trustees of trust funds as expenditures out of capital reserve funds.

5 New Section; Professional Banking or Brokerage Assistance. Amend RSA 35 by inserting after section 9 the following new section:

35:9-a Professional Banking or Brokerage Assistance.

I. Any trustee or trustees of trust funds having custody of capital reserve funds authorized by this chapter may contract with the trust department or departments of a bank, a brokerage firm, a portfolio management department, or investment advisor in the same manner and for the same purposes as described in RSA 31:38-a, III. They may also place securities in the nominee name of a trust department of a bank, or departments, a brokerage firm, a portfolio management department, or investment advisor, to facilitate transfers for such securities. Capital reserve fund records maintained by any bank, brokerage firm, portfolio management department, or investment advisor shall be available at all times for examination by local auditors, by independent accountants or auditors retained by a municipality, or by the auditors of the department of revenue administration; and such records shall be municipal records and property. In employing such trust departments of banks, brokerage firms, portfolio management departments, or investment advisor, the trustees may enter into contracts or agreements delegating the management of such capital reserve funds to those departments or brokerage firms subject to investment guidelines adopted by the trustees under applicable statutes and subject to at least quarterly review and approval of such management by the trustees. For purposes of this section, the terms "bank," "brokerage firm," "portfolio management department" and "investment advisor" shall have the definitions set forth in RSA 31:38-a.

II. The town meeting may adopt an article authorizing the trustees of trust funds, without further action of the town meeting, to charge any expenses incurred pursuant to paragraph I against the capital reserve funds involved. Such authority shall remain in effect until rescinded by a vote of the town meeting. No vote by the town to rescind such authority shall occur within 5 years of the original adoption of such article. In a town that has a town council, such authority may be granted by the town council and shall remain in effect until rescinded by the town council. No vote by the town council to rescind such authority shall occur within 5 years of the original adoption of such article. Any professional banking and brokerage fees incurred shall be reported in the annual report of the trustees of trust funds as expenditures out of capital reserve funds.

6 Library Trustees; Exceptions. Amend RSA 202-A:23 to read as follows:

202-A:23 Exceptions. Nothing in this chapter shall preclude the library trustees from accepting, receiving, investing**,** and administering directly any trust funds and donations when so specified by the donor. Library trustees administering and investing such special funds shall be governed by the provisions of RSA 31:25**,** ***RSA 31:25-d,*** and RSA 41:6.

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

AMENDED ANALYSIS

This bill:

I. Allows municipalities to keep certain trust records in electronic format.

II. Changes the date by which certain municipal sums shall be transferred.

III. Allows municipalities to contract for brokerage assistance with town trust funds.

IV. Allows library trustees to govern investments through application of the prudent investor rule.

Amendment to HB 312
(2013-2240h)
Proposed by the Committee on Executive Departments and Administration - c

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

1 New Chapter; Regulation of Biometric Information. Amend RSA by inserting after chapter 359-L the following new chapter:

CHAPTER 359-M
REGULATION OF BIOMETRIC INFORMATION

359-M:1 Definitions. In this chapter:

I. "Biometric data" includes, but is not limited to, the following:

(a) Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics.

(b) Facial feature pattern characteristics.

(c) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence.

(d) Voice data used for comparing live speech with a previously-created speech model of a person's voice.

(e) Iris recognition data containing color or texture patterns or codes.

(f) Keystroke dynamics, measuring pressure applied to key pads.

(g) Hand geometry, measuring hand characteristics, including the shape and length of fingers, in 3 dimensions.

(h) Retinal scans, reading through the pupil to measure blood vessels lining the retina.

(i) DNA/RNA.

(j) Photograph or computerized or other image of an individual.

II. "Government agency" includes, but is not limited to, any employee, agent, elected official or entity of the state, a municipality, or any other political subdivision of the state of New Hampshire.

359-M:2 Collection of Biometric Data Prohibited.

I. No government agency shall:

(a) Issue an identification card, other than an employee, vendor, or contractor identification or access card, device or system, or use an identification device or system, that requires the collection or retention of an individual's biometric data.

(b) Require an individual to disclose or provide biometric data as a condition of doing business with, engaging in any business activity or relationship with, or obtaining services from, that agency.

(c) Obtain, retain or provide, directly or indirectly, any individual's biometric data except as set forth in this chapter.

II. Any biometric data collected for an employee, vendor, or contractor identification or access card shall be destroyed when the individual terminates his or her relationship with the agency. No biometric data collected under this section shall be subject to a subpoena.

III. Nothing in paragraphs I and II shall prohibit the disclosure, collection, or retention of biometric data from applicants for and persons employed in positions with state, county, or local public safety agencies as part of the employment screening process, or for obtaining required security clearances, or in connection with investigations of internal misconduct or crimes and offenses.

359-M:3 Exemptions. The prohibition in RSA 359-M:2 shall not apply to biometric data collection practices implemented pursuant to statute or practice prior to the effective date of this section, provided that the government agency shall not subsequently expand or modify the type of data collected or the purpose for which it is collected without legislative approval. Legislative approval shall not be required for an airport to expand or modify its biometric collection and use practices if identified in the airport's federally-mandated airport security program and approved by the U.S. Transportation Security Administration. Nothing in this chapter shall limit the collection of biometric evidence by law enforcement agencies at crime scenes or its examination and analysis by forensic laboratories. The admissibility at trials of biometric evidence and expert opinion based on such evidence shall be determined by the presiding judge within the parameters and limits specified in the rules of evidence.

359-M:4 Violation; Civil Action. Any individual aggrieved by a violation of this chapter, including the loss or misuse of biometric data lawfully collected under RSA 359-M:2 or 359-M:3, may bring a civil action under this section to obtain the following:

I. An injunction of the agency practice;

II. Actual damages or $2,500 for each violation, whichever is greater; and

III. Reasonable attorney's fees and court costs.

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

Amendment to HB 319-FN
(2013-2224h)
Proposed by the Committee on Finance - c

Amend the bill by replacing section 2 with the following:

2 New Subparagraph; Pay and Allowance. Amend RSA 110-B:37, IV(a) by inserting after subparagraph (3) the following new subparagraph:

(4) Upon the employee's return to state employment after active duty service, he or she may use up to 15 days of his or her available annual leave balance prior to reporting back to work.

Amendment to HB 326-FN
(2013-2380h)
Proposed by the Minority of the Committee on Executive Departments and Administration -r

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

AN ACT establishing the governing board of polysomnographic technologists within the allied health professionals.

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

1 New Chapter; Polysomnographic Technologists; Governing Board; Allied Health Professionals. Amend RSA by inserting after RSA 326-K the following new chapter:

CHAPTER 326-L
POLYSOMNOGRAPHIC TECHNOLOGISTS

326-L:1 Definitions. In this chapter and RSA 328-F:

I. "Board" means the governing board of polysomnographic technologists established in RSA 328-F.

II. "Consultation by telecommunication" means that a polysomnographic technologist provides data via telecommunications or computer technology from another location. It includes the transfer of data or exchange of educational or related information by any means of audio, video, or data communications.

III. “Direct supervision” means supervision through direct and continuous observation of the activities of the person being supervised, as determined by the board in rules adopted under RSA 541-A.

IV. “Indirect supervision” means supervision through the supervisor’s review of the treatment progress notes made by the person supervised, telephone conversations between the supervisor and the person supervised, electronic correspondence between the supervisor and the person supervised or other form of supervision which is not direct supervision, as determined by the board in rules adopted under RSA 541-A.

V. “Physician” means a person licensed to practice medicine in this state pursuant to RSA 329.

VI. “Polysomnographic technologist” means a person who is licensed in the practice of polysomnography who has the knowledge and skill necessary to administer the functions defined in paragraph VII.

VII. “Practice of polysomnography” means monitoring and recording physiologic data during the evaluation of sleep-related disorders, including, but not limited to sleep-related respiratory disturbances by a polysomnographic technologist performing the following tasks under direct or indirect supervision of a licensed physician:

(a) Supplemental oxygen therapy, less than 10 liters per minute utilizing nasal cannula or positive airway pressure (PAP) during a polysomnogram;

(b) Capnography (or other measures of carbon dioxide levels) during a polysomnogram;

(c) Cardiopulmonary resuscitation;

(d) Pulse oximetry;

(e) Gastroesophageal pH monitoring;

(f) Esophageal pressure monitoring;

(g) Sleep staging, including surface electroencephalography, surface electrooculography, and surface submental electromyography;

(h) Surface electromyography;

(i) Electrocardiography;

(j) Respiratory effort monitoring, including thoracic and abdominal movement;

(k) Plethysmography blood flow;

(l) Snore monitoring;

(m) Audio or video monitoring of movement and behavior during sleep;

(n) Nasal and oral airflow monitoring;

(o) Body temperature monitoring;

(p) Continuous or bi-leveled positive airway pressure titration or other sleep-related therapeutic modalities that do not extend into the trachea or attach to an artificial airway, including the fitting and selection of a mask or sleep appliance and the selection and implementation of treatment settings;

(q) Administering home sleep testing;

(r) Observing and monitoring physical signs and symptoms, general behavior, and general physical response to polysomnographic evaluation and determining whether initiation, modification, or discontinuation of a treatment regimen is warranted;

(s) Analyzing and scoring data collected during the monitoring described in subparagraphs (q) and (r) for the purpose of assisting a licensed physician in the diagnosis and treatment of sleep and wake disorders which result from developmental defects, the aging process, physical injury, disease, or actual or anticipated somatic dysfunction;

(t) Implementing a written or verbal order from a licensed physician in a sleep lab or sleep center which requires the practice of polysomnography; and

(u) Educating and training a patient regarding the treatment regimen which assists the patient in improving the patient’s sleep.

VIII. “Registered polysomnographic technologist” or “RPSGT” means a person having successfully completed and achieved a passing score on the comprehensive registry examination of polysomnographic technologists administered by the Board of Registered Polysomnographic Technologists.

326-L:2 Exemptions from Licensure. This chapter shall not restrict:

I. A person licensed or registered under any other law of this state from engaging in the profession or practice of which that person is licensed or registered if that person does not represent, imply, or claim that he or she is a licensed polysomnographic technologist.

II. A person licensed as a respiratory care practitioner under RSA 326-E, from engaging in the profession or practice of respiratory care as defined by RSA 326-E:1 and rules adopted by the governing board of respiratory care practitioners pursuant to RSA 326-E:2.

III. A person matriculated in an education program approved by the board who is pursuing a degree in polysomnography from satisfying supervised clinical education requirements related to the person’s polysomnography education while under direct supervision of a polysomnographic technologist or physician.

326-L:3 Eligibility for Initial Licensure. To be eligible for initial licensure as a polysomnographic technologist, an applicant shall:

I. Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F, and the board's rules.

II. Be at least 18 years of age.

III. Be of good moral character.

IV. Meet any continuing competency requirements established by the board in rules adopted pursuant to RSA 541-A.

V. Have passed the Board of Registered Polysomnographic Technologist exam, the National Board of Respiratory Care – Sleep Disorders Specialty exam, or an equivalent nationally recognized exam.

326-L:4 Provisional License.

I. A provisional license may be issued by the board to an individual who:

(a) Was practicing as a polysomnographic technologist prior to the effective date of this chapter; and

(b) Meets the eligibility requirements for initial licensure under RSA 326-L:3, I-IV.

II. A provisional license may be issued by the board to an applicant who has completed one of the following educational programs, but has not yet passed an examination described in RSA 326-L:3,V:

(1) Graduate of a polysomnographic educational program that is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization or equivalent educational program approved by the board; or

(2) Graduate from a respiratory care educational program that is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization or equivalent educational program approved by the board and completion of the curriculum for a polysomnography certificate established and accredited by the Committee on Accreditation of Respiratory Care of the Commission on Accreditation of the Allied Health Education Programs or its successor organization or equivalent accreditation organization approved by the board; or

(3) Graduate from an electroneurodiagnostic educational program with a polysomnographic technology track that is accredited by the Commission on Accreditation of Allied Health Education Programs; or

(4) Successful completion of an Accredited Sleep Technologist Educational Program (A-STEP) that is accredited by the American Academy of Sleep Medicine and the Commission on Accreditation of Allied Health Education Programs.

III. The provisional license shall be valid for 2 years.

IV. A provisional license may be extended only upon approval of the board for good cause shown.

326-L:5 Rulemaking; Provisional Licenses. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Eligibility requirements for provisional licenses.

II. Application procedures for provisional licenses.

III. The requirements for direction supervision of those practicing under provisional licenses.

IV. The limitations on practice imposed on those practicing under provisional licenses.

V. The investigation and discipline of provisional licensees.

VI. Establishing standards for approving professional polysomnography education programs and for approving national accreditation organizations that accredit professional polysomnography programs.

326-L:6 Eligibility for Renewal of Licenses. Licensees are eligible for renewal of their licenses if they:

I. Have completed not less than 24 hours of continuing education which meet the requirements established by the board through rulemaking pursuant to RSA 541-A and at least 50 percent of which are directly related to the practice of polysomnography.

II. Have not violated this chapter or RSA 328-F nor demonstrated poor professional character.

III. Meet any continuing competency requirements established by the board in rules adopted pursuant to RSA 541-A.

326-L:7 Professional Identification.

I. Individuals holding currently valid licenses issued under this chapter may use the title "Licensed Polysomnographic Technologist," "Polysomnographic Technologist," "Licensed Polysomnographic Technician," "Polysomnographic Technician," and the abbreviation, "RPSGT," "LPGT," and "PGT."

II. No person shall represent himself or herself or the services offered by using the words "Licensed Polysomnographic Technologist," "Polysomnographic Technologist", "Licensed Polysomnographic Technician," "Polysomnographic Technician," or the letters "RPSGT", "LPGT", and "PGT" or any similar words or letters implying that the person is licensed, unless licensed under this chapter.

III. Any person who states or implies by word or act that he or she is currently licensed to practice polysomnography at a time when he or she does not hold a currently valid license shall be guilty of a misdemeanor.

IV. The licensee shall show his or her license when requested.

326-L:8 Conditional License. Individuals are eligible for a conditional license if:

I. He or she has been actively engaged in the practice of polysomnography, without interruption, 1,000 hours per year for 5 years immediately prior to the effective date of this chapter.

II. He or she can provide documentation of experience in the practice of polysomnography for the 10 years immediately prior to the effective date of this chapter.

III. He or she applies for and submits all required documents for the conditional license within one year of the effective date of this chapter.

IV. He or she provides a letter from a physician licensed in this state or any other state attesting to their competence in the practice of polysomnography.

V. The conditional license shall be valid for no more than 2 years.

326-L:9 Restrictions on Conditional License. Individuals holding a conditional license are subject to the following restrictions:

I. They may only work under direct supervision or indirect supervision.

II. They may not score tests performed on patients.

III. They must complete all required continuing education no later than December 31 of the renewal year.

IV. If the conditional license lapses, the license may not be renewed and the conditional licensee will be subject to all laws and rules applicable for initial licensure.

2 Allied Health Professionals; Definition; Governing Board. Amend RSA 328-F:2, II to read as follows:

II. "Governing boards" means individual licensing boards of athletic trainers, occupational therapy assistants, occupational therapists***, polysomnographic technologists,*** recreational therapists, physical therapists, physical therapist assistants, respiratory care practitioners, speech-language pathologists, and genetic counselors.

3 New Paragraph; Allied Health Professionals; Polysomnographic Technologist. Amend RSA 328-F:2 by inserting after paragraph X the following new paragraph:

XI. "Polysomnographic technologist" means "polysomnographic technologist" as defined in RSA 326-L:1.

4 Governing Board; Establishment. Amend RSA 328-F:3, I to read as follows:

I. There shall be established governing boards of athletic trainers, occupational therapists, ***polysomnographic technologists,*** recreational therapists, respiratory care practitioners, physical therapists, speech-language pathologists, and genetic counselors.

5 New Paragraph; Polysomnographic Technologist Governing Board; Appointment. Amend RSA 328-F:4 by inserting after paragraph X the following new paragraph:

XI. The polysomnographic technologist governing board shall consist of 3 licensed polysomnographic technologists, who have actively engaged in the practice of polysomnography in this state for at least 3 years, one physician who is educated in the current practice of sleep medicine, and one public member. Notwithstanding the requirements for licensure of professional members under this section, initial appointment of professional members by the governor and council shall be qualified persons practicing polysomnography in this state. All subsequent appointments or reappointments shall require licensure.

6 Renewals; Polysomnographic Technologists. Amend RSA 328-F:19, I to read as follows:

I. Initial licenses and renewals shall be valid for 2 years, except that timely and complete application for license renewal by eligible applicants shall continue to validity of the licenses being renewed until the governing board has acted on the renewal application Licenses issued pursuant to RSA 328-A, RSA 326-G, [~~and~~] RSA 326-J***, and RSA 326-L*** shall expire in even-number years and licenses issued pursuant to RSA 326-C, RSA 326-E, RSA 326-F, and RSA 326-K shall expire in odd-number years.

7 Respiratory Care Practitioners; Rulemaking. Amend RSA 326-E:2, I to read as follows:

I. Specifying the limited scopes of practice permitted to certified pulmonary function technicians, and registered pulmonary function technologists [~~and registered polysomnographic technologists~~].

8 Respiratory Care Practitioners; Professional Identification; Reference Removed. Amend RSA 326-E:4, III to read as follows:

III. A person matriculated in an accredited respiratory care [~~or polysomnographic technology~~] education program shall display appropriate identification.

9 Respiratory Care Practitioners; Exemptions. Amend RSA 326-E:6, I(e) to read as follows:

(e) Respiratory care performed as part of a limited scope of practice, as defined by the board, by certified pulmonary function technicians (CPFT), ***or*** registered pulmonary function technologists (RPFT) [~~or registered polysomnographic technologists (RPSGT)~~] in a diagnostic laboratory or research setting.

10 Appropriation. The sum of $14,059 for the fiscal year ending June 30, 2015, is hereby appropriated to the office of allied health professionals for the purpose of paying for the expenses of establishing and maintaining the governing board of polysomnographic technologists 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.

11 Repeal. The following are repealed:

I. RSA 326-E:6, I(i), relative to polysomnographic training.

II. RSA 326-E:1, VIII, relative to the definition of registered polysomnographic technologist.

12 Prospective Repeal. RSA 326-L:8 and RSA 326-L:9, relative to conditional licensure, are repealed.
13 Effective Date.

I. Section 12 of this act shall take effect July 1, 2017.

II. The remainder of this act shall take effect July 1, 2014.

AMENDED ANALYSIS

This bill establish the governing board of polysomnographic technologists within the allied health professionals, defines the practice of polysomnography, and requires the licensure of persons engaged in the practice.

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 350
(2013-2349h)
Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services -r

Amend the bill by replacing section 1 with the following:

1 New Sections; Protective Legislation; Unemployment Status. Amend RSA 275 by inserting after section 14 the following new sections:

275:14-a Unemployment Status.

I. In this section, "unemployment status" means being unemployed, having actively looked for employment during the most recent 4 week period, and currently being available for employment.

II. No employer or employment agency shall discriminate against any individual because of unemployment status in soliciting, receiving, classifying, disposing, or otherwise acting upon applications for its services or in referring an applicant to an employer.

III. Nothing in this section shall be construed as prohibiting an employer or employer's agent from publishing an advertisement for any job vacancy in the state that contains any provision setting forth any other qualifications for a job permitted by law including holding a current and valid professional or occupational license, certificate, registration, permit, or other credential, or a minimum level of education, training, or appropriate experience. Nothing in this section shall be construed as prohibiting an employer or employer's agent from stating that only applicants who are currently employed by such employer shall be considered.

275:14-b Penalty. Any employer or employment agency that violates RSA 275:14-a shall be subject to a fine not to exceed $5,000 for each violation as determined by the commissioner.

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 422
(2013-2251h)
Proposed by the Committee on Municipal and County Government - c

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

1 Municipal Charters; Definitions. Amend RSA 49-B:2, IV, to read as follows:

IV. In this chapter:

(a) [~~"Amendment" means the enactment or repeal of a single section or subsection of a charter pertaining to any one subject matter, and any related section the meaning or operation of which is changed as a result of the enactment or repeal.~~

~~(b)~~] "Elected body" means the mayor and board of aldermen, mayor and council, and city council in a city adopting a charter under RSA 49-C and a town council or representative town meeting in a town adopting a charter under RSA 49-D.

[~~(c)~~]***(b)*** "Governing body" means the board of selectmen, the board of aldermen, or the council in a city or in a town with a town council.

[~~(d)~~]***(c)*** "Legislative body" means a town meeting, representative town meeting, city or town council, mayor and council, and mayor and board of aldermen.

[~~(e)~~]***(d)*** "Municipality" means a city or a town.

[~~(f)~~]***(e)*** "Municipal officers" means the mayor and board of aldermen, mayor and council, and city council in a city, and board of selectmen and town council in a town.

[~~(g)~~]***(f)*** "Municipal year" means the fiscal year of the municipality.

[~~(h)~~]***(g)*** "Operating budget" means total appropriations, as determined by the department of revenue administration, exclusive of county and school taxes; principal and interest payments on bonds and notes; and amounts in satisfaction of court judgments.

[~~(i) "Revision" means multiple changes in the basic form of government proposed by several enactments or repeals.~~

~~(j)~~] ***(h)*** "Revocation" means the repeal of an entire charter such that the resultant form of government is the form in existence immediately prior to the adoption of the charter being repealed.

2 Procedures for Submitting Question of Establishing Charter Commission to Voters. RSA 49-B:3 through RSA 49-B:6 are repealed and reenacted to read as follows:

Adoption of Municipal Charter

49-B:3 Procedures for Submitting Question of Establishing Charter Commission to Voters.

I. In any municipality not operating under a charter governed by RSA 49-C or 49-D, the municipal officers may determine that adoption of a municipal charter is necessary and, by order, submit the question of establishment of a charter commission to the voters as provided in this section; or

II. On the written petition of 25 or more registered voters or 2 percent of the registered voters in the municipality, whichever is less, but in no event fewer than 10 registered voters, the municipal officers shall, by order, submit the question of establishment of a charter commission to the voters as provided in this section. The petition shall read substantially as follows: "Each of the undersigned voters requests the municipal officers to submit to the voters, at the next municipal election, the question of establishment of a charter commission to draft a municipal charter." The petition shall be submitted to the municipal officers by the date indicated below:

(a) For a town with its annual meeting in March, on or before December 15 of the preceding year.

(b) For a town with its annual meeting in April, on or before January 15 of the same year.

(c) For a town with its annual meeting in May, on or before February 15 of the same year.

(d) For any other municipality, at least 90 days before the regular municipal election on which the question is proposed to be submitted. In the case of a municipality with biennial elections, if the petition is submitted during a year in which there are no municipal elections, it shall be submitted at least 90 days before the biennial state election.

III. Upon receipt of a petition under paragraph II, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at the next regular municipal election. In the case of an order adopted under paragraph I, the municipal officers shall by order submit the question of establishment of the commission to the voters at the next regular municipal election that is held not less than 60 days after the date of the order. In the case of municipalities with biennial elections, the question shall be submitted at either the next regular municipal election or the next regular state biennial election, whichever occurs first, that is held not less than 60 days after the date of the order.

IV. The question to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established for the purpose of establishing a municipal charter?"

V. Notwithstanding any other provision of this chapter, for the purposes of establishing a charter commission to amend or adopt a charter relative to official ballot town council under RSA 49-D:3, I-a, official ballot town meeting under RSA 49-D:3, II-a, budgetary official ballot village district meeting under RSA 52:2-a, or budgetary official ballot school district meeting under RSA 197:5-b only, the question of whether to establish a charter commission and the election of charter commission members shall be placed on the same ballot. No other issues shall be addressed by a charter commission established under this paragraph. The question on the establishment of a charter commission to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established for the sole purpose of establishing official ballot voting under the current form of government?"

49-B:4 Charter Commission; Membership; Procedure; Preliminary Report.

I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected as hereinafter provided.

(a) Within 5 days after the deadline for requesting a recount of a vote confirming the establishment of a charter commission, or within 5 days after the recount if a recount is requested, the municipal officers shall meet to order a special election to be held on a Tuesday not less than 35 days or more than 60 days after such meeting for the purpose of electing charter commission members provided, however, that in a municipality with biennial elections, the special election shall be held on a Tuesday not less than 25 days or more than 133 days after such meeting. For purposes of this subparagraph, the provisions of RSA 40:4-c relative to recounts shall apply, except that a recount must be requested no later than the first Friday following the vote.

(b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged alphabetically by surname. Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the following week.

II. Within 5 days after the deadline under RSA 669:30 for requesting a recount, the municipal clerk shall notify those elected to the charter commission of the date, time, and place of the organizational meeting of the charter commission. However, if a recount is requested, such notice shall be given within 5 days after the last

recount is completed. The date, time, and place of the organizational meeting shall be fixed by the clerk. The date shall be at least 7 days and not more than 14 days after the date of the notice. The charter commission shall organize by electing from its members a chairperson, a vice chairperson and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

III. The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical, or other employees and consultants as are deemed necessary within the limits of its budget.

IV.(a) A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials, and employees during ordinary business hours. The municipal officers shall credit to the charter commission's account a sum of at least $100. A municipality may appropriate additional funds to the charter commission account. Such funds may be raised by taxation, borrowed, or transferred from surplus.

(b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, provided, that no contribution of more than $50 shall be accepted from any source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.

V. Before issuing its preliminary report, the charter commission shall hold at least 2 public hearings, scheduled at its discretion. At least one of such hearings shall be for the purpose of receiving information, views, comments, and other pertinent material relative to its functions and at least one shall be for the purpose of explaining, in general terms, its proposed preliminary report and receiving comments on its proposal. The commission may, but is not required to, provide a draft of its preliminary report at the latter hearing. Notice of each such hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation in the municipality at least 7 days before the date of the meeting.

VI.(a) The charter commission shall file with the municipal clerk a preliminary report including the text of the charter which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. The commission shall also file the preliminary report with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as provided in RSA 49-B:4-a, I.

(b) The preliminary report shall include a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. The filing of the preliminary report shall be accomplished by the date indicated below:

(1) If the charter commission was elected in a town with its annual meeting in March, on or before October 15 of the same year.

(2) If the charter commission was elected in a town with its annual meeting in April, on or before November 15 of the same year.

(3) If the charter commission was elected in a town with its annual meeting in May, on or before December 15 of the same year.

(4) If the charter commission was elected at a biennial municipal or state election in November, on or before June 15 of the following year.

(5) If the charter commission was elected at a special election, or at any election in a municipality not described in subparagraph (b)(1), (2), (3), or (4), within 170 days after its election.

(c) Upon receipt of the preliminary report, the municipal clerk shall, except as provided in paragraph VII, file a certified copy with the appropriate state officials as provided in RSA 49-B:4-a.

VII. The commission may recommend, in either its preliminary or its final report, that no new charter be adopted. If the commission makes such a recommendation in its preliminary report, the preliminary report shall be deemed a final report and shall not be submitted to the state officials for review under RSA 49-B:4-a. If the commission makes such a recommendation in either the preliminary or final report, no charter question shall be placed on the municipal ballot, and the commission shall take no further action except to wind up its affairs within 60 days after the submission of its report.

49-B:4-a Review and Approval by State Departments.

I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall file a report, which shall include the name and address of the clerk and the chairman of the charter commission, with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as follows:

(a) The chairman of the charter commission shall file a copy of the preliminary report relative to any new municipal charter or charter revision at the same time the preliminary report is filed with the municipal clerk pursuant to RSA 49-B:4, VI;

(b) Within 10 days after the filing of the report relative to any charter amendment, if initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.

(c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.

(d) Within 14 days of receipt of such report, the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.

II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration does not approve, the proposed charter question shall not be placed on the municipal ballot unless the objections to the proposed charter are resolved as provided in this section. If the proposed charter amendment was initiated by a petition, official petition forms shall not be provided. The secretary of state, attorney general, and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk, and to the petitioners' committee if relative to a charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter to be voted upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the secretary of state, attorney general, or the commissioner of the department of revenue administration.

III. Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.

IV. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general, or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

49-B:4-b Final Report.

I. Upon approval from the secretary of state, attorney general, and commissioner of the department of revenue administration under RSA 49-B:4-a, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter, such comments as the commission deems desirable, an indication of the major differences between the current form of government and the proposed charter, and a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words. The submission of the final report and minority reports, if any, shall be accomplished by the date indicated below:

(a) If the charter commission was elected in a town with its annual meeting in March, on or before January 15 of the following year.

(b) If the charter commission was elected in a town with its annual meeting in April, on or before February 15 of the following year.

(c) If the charter commission was elected in a town with its annual meeting in May, on or before March 15 of the following year.

(d) If the charter commission was elected at a biennial municipal or state election, on or before September 15 of the following year.

(e) If the charter commission was elected in a municipality not described in subparagraph (a), (b), (c), or (d), within 245 days after its election.

II. Upon the submission of the final report, the municipal officers shall order the proposed new charter to be submitted to the voters at the next municipal election after the filing of the final report, unless the final report recommends that no charter be adopted, as provided in RSA 49-B:4, VII. In the case of municipalities with biennial elections, the charter shall be submitted to the voters at the next regular municipal election or at the next biennial state election, whichever is earlier, so long as such election is held at least 45 days after the filing of the final report. If the next regular election is less than 45 days after the filing of the report, the charter shall be submitted at the following regular election.

III. Except as provided in RSA 49-B:4-c, the charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers, or until the date of the election at which the charter is voted upon, whichever is later, for the purpose of winding up its affairs.

49-B:4-c Continuation of Charter Commission.

I. If the charter commission is unable to obtain approval pursuant to RSA 49-B:4-a in time to submit its final report by the date established in RSA 49-B:4-b, or otherwise does not complete its preliminary or final report in accordance with the schedule established in this subdivision, it shall continue in existence for another year. Subject to paragraph II, if the commission's existence continues, any requirements of RSA 49-B:4, V and VI, RSA 49-B:4-a, and RSA 49-B:4-b that have not previously been satisfied shall apply as if the commission had been elected in the second year.

II. If the charter commission is continued as provided in paragraph I, the charter commission may, in its discretion, submit the charter to the voters at the next biennial state election instead of the next municipal election if the state election is held before the next municipal election. Submission at the biennial state election shall be permitted only if the following requirements are satisfied:

(a) If a preliminary report has not previously been filed with the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, a preliminary report shall be filed with such officials on or before June 15 preceding the state election;

(b) If a preliminary report is filed in accordance with subparagraph (a), the provisions of RSA 49-B:4-a shall apply; and

(c) If a final report has not previously been submitted in accordance with RSA 49-B:4-b, a final report conforming to the requirements of RSA 49-B:4-b, I shall be submitted on or before September 15 preceding the state election.

IV. A charter commission shall not be extended beyond a second year of existence.

Revision of Municipal Charter

49-B:4-d Definition of Revision.

I. For purposes of this chapter, a "revision" to a municipal charter shall mean any change to an existing charter that results in a change in the municipality's form of government to any of the following forms:

(a) Traditional town meeting.

(b) Official ballot town meeting.

(c) Town council.

(d) Official ballot town council.

(e) Budgetary town meeting.

(f) Representative town meeting.

(g) City under mayor-alderman plan.

(h) City under council-manager plan.

(i) Any other form hereafter expressly authorized by statute.

II. When a revision to a charter is proposed, any change to the charter that is proposed in connection with the revision shall be deemed a part of the revision, even though such change would not constitute a revision by itself.

49-B:4-e Procedure for Revising Charter.

I. The municipal officers may determine that a revision of the municipal charter is necessary and, by order, submit the question of establishment of a commission to revise the charter to the voters, in the same manner as provided for the establishment of a charter commission under RSA 49-B:3; or

II. On the written petition of a number of voters equal to 20 percent of the number of votes cast in the municipality at the last regular municipal election, but in no event fewer than 10 registered voters, the municipal officers shall, by order, submit the question of establishment of a commission to revise the charter to the voters as provided in this section. The petition shall read substantially as follows: "Each of the undersigned voters requests the municipal officers to submit to the voters, at the next municipal election, the question of establishment of a charter commission to draft a revision to the municipal charter." The petition shall be submitted on or before the date indicated for a petition under RSA 49-B:3, II.

III. The establishment of a commission to revise the charter, the membership of the commission, and the procedures of the commission shall in all respects be the same as for a commission to draft a new charter under RSA 49-B:3, RSA 49-B:4, RSA 49-B:4-a, and RSA 49-B:4-b, including all dates and time periods thereunder, except that the following question shall be substituted for the question specified in RSA 49-B:3, IV: "Shall a charter commission be established for the purpose of revising the municipal charter?"

IV. If a commission that has been elected to revise the charter determines that no revision, as defined in RSA 49-B:4-d, is required, but determines that one or more amendments to the charter are required, it may propose such amendments, and the procedures described in this section shall apply in the same manner as if the commission were proposing a revision.

V. A commission to revise the charter shall not be continued under RSA 49-B:4-c.

Amendment of Municipal Charter

49-B:4-f Definition of Amendment. For purposes of this chapter, an "amendment" to a municipal charter shall mean any change to an existing charter that does not constitute a revision under RSA 49-B:4-d.

49-B:5 Charter Amendments, Procedure.

I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, V(a). Within 7 days after the hearing, the municipal clerk shall file the proposed amendment with the secretary of state, the attorney general, and the commissioner of revenue administration as provided in RSA 49-B:5, V(b). Within 7 days after receiving approval from such officials, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or the next state biennial election, whichever occurs earlier, that occurs not less than 60 days after the order.

(a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II. On the written petition of a petitioner's committee consisting of a number of voters equal to at least 20 percent of the number of votes cast in a municipality at the last regular municipal election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below:

(a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II-a. The following procedure shall be used in the alternative method set out in paragraph II:

(a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating that they shall constitute a petitioners' committee. Such affidavit shall be signed by the members of such committee and an additional 20 voters of the municipality and shall include:

(1) The language of each proposed amendment.

(2) The names and addresses of the committee members.

(3) The address to which all notices to the committee are to be sent.

(b) The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.

(c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment in accordance with RSA 49-B:4-a. Promptly after receiving approval of the proposed amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition blanks to the committee.

III.(a) The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below." If more than one subject is included in a petition, each subject shall be addressed in a separate amendment. Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.

(b) The clerk shall note the date of each petition form issued and all petitions, unless sooner filed, shall become null and void for every purpose on the 120th day after the date of issue.

(c) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.

(d) Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note thereon the date of filing.

IV. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal officers.

(a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.

(b) Within 5 days after the filing of a supplementary petition the clerk shall complete and file a certificate as to its sufficiency in the manner provided for in an original petition.

(c) When an original or supplementary petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the municipal officers for

review. The municipal officers shall inspect the petitions and shall make due certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the committee. The certificate of the municipal officers shall be a final determination of the sufficiency of the petitions.

(d) Any petitions finally determined to be insufficient shall be void. Such petitions shall be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required for secret ballots.

V.(a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them; provided that in the case of an amendment submitted by voter petition, the hearing shall be conducted by the municipal officers. If, as a result of the public hearing, substantive changes are made to the proposed amendment, a second hearing shall be held. Notice of the hearing and the conduct thereof shall be as provided in this section.

(b) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them, or in the case of an amendment submitted by voter petition, the petitioners' committee, shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers. At the same time, except in the case of an amendment initiated by voter petition, the municipal officers or the appointed committee shall file the amendment and opinion with the secretary of state, the attorney general, and the commissioner of the department of revenue administration. Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that the municipal officers or the appointed committee shall be substituted for the charter commission for purposes of RSA 49-B:4-a, III.

(c) Within 7 days after the approval by the secretary of state, the attorney general, and the commissioner of the department of revenue administration, or within 7 days after the last public hearing in the case of an amendment submitted by voter petition, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers shall order the amendments to be placed on the ballot at either the next regular municipal election or the next state biennial election, whichever occurs earlier, that occurs not less than 60 days after the date of the order.

General Provisions Applicable to Charter Actions

49-B:6 Submission to Voters. The method of voting at municipal elections when a question relating to a charter revision, a charter adoption, or a charter amendment is involved shall be in the manner prescribed for municipal elections. In a town, the question shall appear on the ballot before any other questions except the election of officers. In a city, the question shall appear in the order determined by the city clerk.

I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall include a summary prepared by the charter commission which explains both the current form of government used by the municipality and the changes in that form of government which will occur if the charter revision or charter is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (charter) recommended by the charter commission?"

II. In the case of one or more charter amendments, each amendment shall be voted upon separately and the question to be submitted to the voters on each amendment shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?" Each such question shall be followed by the text or a summary of the amendment.

III.(a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office, and shall post the report in the same manner that proposed ordinances are posted.

(b) In the case of one or more charter amendments, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office, and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

IV. If at least three-fifths of the ballots cast on any question under paragraph I favor acceptance, the new charter or the charter revision shall become effective as provided in subparagraph (a). If a majority of the ballots cast on any question under paragraph II favor acceptance, the charter amendment shall become effective as provided in subparagraph (b).

(a) Charter revisions, new charters, or repeals of charters adopted by the voters shall become effective immediately for the purpose of conducting necessary elections; otherwise charter revisions, new charters, and repeals of charters shall become effective on the first day of the next succeeding municipal year or as specified in any transition provisions of the charter.

(b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

3 Authorizing Large Bonds. Amend RSA 33:8-a, II to read as follows:

II. All articles appearing in the warrant which propose a bond or note issue exceeding $100,000 shall appear in consecutive numerical order and shall be acted upon prior to other business except the election of officers***, action on the adoption, revision, or amendment of a municipal charter,*** and zoning matters or as otherwise determined by the voters at the meeting. Polls shall remain open and ballots shall be accepted by the moderator on each such article, for a period of not less than one hour following the completion of discussion on each respective article. A separate ballot box shall be provided for each bond article to be voted upon pursuant to this section.

4 Reference Change. Amend RSA 49-B:10, V to read as follows:

IV. Any municipality aggrieved by the decision of the secretary of state***, the attorney general, or the commissioner of the department of revenue administration*** under RSA [~~49-B:5-a~~] ***49-B:4-a*** may seek review by way of appeal in superior court to determine the lawfulness of the [~~secretary's~~] decision. The clerk shall schedule a hearing on any such appeal within 10 days of the filing of such petition.

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

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.

Amendment to HB 439-FN
(2013-2364h)
Proposed by the Committee on Labor, Industrial and Rehabilitative Services - c

Amend the bill by replacing section 5 with the following:

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

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 459
(2013-2394h)
Proposed by the Committee on Ways and Means - c

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

AN ACT relative to poker in private residences.

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

1 New Subparagraph; Poker in Private Residences. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Poker games held in a private residence so long as there is no rake, the house takes no compensation from the prize pool, no admission fee or seat fee is charged, no one receives any money or anything of value for conducting the game except their own winnings as a player, the game's odds do not favor a "house" or any player, there is no house bank, and the game is not advertised to the public.

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

Amendment to HB 461-FN
(2013-2337h)
Proposed by the Committee on Health, Human Services & Elderly Affairs - r

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

1 New Paragraph; Long-Term Care; Eligibility. Amend RSA 151-E:3 by inserting after paragraph II the following new paragraph:

II-a. Subject to written approval by the Center for Medicare and Medicaid Services, financial eligibility rules in paragraph II shall include eligibility as medically needy if the person's countable income is at or below the general Medicaid program medically needy income limit or the person incurs allowable medical expenses each month, including the anticipated cost of waiver services, which exceed the amount of the person's monthly income which is over the medically needy income limit for the waiver. For the purpose of the waiver, the medically needy income limit shall be the general Medicaid program medically needy income limit plus the difference between that limit and the special income limit for the waiver. The department shall submit a request for such approval within 30 days of the effective date of this paragraph.

2 Assessment or Reassessment at Time of Eligibility. Amend RSA 151-E:8 to read as follows:

151-E:8 Assessment or Reassessment at Time of Eligibility. The department shall perform an assessment or reassessment of the person's clinical eligibility when the person becomes financially eligible for Medicaid benefits pursuant to RSA 151-E:3, I(b) ***but no later than 45 days from application for long-term care services, unless there are unusual circumstances which impede such a determination within 45 days. Unusual circumstances means when an agency cannot reach a decision because the applicant or examining physician delays or fails to take a required action, or when there is an administrative or other emergency beyond the agency's control. The department shall notify the applicant relative to the nature of the delay within 5 days following the expiration of the 45-day requirement.***

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

AMENDED ANALYSIS

This bill clarifies long-term care eligibility for the purpose of receiving Medicaid-funded nursing home services.

This bill also places a time limit for the required assessment or reassessment for such services unless there are unusual circumstances.

Amendment to HB 466-FN
(2013-2222h)
Proposed by the Majority of the Committee on Election Law - c

Amend RSA 654:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name _____
Last (suffix) First Full Middle Name

2. Domicile Address _____
Street Ward Number

_____
Town or City Zip Code

3. Mailing Address if different than in 2 _____
Street [~~Ward Number~~]

_____
Town or City Zip Code

4. Place and Date of Birth _____
Town or City State

Date_____

5. If a naturalized citizen, give name of court where and date when naturalized _____

_____

6. Place last registered to vote _____

Street Ward Number

7. Name under which previously registered, if different from above

_____

8. Party Affiliation (if any) _____

9. Driver's License Number _____State _____

If you do not have a valid driver's license, provide the last four digits of your social security number ___ ___ ____

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

_____ _____

Date Signature

If this form is used in place of proof of identity, age, citizenship, or domicile, I hereby swear that such information is true and accurate to the best of my knowledge.

_____

Applicant

This form was executed for purposes of proving (circle yes or no):

Identity	***yes***	***no***
Citizenship	***yes***	***no***
Age y	***es***	***no***
Domicile	***yes***	***no***

_____

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

Amendment to HB 469
(2013-2374h)
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 time limits for certain regulatory boards and commissions to hold hearings on disciplinary proceedings, and establishing a statute of limitations for the initiation of disciplinary actions against an occupational licensee.

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

1 New Sections; Regulatory Boards and Commissions; Time Limits for Hearings on Disciplinary Actions; Limitations on Actions. Amend RSA 332-G by inserting after section 7 the following new sections:

332-G:8 Time Limits for Hearings on Disciplinary Actions. For all disciplinary actions under this title which do not require a hearing to be held within one year of the date upon which notice of the complaint was received by the accused, the notice of a hearing on a disciplinary action pursuant to a written complaint or

initiation of formal disciplinary proceedings before any board or commission under this title shall be issued by the board or commission within 2 years of the date the notice of complaint or initiation of formal disciplinary proceeding was received by the accused in the disciplinary action, unless otherwise agreed to by the parties in the disciplinary action.

332-G:9 Limitations on Actions.

I. No disciplinary proceeding against an occupational licensee shall be initiated by a regulatory board or commission unless such action is commenced within 5 years of the date upon which the alleged violation of an applicable statute or rule occurred, or within 5 years of the date upon which the violation could reasonably have been discovered.

II. The time limitation provided in paragraph I shall be tolled (1) during the period of time during which a criminal action on the matter is pending in a trial court of this state, or another state, or of the United States, (2) during the time in which a complainant is a minor or incapacitated, and (3) during any time which the accused prevents discovery of the subject matter of the alleged violation.

III. The time limitations established in this section shall not apply to the commencement of actions initiated by the real estate appraiser board under RSA 310-B.

2 Administrative Procedures Act; Adjudicatory Proceedings; Statute of Limitations. Amend RSA 541-A:31, II to read as follows:

II.***(a)*** An agency may commence an adjudicative proceeding at any time with respect to a matter within the agency's jurisdiction***, except that no disciplinary proceeding against an occupational licensee shall be initiated unless such action is commenced within 5 years of the date upon which the alleged violation of an applicable rule or statute occurred, or within 5 years of the date upon which the violation could reasonably have been discovered.***

(b) The time limitation provided in subparagraph (a) shall be tolled (1) during the period of time during which a criminal action on the matter is pending in a trial court of this state, or another state, or of the United States, (2) during the time in which a complainant is a minor or incapacitated, and (3) during any time which the accused prevents discovery of the subject matter of the alleged violation.

(c) The time limitations established in this paragraph shall not apply to the commencement of actions initiated by the real estate appraiser board under RSA 310-B.

3 Architects; Hearings. Amend RSA 310-A:48, I to read as follows:

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

4 Land Surveyors; Hearings. Amend RSA 310-A:71 to read as follows:

310-A:71 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

5 Natural Scientists; Hearings. Amend RSA 310-A:94 to read as follows:

310-A:94 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date of notice of a complaint received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

6 Foresters; Hearings. Amend RSA 310-A:113 to read as follows:

310-A:113 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail,

return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date of notice of a complaint received by the licensee, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

7 Court Reporters; Hearings. Amend RSA 310-A:175 to read as follows:

310-A:175 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to the hearing, the board shall serve all parties in a disciplinary proceeding, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance.

8 Real Estate Appraiser; Hearings. Amend RSA 310-B:19 to read as follows:

310-B:19 Hearings; Investigations. The board may undertake investigations of allegations of misconduct. The form of an investigation is a matter of discretion of the board. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints not dismissed by the board within [~~180 days~~] ***one year*** after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted within [~~180 days~~] ***one year*** of receipt of the complaint before at least 4 members of the board. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance. Orders of the board shall be subject to the contested case provisions of RSA 541-A.

9 Chiropractic; Hearings. Amend RSA 316-A:23 to read as follows:

316-A:23 Notice and Hearing Procedure. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

10 Electricians; Hearings. Amend RSA 319-C:12-a to read as follows:

319-C:12-a Hearings. The board shall take no disciplinary action, except for failure to renew a certificate, without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

11 Dieticians; Hearings. Amend RSA 326-H:17, I to read as follows:

I. The board shall take no disciplinary action without providing an opportunity for a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

12 Interpreters for the Deaf and Hard of Hearing; Hearings. Amend RSA 326-I:15 to read as follows:

326-I:15 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing or formally presented to the board. A hearing shall be held on all formal complaints received by the board

within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Official notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

13 Optometrists; Hearings. Amend RSA 327:22, I to read as follows:

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the time and place of hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board, within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

14 Acupuncture; Hearings. Amend RSA 328-G:13 to read as follows:

328-G:13 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [~~3 months~~] ***one year*** of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

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

AMENDED ANALYSIS

This bill provides that certain occupational and professional regulatory boards shall commence a hearing on disciplinary proceedings within one year of the date of the notice of complaint. The bill also establishes a 5-year statute of limitations for the initiation of disciplinary actions against occupational licensees.

Amendment to HB 474-FN
(2013-2219h)
Proposed by the Majority of the Committee on Education -r

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

1 University System of New Hampshire; Authority of the Trustees. Amend RSA 187-A:16, XXIII to read as follows:

XXIII. Require every student admitted after [~~December 31, 2012~~] ***June 10, 2014*** and receiving the in-state rate of tuition to execute an affidavit attesting ***that*** he or she is a legal resident of the United States***, or require the student to file an application, a copy of which shall be furnished to the university system of New Hampshire, to legalize the student's status, or that the student will file such an application, a copy of which shall be furnished to the university system of New Hampshire, as soon as he or she is eligible. To be eligible for in-state tuition, a student who has filed or will fill such an application shall also meet the following requirements:***

(a) The student shall have graduated from an approved New Hampshire high school or earned the New Hampshire high school equivalency certificate.

(b) The student shall have attended a high school in New Hampshire for 3 years prior to graduation or be domiciled in New Hampshire for 3 years prior to receiving a New Hampshire high school equivalency certificate.

(c) The student shall have met all other criteria for in-state tuition status as established by the university system of New Hampshire board of trustees.

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

AMENDED ANALYSIS

This bill establishes requirements for in-state tuition status for students in the university system of New Hampshire.

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 492-FN-LOCAL
(2013-2334h)
Proposed by the Minority of the Committee on Criminal Justice and Public Safety -r

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

1 Purpose and Findings. The general court hereby finds that:

I. In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the people of the state of New Hampshire find and declare that the use of marijuana should be legal for a person 21 years of age or older and taxed in a manner similar to alcohol.

II. In the interest of the health and public safety of our citizenry, the people of the state of New Hampshire further find and declare that marijuana should be regulated in a manner similar to alcohol so that:

(a) Individuals will have to show proof of age before purchasing marijuana;

(b) Selling, distributing, or transferring marijuana to minors and other individuals under the age of 21 shall remain illegal;

(c) Driving under the influence of marijuana shall remain illegal;

(d) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and

(e) Marijuana sold in this state will be labeled and subject to additional regulations to ensure that consumers are informed and protected.

III. It is necessary to ensure consistency and fairness in the application of this act throughout the state and that, therefore, the matters addressed by this act are, except as specified herein, matters of statewide concern.

2 New Chapter; Regulation of Marijuana. Amend RSA by inserting after chapter 318-E the following new chapter:

CHAPTER 318-F
REGULATION OF MARIJUANA

318-F:1 Definitions. In this chapter:

I. “Consumer” means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by a person 21 years of age or older, but not for resale to others.

II. “Department” means the department of revenue administration.

III. “Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” shall not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

IV. “Marijuana accessories” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use for ingesting, inhaling, or otherwise introducing marijuana into the human body.

V. “Marijuana cultivation facility” means an entity licensed to cultivate, prepare, package, and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

VI. “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

VII. “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana and to manufacture, prepare, package, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

VIII. “Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

IX. “Marijuana testing facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

X. “Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

318-F:2 Personal Use of Marijuana. If undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:

I. Possessing, consuming, using, displaying, obtaining, purchasing, or transporting marijuana accessories, or marijuana in the amount of one ounce or less including up to 5 grams of hashish.

II. Possessing, growing, processing, or transporting no more than 6 marijuana plants, with 3 or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown.

III. Transferring one ounce or less of marijuana and up to 6 immature marijuana plants to a person who is 21 years of age or older without remuneration.

IV. Transferring or selling marijuana seeds or up to 6 marijuana seedlings to marijuana cultivation facilities.

V. Assisting another person who is 21 years of age or older in any of the acts described in this section.

318-F:3 Restrictions on Personal Cultivation; Penalty.

I. No person who is 21 years of age or older shall cultivate marijuana plants except as provided in this section.

II. Marijuana plants shall not be cultivated in a location where the plants are subject to public view without the use of binoculars, aircraft, or other optical aids.

III. A person who cultivates marijuana shall take reasonable precautions to ensure the plants are secure from unauthorized access. Cultivating marijuana in an enclosed, locked space to which unauthorized persons do not have access, or other similar security precautions, shall be prima facie evidence of reasonable precautions.

IV. Marijuana cultivation shall only occur on property the cultivator legally owns, leases, or controls, or with the consent of the person who legally owns, leases, or controls the property.

V. A person who violates this section shall be guilty of a violation and may be fined not more than $750.

318-F:4 Public Smoking of Marijuana Prohibited; Penalty.

I. No person shall smoke marijuana in a public place.

II. A person who violates this section shall be guilty of a violation and may be punished by a fine of not more than $100.

318-F:5 Lawful Operation of Marijuana-Related Facilities. If undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:

I. Possessing, displaying, or transporting marijuana or marijuana products; obtaining or purchasing marijuana from a marijuana cultivation facility; obtaining or purchasing marijuana or marijuana products from a marijuana product manufacturing facility; or sale of marijuana or marijuana products to an adult who is 21 years of age or older, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a retail marijuana store or is acting in his or her capacity as an owner, employee, or agent of a licensed retail marijuana store.

II. Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing marijuana; obtaining or purchasing marijuana seeds or seedlings from any adult 21 years of age or older; delivery or transfer of marijuana to a marijuana testing facility; selling or transferring marijuana that has not been processed into extracts, concentrates, or other preparations to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store; or obtaining or purchasing marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a licensed marijuana cultivation facility.

III. Packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products; delivery or transfer of marijuana or marijuana products to a marijuana testing facility; selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility; purchasing or obtaining marijuana from a marijuana cultivation facility; or purchasing or obtaining marijuana or marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed marijuana product manufacturing facility.

IV. Possessing, obtaining, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana or marijuana products if the person has obtained a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed marijuana testing facility.

V. Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this section.

318-F:6 Marijuana Accessories Authorized.

I. It shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law for a person 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.

II. A person who is 21 years of age or older may manufacture, possess, obtain, and purchase marijuana accessories, and may distribute, deliver, or sell marijuana accessories to a person who is 21 years of age or older.

318-F:7 Regulation of Marijuana.

I. Not later than June 1, 2015, the department shall adopt rules pursuant to RSA 541-A necessary for implementation of this chapter. Such rules shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment.

(b) A schedule of application, licensing, and renewal fees, provided, application fees shall not exceed $1,000, adjusted annually for inflation.

(c) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment.

(d) Security requirements for marijuana establishments.

(e) Establishing the number of each type of marijuana establishment license that will be issued, provided that:

(1) The total number of cultivation facility licenses shall not be less than 10.

(2) The number of retail marijuana stores shall be no fewer than one retail marijuana store for every 10 retail liquor stores, except that the number may be reduced by an amount that is proportionate to the population of any municipalities that do not allow retail marijuana stores within their borders.

(3) The total number of testing facilities may not be less than 4.

(4) The department may establish the number of marijuana retail stores allowed in each county or municipality that has not prohibited marijuana retail stores or established a lower numerical limit on marijuana retail stores.

(f) Labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment.

(g) Health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana.

(h) Restrictions on the advertising, signage, and display of marijuana and marijuana products, including restrictions to prevent marijuana from being marketed to minors.

(i) Restrictions on where marijuana establishments may be located, which shall include a prohibition such establishments being located within 1,000 feet of a school.

II. The department shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

318-F:8 Sales to Persons Under 21 Years of Age. The establishment of all the following facts by a retail marijuana store or an agent or employee of a retail marijuana store making a sale of marijuana or marijuana accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

I. That the person falsely represented in writing and supported by official documentation that he or she was 21 years of age or over;

II. That the appearance of the person was such that an ordinary and prudent person would believe him or her to be 21 years of age or over; and

III. That the sale was made in good faith relying upon such written representation and appearance in the reasonable belief that the person was 21 years of age or over.

318-F:9 Proof of Purchaser's Identity.

I. For the purposes of RSA 318-F:8, any person making the sale of marijuana or marijuana accessories to any purchaser whose age is in question may accept any of the following documentation as proof that the purchaser is 21 years of age or over:

(a) A valid motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the name, address, date of birth, and photograph of the purchaser.

(b) A valid identification card issued by the director of motor vehicles under the provisions of RSA 260:21, or any picture identification card issued by another state which bears the name, address, and date of birth of the purchaser.

(c) A valid armed services identification card showing the purchaser's name and date of birth.

(d) A valid passport from a country with which the United States maintains diplomatic relations showing the purchaser's name, address, and date of birth.

II. The appearance of the purchaser shall be consistent with the photographic identification presented under this section and the proof of identification shall be free of alteration, erasure, blemish, or other impairment.

318-F:10 Employers, Driving, Minors, and Control of Property.

I. Nothing in this chapter shall be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

II. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by marijuana.

III. Nothing in this chapter shall be construed to permit the transfer of marijuana, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume marijuana.

IV. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in the correctional facility's property.

V. Nothing in this chapter shall prohibit a person or other entity that legally owns, leases, or controls any property from prohibiting or otherwise regulating the sale, use, or growing of marijuana on or in the property.

3 New Chapter; Taxation of Marijuana. Amend RSA by inserting after chapter 77-G the following new chapter:

CHAPTER 77-H
TAXATION OF MARIJUANA

77-H:1 Definitions. In this chapter, the definitions set forth in RSA 318-F:1 shall apply.

77-H:2 Tax Imposed.

I. A tax shall be levied upon marijuana sold or otherwise transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store at a rate of $30 per ounce of marijuana or proportionate part thereof. The department shall collect such tax and adjust the rate annually to account for inflation or deflation based on the United States Department of Labor, Bureau of Labor Standards, Consumer Price Index.

II. A tax shall be levied upon marijuana sold or otherwise transferred by a retail marijuana store at a rate of 15 percent of the sale price. The department shall collect such tax as provided in this chapter.

III. The commissioner of the department of revenue administration shall quarterly deposit all tax revenues collected under this chapter into the general fund.

IV. The department shall adopt rules, pursuant to RSA 541-A relative to the procedures for collection of tax revenues under this chapter.

77-H:3 Administration.

I. Each application for a license to operate a marijuana establishment shall be submitted to the department. The department shall:

(a) Accept and process applications beginning on June 1, 2015;

(b) Immediately forward a copy of each application and half of the license application fee to the municipality in which the applicant desires to operate the marijuana establishment;

(c) Issue a license to the applicant between 45 and 90 days after receipt of an application unless the department finds the applicant is not in compliance with the requirements of this section or the department is notified by the relevant municipality that the applicant is not in compliance with an ordinance adopted pursuant to this section and in effect at the time of application, provided, where the department or a municipality has enacted a numerical limit on the number of marijuana establishments and a greater number of applicants seek licenses in such municipality, the department shall solicit and consider input from the municipality as to the municipality's preference for licensure; and

(1) Whether the applicant has experience operating as an alternative treatment center pursuant to RSA 126-X.

(2) The suitability of the proposed location, including compliance with any local zoning laws.

(3) The proposed marijuana establishment's plan for operations and whether it has sufficient capital to operate.

(4) The principal officers' and board members' character and relevant experience, including any training or professional licensing related to botany and their experience operating a nonprofit organization or business.

(5) The sufficiency of the applicant's plans for recordkeeping and inventory control.

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

(7) Whether the entity possesses or has the right to use land, buildings, and equipment sufficient to properly carry out its duties as a marijuana establishment.

(8) Any input provided by the municipality in which the applicant seeks to operate.

II. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a license to operate a marijuana establishment within the boundaries of the municipality.

III. A municipality may enact an ordinance, consistent with this section, RSA 318-F, and any rules adopted, regulating the time, place, manner, and number of marijuana establishment operations.

IV. A municipality may enact an ordinance prohibiting or limiting the number of any type of marijuana establishment that may be permitted within the municipality.

4 Controlled Drug Act; Definitions. Amend the introductory paragraph in RSA 318-B:1, X-a (k) to read as follows:

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing [~~marijuana,~~] cocaine[~~, hashish, or hashish oil~~] into the human body, such as:

5 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, I to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter ***or as otherwise authorized by law***; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he ***or she*** represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he ***or she*** represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

6 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(c)(5) to read as follows:

(5) Marijuana in a quantity of ***more than*** one ounce [~~or more~~] including any adulterants or dilutants, or hashish in a quantity of ***more than*** 5 grams [~~or more~~] including any adulterants or dilutants;

7 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter ***or as otherwise authorized by law***, shall be sentenced as follows, except as otherwise provided in this section:

8 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

(d) In the case of ***more than one ounce of*** marijuana, [~~including any adulterants or dilutants, or 5 grams or less of hashish~~] ***not including the weight of any ingredients combined with the marijuana***, the person shall be guilty of a class A misdemeanor.

9 New Subparagraphs; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (d) the following new subparagraphs:

(e) In the case of a person over the age of 18 and under the age of 21 who possesses not more than one ounce of marijuana, or 5 grams of hashish, the person shall be guilty of a violation and may be fined up to $100.

(f) In the case of a person under the age of 18 who possesses not more than one ounce of marijuana, or 5 grams of hashish, the person shall be guilty of a violation and fined not more that $100. The fine shall be suspended pending completion of a drug awareness course within 6 months of the violation. If the person fails to complete the course within the time allotted, the court shall impose the fine.

10 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:1, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B***, the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law***.

11 Repeal. The following are repealed:

I. RSA 318-B:1, X-a (g), relative to separation gins and sifters used or intended for use with marijuana.

II. RSA 318-B:26, I(d)(1), relative to the penalty for possession of up to one ounce of marijuana.

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

AMENDED ANALYSIS

This bill:

I. Legalizes the personal use of up to one ounce of marijuana by persons 21 years of age or older.

II. Authorizes the licensing of marijuana wholesale, retail, cultivation, and testing facilities.

III. Imposes a tax on the sale of marijuana.

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 498
(2013-2255h)
Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r

Amend RSA 644:13, III as inserted by section 1 of the bill by replacing it with the following:

III. Paragraph I shall not apply to the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for the following events, provided that the person responsible for organizing the event requests an exception from paragraph I by notifying the chief of police or the governing body and that either the chief of police or governing body approves the request:

(a) The celebration of, or practice for the celebration of, military events, military funerals, national holidays, or other military or veterans commemorations, conducted by United States armed forces personnel; or

(b) Military re-enactors registered with the secretary of state's office; or

(c) Funerals or commemorative events conducted by law enforcement agencies, fire departments, emergency medical services, or other public safety agencies.

AMENDED ANALYSIS

This bill permits an exception to the unauthorized use of firearms and firecrackers law for the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for approved military or veterans events, commemorative events, funerals, or national holidays.

Amendment to HB 525-FN
(2013-2373h)
Proposed by the Committee on Children and Family Law - r

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-19 to read as 2-20, respectively:

1 Statement of Findings. The general court hereby finds that to promote public safety and to comply with the Prison Rape Elimination Act of 2003, Public Law 108-79, and the Civil Rights of Institutionalized Persons Act, Public Law 96-247, the juvenile age should be raised from under 17 years of age to under 18 years of age.

Amend the bill by replacing section 20 with the following:

20 Effective Date. This act shall take effect July 1, 2015.

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.

Amendment to HB 534
(2013-2243h)
Proposed by the Committee on Public Works and Highways - c

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

AN ACT establishing a commission to study the feasibility of sponsorship agreements including naming rights for certain structures.

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

1 New Section; Sale of Naming Rights. Amend RSA 228 by inserting after section 32 the following new section:

228:32-a Commission to Study the Feasibility of Sponsorship Agreements Including Naming Rights.

I. There is established a commission to study the feasibility of sponsorships agreements including naming rights of certain structures. The members of the commission shall be as follows:

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

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

(c) The commissioner of the department of transportation, 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 study feasibility of sponsorship agreements including naming rights of certain structures, including bridges, overpasses, and exits. The commission shall:

(a) Consider the process for naming structures in other states.

(b) Determine any federal regulation related to naming rights for transportation structures.

(c) Estimate potential revenue from the sale of such naming rights.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

2 Repeal. RSA 228:32-a, relative to the commission to study the feasibility of sponsorship agreements including naming rights of certain structures, is repealed.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill establishes a commission to study the feasibility of sponsorship agreements including sale of naming rights of certain structures.

Amendment to HB 562
(2013-2311h)
Proposed by the Committee on Commerce and Consumer Affairs -r

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

AN ACT relative to title loans.

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

1 Reporting and Recordkeeping Requirements. Amend RSA 399-A:6, I(a) to read as follows:

(a) Each licensee shall file, under oath, an annual report with the commissioner on or before March 31 each year concerning its business and operations for the preceding calendar year or license period ending December 31 in the form prescribed by the commissioner. ***A licensee's annual report shall include the number of loans renewed 2 or fewer times, the number of loans renewed between 3 and 5 times, the number of loans renewed between 6 and 8 times, the number of loans renewed more than 8 times, and the number of loans for which the collateral was sold after the borrower's default.***

2 New Paragraph; Provisions Applicable to Title Loan Lenders. Amend RSA 399-A:14 by inserting after paragraph VI the following new paragraph:

VII. Make a title loan without providing the borrower named in the title loan agreement a chart projecting the borrower's next 10 monthly payments, based on the assumption that the borrower pays all interest due each month plus 10 percent of the original principal each month. The chart shall include, for each payment, projections for the following: the amount of interest paid, the amount of principal paid, the total amount of interest paid to date, the total amount of principal paid to date, and the amount of principal outstanding. The chart shall be appended to the borrower's copy of the loan agreement.

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

AMENDED ANALYSIS

This bill makes changes to the interest calculation procedures used by title loan lenders.

Amendment to HB 565
(2013-2299h)
Proposed by the Committee on Commerce and Consumer Affairs- c

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

AN ACT relative to the authority of the bank commissioner to investigate certain unfair or deceptive acts or practices.

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

1 Bank Commissioner; Consumer Complaints and Restitution. Amend RSA 383:10-d to read as follows:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate conduct that [~~is or may be an unfair or deceptive act or practice under RSA 358-A~~

~~and exempt under RSA 358-A:3, I or that~~] may violate any of the provisions of ***RSA 358-K, RSA 361-A, and*** Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may ***impose administrative fines and*** order restitution for a person or persons adversely affected by such conduct. The commissioner may request the assistance and services of the [~~consumer protection and antitrust bureau of the~~] department of justice ***and shall delegate to the department of justice the authority to investigate criminal conduct under this section***. [~~In the instance of conduct involving an alleged criminal offense,~~] The commissioner shall [~~refer to~~] ***provide*** the department of justice [~~all aspects~~] ***information*** relevant to the criminal investigation [~~and prosecution of such matter~~] ***of such matters, if applicable, and shall cooperate with such investigation and prosecution***.

2 New Section; Bank Commissioner; Unfair or Deceptive Act or Practice. Amend RSA 383 by inserting after section 10-g the following new section:

383:10-h Unfair or Deceptive Act or Practice.

I. No person engaging in trade or commerce, including without limitation, any business, activity, or transaction, that is subject to the jurisdiction of the bank commissioner may act in a manner that is or may be an unfair method of competition or an unfair or deceptive act or practice under RSA 358-A:2.

II. The commissioner shall have exclusive authority and jurisdiction to investigate conduct that is or may be an unfair method of competition or an unfair or deceptive act or practice under paragraph I, and may bring an administrative action to enforce such provisions as follows:

(a) Any person who violates paragraph I, may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to suspension, revocation, or denial of any registration, license, or charter, including forfeiture of any application fee, and an administrative fine not to exceed $10,000, and may be ordered to provide restitution for a person or persons adversely affected by such conduct.

(b) Each method, act, or practice specified shall constitute a separate violation without regard to the number of persons affected thereby.

(c) The commissioner may authorize, with or without prior administrative action, the department of justice to file a civil enforcement action that alleges any unfair method of competition or any unfair or deceptive act or practice under this section. The court may apply any of the remedies allowed under RSA 358-A:4, III. The court shall consider any administrative fine imposed by the commissioner when determining the civil penalties.

(d) Any person who knowingly violates paragraph I, shall be guilty of a misdemeanor for each violation if a natural person, or guilty of a felony if any other person. The commissioner shall delegate to the department of justice the authority to investigate criminal conduct under this section, shall provide the department of justice information relevant to the criminal investigation and prosecution of such matters, and shall cooperate with such investigation and prosecution.

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

AMENDED ANALYSIS

This bill authorizes the bank commissioner to investigate and prosecute certain deceptive practices, and impose administrative fines.

Amendment to HB 569
(2013-2377h)
Proposed by the Majority of the Committee on Science, Technology and Energy- r

Amend the bill by replacing section 1 with the following:

1 New Section; Criteria for Approving Transmission Lines for Certificates. Amend RSA 162-H by inserting after section 2 the following new section:

162-H:2-a Criteria for Approving Transmission Lines for Certificates. In determining that a transmission line as described in RSA 162-H:2, VII(d) and (e) meets the criteria for a certificate under this chapter, the committee shall take into consideration the following:

I. Use of existing public rights of way, or, when unavailable, of private rights of way shall be the preferred, but not required, option for locating all new electric transmission lines.

II. Burial of electric transmission lines shall be the preferred, but not required, option for all elective electric transmission lines with supports over 50 feet.

III. The committee may presume that any line not required for system reliability and not proposed to be substantially buried will have an unreasonably adverse effect on aesthetics. The applicant may, by a preponderance of the evidence, demonstrate that an above-ground line should be approved due to particular circumstances, including but not limited to, engineering feasibility, adverse environmental impact, substantially disproportionate cost factors, and lack of negative impact for the route involved.

AMENDED ANALYSIS

This bill makes recommendations for the siting of certain transmission lines.

Amendment to HB 572
(2013-2359h)
Proposed by the Committee on Children and Family Law - c

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

AN ACT establishing a commission to study public-private partnerships to fund medical care for abused and neglected children.

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

1 Statement of Purpose.

I. Thousands of New Hampshire's children suffer maltreatment annually and in such cases, the state is mandated to address the issues of child protection, family preservation and criminal prosecution, all of which rely on accurate medical care to correctly identify and address abuse and neglect.

II. However, access to that medical care across the state is inconsistent and this makes it difficult for the state to fulfill its responsibilities.

III. The state has an interest in assuring that all children have access to that care and that state agencies have the medical expertise necessary to address child maltreatment.

2 New Subdivision; Commission to Study Public-Private Partnerships to Fund Medical Care for Abused and Neglected Children. Amend RSA 169-C by inserting after section 39-i the following new subdivision:

Commission to Study Public-Private Partnerships to Fund Medical Care for Abused and Neglected Children

169-C:39-j Commission to Study Public-Private Partnerships to Fund Medical Care for Abused and Neglected Children.

I. There is established a commission to study public-private partnerships to fund medical care for abused and neglected children.

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

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

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

(c) The director of the division for children, youth, and families, in the department of health and human services, or designee.

(d) The director of the office of Medicaid business and policy in the department of health and human services, or designee.

(e) The commissioner of the insurance department, or designee.

(f) The attorney general, or designee.

(g) The president of the New Hampshire Hospital Association, or designee.

(h) A representative of the New Hampshire Network of Child Advocacy Centers, appointed by that organization.

(i) A physician or nurse practitioner, appointed by the New Hampshire Pediatric Society.

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

(k) A school nurse or counselor, appointed by the commissioner of the department of education.

(l) A representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the coalition.

(m) A representative of the private insurance industry, appointed by the New Hampshire Association of Domestic Insurance Companies.

III. 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.

IV. The commission shall determine and recommend a stable funding mechanism, including but not limited to a private-public partnership involving medical insurers, local hospitals, state funding, and enhanced Medicaid reimbursement, to pay for medical evaluations by providers with training and experience in child abuse and neglect in cases raising the concern of possible maltreatment.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the member appointed by the New Hampshire Pediatric Society. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

VI. 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 December 1, 2014.

3 Repeal. RSA 169-C:39-j, relative to the commission to study public-private partnerships to fund medical care for abused and neglected children, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill establishes a commission to study public-private partnerships to fund medical treatment of abused and neglected children.

Amendment to HB 582
(2013-2318h)
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 early offers for medical injury claims.

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

1 Definitions; Economic Loss. Amend RSA 519-C:1, IV to read as follows:

IV. "Economic loss" means monetary expenses incurred by or on behalf of a claimant reasonably related to a medical injury and its consequences, including actual out-of-pocket medical expenses, replacement services, ***lost earning capacity,*** additional payment to the claimant pursuant to RSA 519-C:7, and 100 percent of the claimant's salary, wages, or income from self-employment or contract work lost as a result of the medical injury. Economic loss does not include: pain and suffering, punitive damages, enhanced compensatory damages, exemplary damages, damages for loss of enjoyment of life (hedonic damages), inconvenience, physical impairment, mental anguish, emotional pain and suffering, and loss of the following: [~~earning capacity,~~] consortium, society, companionship, comfort, protection, marital care, parental care, attention, advice, counsel, training, guidance or education, and all other non-economic damages of any kind.

2 New Subparagraph; Definitions; Notice of Injury. Amend RSA 519-C:1, VIII by inserting after subparagraph (j) the following new subparagraph:

(k) Evidence of lost earning capacity, if any, corroborated by a functional capacity evaluation and written statement by the individual's treating physician indicating whether or not the individual has reached maximum medical improvement and the probable duration of the lost earning capacity and a written statement by an economist or other qualified professional estimating the value of such lost earning capacity.

3 Procedure. Amend RSA 519-C:2, XII to read as follows:

XII. [~~A claimant who rejects an early offer and who does not prevail in an action for medical injury against the medical care provider by being awarded at least 125 percent of the early offer amount, shall be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in the proceedings under this chapter. The claimant shall certify to the court that a bond or other suitable security for payment of the medical care provider's reasonable attorney's fees and costs has been posted before the court shall consider the case.~~] ***No waiver signed by a claimant prior to 60 days from the date of medical injury shall be held valid.***

4 Notice and Waiver of Rights. Amend RSA 519-C:13, I to read as follows:

I. Claimants electing to pursue resolution of a medical injury under this chapter shall execute a notice and waiver of rights which contains the following wording:

WAIVER OF RIGHTS

By agreeing to submit a notice of injury to the medical care provider, I understand that my rights to seek legal remedies and a jury trial for my injuries guaranteed by Part I, Articles 14 and 20 of the New Hampshire Constitution may be affected.

I understand that I have the right to consult and retain an attorney to represent me regarding this matter, and that if an early offer settlement is reached, my attorney will be paid pursuant to RSA 519-C:5, I by the health care provider, in addition to any amount that is paid for my economic loss.

If I do not have an attorney when I sign this waiver form, the medical provider will appoint a neutral advisor to assist me in the early offer process and to explain, among other things, the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B. I HAVE THE RIGHT TO WITHDRAW THIS WAIVER AND THE NOTICE OF INJURY ANY TIME PRIOR TO MIDNIGHT OF THE [~~FIFTH BUSINESS~~] ***FORTY FIFTH*** DAY AFTER MY FIRST MEETING WITH THE ADVISOR, WHICH MUST OCCUR NO LATER THAN 10 BUSINESS DAYS FROM MY NOTIFICATION OF THE IDENTITY OF THE NEUTRAL ADVISOR.

If after submitting a notice of injury, the medical care provider does NOT extend an early offer (RSA 519-C:1, III), I am free to pursue my legal remedies as defined in New Hampshire law without restriction.

If after submitting a notice of injury, the medical care provider does extend an early offer (RSA 519-C:1, III), I may either:

(1) Accept the early offer;

(2) Request a hearing before a hearing officer to determine whether the early offer includes all of the economic loss I am entitled to under the statute, and if necessary, the hearing officer may order the medical care provider to increase the early offer to meet the requirements of the early offer law; or

(3) Reject the early offer and seek legal remedies ***without penalty or consequence***.

I understand that [~~if I reject an early offer and am later awarded economic damages equal to or less than 125 percent of the amount of the early offer, I will be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in proceedings under this chapter.~~

~~I understand that if an early offer is made by the medical care provider and I accept that offer, disputes regarding the early offer can be resolved only in accordance with RSA 519-C:10 by a hearing officer listed with the judicial branch office of mediation and arbitration, at my request or the request of the medical care provider. If either party believes that the decision of the hearing officer is unlawful, that party may seek discretionary review in the New Hampshire court system; however, there is no assurance that the courts will undertake such review~~] ***I may seek a remedy through the courts of the state of New Hampshire without penalty or consequence***.

Date _____ Signature _____

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

AMENDED ANALYSIS

This bill:

I. Modifies definitions relating to early offers for medical claims.

II. Requires any waiver of rights by an injured patient to be signed 60 days or more after the medical injury.

III. Modifies time limits regarding waiver of rights.

Amendment to HB 584
(2013-0600h)
Proposed by the Committee on Health, Human Services & Elderly Affairs - c

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

1 Covered Prescription Drugs. Amend RSA 415:6-aa to read as follows:

415:6-aa 90-Day Supply of Covered Prescription Drugs. An insurer issuing or renewing accident and health insurance policies shall allow its insureds to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health plan formulary at one time ***at a pharmacy of the insured's choice within the insurer's network***, provided that the insured can demonstrate that such drug has been taken by the insured for a continuous period of one year and provided that such drug is not subject to the health plan's utilization management, prior authorization, or pre-certification requirements. Controlled substances as identified by the United States Drug Enforcement Administration are exempt from this section. Nothing in this section shall be construed to limit the health plan's ability to establish co-payments, coinsurance deductibles, or other member cost shares. A ***retail*** pharmacy dispensing a 90-day supply of covered prescription drugs under this section shall comply with any specified terms, conditions, and [~~price~~] ***reimbursement rate*** which the plan may require for ***mail order*** pharmacies that fill 90-day prescriptions.

2 Covered Prescription Drugs; Managed Care. Amend RSA 420-J:7-b, VIII to read as follows:

VIII. Every health benefit plan that provides prescription drug benefits shall allow its covered persons to purchase an up-to-90-day supply of covered prescription drugs on the covered person's health benefit plan formulary at one time ***at a pharmacy of the insured's choice within the insurer's network***, provided that the insured can demonstrate that such drug has been taken by the insured for a continuous period of one year and provided that such drug is not subject to the health benefit plan's utilization management, prior authorization, or pre-certification requirements. Controlled substances as identified by the United States Drug Enforcement Administration are exempt from this paragraph. Nothing in this paragraph shall be construed to limit the health benefit plan's ability to establish co-payments, coinsurance deductibles, or other member cost shares. A ***retail*** pharmacy dispensing a 90-day supply of covered prescription drugs under this paragraph shall comply with any specified terms, conditions, and [~~price~~] ***reimbursement rate*** which the health benefit plan may require for ***mail order*** pharmacies that fill 90-day prescriptions.

AMENDED ANALYSIS

This bill requires insurers to allow covered persons to purchase their 90-day supply of covered prescription drugs at the pharmacy of their choice within the insurer's network.

Amendment to HB 585
(2013-2289h)
Proposed by the Majority of the Committee on Commerce and Consumer Affairs-r

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

1 New Section; Payment for Optometric Services; Individual. Amend RSA 415 by inserting after section 6-r the following new section:

415:6-s Payment for Coverage of Services Within the Scope of Practice of Optometrists.

I. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance or vision insurance providing benefits for medical or hospital expenses for eye care that is within the scope

of the practice of optometry in this state shall not discriminate as to the rate of fee for service reimbursement for the same procedure, as described by the code listed in the most current edition of the American Medical Association's Current Procedural Terminology code set, whether provided by an optometrist or an ophthalmologist licensed in this state. Nothing in this section shall prevent such insurer from negotiating payment rates with any specific health care provider or group practices based upon factors otherwise allowed by law. Such benefits shall not be subject to any greater deductible, co-payment, or coinsurance than any other similar benefits provided under the policy or certificate. The insurance department shall adopt rules under RSA 541-A to monitor potential discriminatory reimbursements. Notwithstanding any provision of law or rule to the contrary, the provisions of this section also shall apply to the medical assistance program pursuant to RSA 161 and RSA 167.

II. No insurer, person or entity described in paragraph I shall:

(a) Require that an optometrist licensed in this state participate in a separate vision plan, whether owned, operated, or administered by the insurer, a subsidiary, affiliate, third-party administrator, or other third party as a condition for the optometrist to be a participating provider with such insurer or to participate in such insurer's participating or preferred provider panel; or

(b) Notwithstanding any provision of law or rule to the contrary, discriminate between optometrists and ophthalmologists with respect to participation as preferred providers, coverage of benefits, or rate of reimbursement for eye care within the scope of the practice of optometry in this state under any preferred provider arrangement established under RSA 420-C or otherwise.

2 New Section; Payment for Optometric Services; Group. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Payment for Coverage of Services Within the Scope of Practice of Optometrists.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance or vision insurance providing benefits for medical or hospital expenses for eye care that is within the scope of the practice of optometry in this state shall not discriminate as to the rate of fee for service reimbursement for the same procedure, as described by the code listed in the most current edition of the American Medical Association's Current Procedural Terminology code set, whether provided by an optometrist or an ophthalmologist licensed in this state. Nothing in this section shall prevent such insurer from negotiating payment rates with any specific health care provider or group practices based upon factors otherwise allowed by law. Such benefits shall not be subject to any greater deductible, co-payment, or coinsurance than any other similar benefits provided under the policy or certificate. The insurance department shall adopt rules under RSA 541-A to monitor potential discriminatory reimbursements. Notwithstanding any provision of law or rule to the contrary, the provisions of this section also shall apply to the medical assistance program pursuant to RSA 161 and RSA 167.

II. No insurer, person or entity described in paragraph I shall:

(a) Require that an optometrist licensed in this state participate in a separate vision plan, whether owned, operated, or administered by the insurer, a subsidiary, affiliate, third-party administrator, or other third party as a condition for the optometrist to be a participating provider with such insurer or to participate in such insurer's participating or preferred provider panel; or

(b) Notwithstanding any provision of law or rule to the contrary, discriminate between optometrists and ophthalmologists with respect to participation as preferred providers, coverage of benefits, or rate of reimbursement for eye care within the scope of the practice of optometry in this state under any preferred provider arrangement established under RSA 420-C or otherwise.

3 Health Service Corporations; Payment for Optometric Services. Amend RSA 420-A:2 to read as follows:

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

4 Health Maintenance Organizations; Payment for Optometric Services. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, ***RSA 415:6-s,*** RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, ***RSA 415:18-x,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

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

Amendment to HB 587
(2013-2317h)
Proposed by the Committee on Transportation - c

Amend the bill by replacing section 1 with the following:

1 Reexamination; Waiver. Amend RSA 263:7 to read as follows:

263:7 Reexamination.

I. The director may require with cause any person holding a license to drive motor vehicles or applying for reissue of such license to pass such examination as to the person's qualifications as the director shall prescribe. Such reexamination may include an examination for visual acuity as prescribed by the director. All license examinations shall be conducted by department of safety personnel. No license shall be reissued to such person or continued in effect until the director is satisfied as to such person's fitness to drive a motor vehicle. The age of the license holder shall not constitute cause for reexamination under this section.

II. The director may waive reexamination requirements for a driver who previously held a valid commercial driver license and subsequently had that commercial privilege become inactive as a result of the expiration of his or her medical certification and then obtains a valid medical certification within 24 months of entering the inactive status.

AMENDED ANALYSIS

This bill authorizes the director of the division of motor vehicles to waive reexamination for a commercial license holder who obtains a valid medical certification within 24 months of entering inactive status.

Amendment to HB 590
(2013-0785h)
Proposed by the Committee on Judiciary - c

Amend the bill by replacing section 2 with the following:

2 Attorneys; Practice of Law. Amend RSA 311:7 to read as follows:

311:7 Prohibition.

I. No person shall be permitted commonly to practice as an attorney in court unless he ***or she*** has been admitted by the court and taken the oath prescribed in RSA 311:6.

II. Notwithstanding paragraph I, a person of good character who is not approved to practice law in New Hampshire, but is a member or employee of a limited liability company, corporation, or partnership, which has 5 or fewer members, shall, with the proper written authorization from the organization, be authorized to represent the entity on civil matters in the circuit court of New Hampshire; provided that each such appearance shall require a new written authorization.

AMENDED ANALYSIS

This bill allows a person who is not authorized to practice law but who is a member, trustee or employee of a limited liability company, corporation, or partnership, which has 5 or fewer members, to represent the entity on civil matters in the circuit court of New Hampshire.

Amendment to HB 597-FN
(2013-2261h)
Proposed by the Committee on Health, Human Services & Elderly Affairs -r

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

AN ACT relative to a drug-free workplace for licensed health care facilities and providers.

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

1 Purpose. It is the intent of the general court that New Hampshire citizens receive health care services in settings that are free from abuse, misuse, and diversion of controlled substances. The state of New Hampshire recognizes that abuse, misuse, and diversion of controlled substances is a serious nationwide problem. New Hampshire further recognizes that patients may be at risk if a health care worker is abusing, misusing, or diverting controlled substances. New Hampshire is committed to the safety and protection of patients and health care workers by promoting and maintaining a substance-free work environment and discouraging the illegal use and diversion of controlled substances by health care workers. It shall be the policy of the state of New Hampshire that health care facilities and providers licensed under RSA 151 shall have a drug-free workplace policy. It is further the intent of the general court that each licensed health care facility and provider have flexibility to develop and adopt a workplace standard appropriate to its size, the nature of services provided, and its particular setting.

2 New Subdivision; Controlled Substance Abuse, Misuse, and Diversion Prevention. Amend RSA 151 by inserting after section 40 the following new subdivision:

Drug-Free Workplace for Licensed Health Care Facilities and Providers

151:41 Controlled Substance Abuse, Misuse, and Diversion Prevention.

I. Facilities and providers licensed under this chapter, with the exception of laboratories and collection stations, shall adopt a policy establishing procedures for prevention, detection, and resolution of controlled substance abuse, misuse, and diversion. The facility or provider shall establish written procedures to imple-

ment its policy that shall apply to employees, contractors, and agents of the facility who provide direct or hands on care to clients when acting within the scope of their employment or representation and shall designate an employee or interdisciplinary team of employees to be responsible for the policy.

II. The policy required under paragraph I shall include:

(a) Education of health care workers.

(b) Procedures for monitoring storage, distribution, and procurement of inventory if controlled substances are stored, dispensed, or administered at the health care setting.

(c) Procedures for voluntary self-referral by addicted employees.

(d) Procedures for co-worker reporting.

(e) Procedures for drug testing which shall include, at a minimum, testing where reasonable suspicion exists.

(f) Procedures for employee assistance.

(g) Provisions for confidentiality.

(h) A process for the investigation, reporting, and resolution of drug misuse or diversion.

(i) Consequences for violation of the drug misuse and diversion prevention policy.

3 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill requires licensed health care facilities and providers to adopt a policy establishing procedures for prevention, detection, and resolution of substance abuse, misuse, or diversion in the workplace.

Amendment to HB 608
(2013-2358h)
Proposed by the Committee on Environment and Agriculture - c

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

AN ACT relative to the sale of certain uninspected poultry and rabbits to licensed restaurants.

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

1 Exemptions from Food Service Licensure. Amend RSA 143-A:5 by adding the following new paragraph after paragraph VII:

VIII. A farm owned or operated by a federally exempt poultry producer, as defined in RSA 143-A:14, I, and the direct sale of such poultry to the consumer from the producer's farm, at the producer's farm stand, and by the producer at a farmers market, or when sold to a licensed restaurant in accordance with RSA 143-A:14-17.

2 Sale of Uninspected Poultry and Rabbits to Licensed Restaurants. Amend RSA 143-A by inserting after section 13 the following new subdivision.

Sale of Uninspected Poultry and Rabbits to Restaurants

143-A:14 Definitions. In this subdivision:

I. "Federally exempt poultry producer" means a poultry producer that qualifies for a federal exemption from inspection under the federal Poultry Product Inspection Act.

II. "Licensed restaurant" means a food service establishment, licensed under RSA 143-A:4, which is in a fixed location that is adequate and sanitary, where food is prepared primarily for service of a meal intended for purchase and consumption by the consumer.

III. "Poultry" means any domesticated bird, whether alive or dead.

IV. "Poultry producer" means any person who raises poultry and sells it for human consumption.

V. "Processed" means the animal has been slaughtered and cleaned in a sanitary manner so that it is ready for use as human food, but has not been further prepared or treated except as needed to package and store it.

VI. "Rabbit" means any domesticated member of the family (Leporidae) of long-eared, short-tailed lagomorph mammals with long hind legs, whether alive or dead.

VII. "Rabbit producer" means any person who raises rabbits and sells them for human consumption.

VIII. "Uninspected" means poultry or rabbits that are not individually marked as having passed inspection as prescribed by the United States Department of Agriculture or in accordance with RSA 427.

143-A:15 Purchase of Uninspected Poultry and Rabbits by Licensed Restaurants.

I. A licensed restaurant may purchase uninspected, processed, whole poultry or rabbits from rabbit producers or federally exempt poultry producers who provide proof of compliance with the registration and educational requirements of this subdivision. All packaging containing uninspected poultry and rabbits shall be clearly labeled to include, but not be limited to, the following information: the name and address of the farm where the product originates and the date of slaughter.

II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on file the receipt of purchase to include the product purchased, the date of purchase, the name of the producer, the name and address of the farm, and phone number.

III. The licensed restaurant shall clearly label any menu item containing uninspected poultry or rabbit with the following statement: "This product has been raised and processed on a New Hampshire farm and is exempt from state and federal inspection."

143-A:16 Producer Requirements. A federally exempt poultry producer may, in a calendar year, sell to licensed restaurants up to 1,000 uninspected, processed whole poultry that the producer has raised and a rabbit producer may, in a calendar year, sell to licensed restaurants up to 1,000 uninspected, processed whole rabbits that the producer has raised provided all of the following conditions are met:

I. The producer is current with all educational requirements that are established by the commissioner in consultation with the commissioner of agriculture, markets, and food relative to proper methods of slaughtering, processing, packaging, and storing poultry or rabbit on the farm and its subsequent transport to restaurants; and

II. The producer has registered with the department of agriculture, markets and food by providing his or her name, the name and address of the farm, and phone number, to allow for trace back in the event of disease outbreak. Such registry information shall be protected pursuant to RSA 436:6-a.

143-A:17 Rulemaking. The commissioner, in consultation with the commissioner of the department of agriculture, markets, and food, shall adopt rules, pursuant to RSA 541-A, relative to:

I. Content and format of all labeling requirements, except for the label content required under RSA 143-A:15, III;

II. Educational requirements under RSA 143-A:16, I, which may include a continuing education component; and

III. The method by which proof of compliance by producers with the registration and educational requirements of this subdivision can be demonstrated to licensed restaurants, which may include an online listing of compliant producers.

3 Effective Date: This act shall take effect 90 days after passage.

AMENDED ANALYSIS

This bill allows for the sale of certain uninspected poultry and rabbits to licensed restaurants.

Amendment to HB 649-FN
(2013-2356h)
Proposed by the Committee on Criminal Justice and Public Safety - c

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

1 New Section; Parole of Prisoners; Earned Time Credits. Amend RSA 651-A by inserting after section 22 the following new section:

651-A:22-a Earned Time Credits.

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or recommend that the prisoner receive a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated:

(a) Education Programs:

(1) GED 90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

(2) High School Diploma 120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.

(3) Associate's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(4) Bachelor's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a reduction of up to 60 days in his or her minimum sentence and a reduction of up to 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

(c) Mental Health Programming. A prisoner who meaningfully participates in recommended or mandated mental health and/or substance use treatment that is authorized and approved by the department or that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

(d) Participation in Family Connections Center Programming. A prisoner who is a parent and who meaningfully participates in the programming offered by the Family Connections Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

II. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated on or after the effective date of this section and who have been granted this option by the presiding justice at the time of sentencing. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated prior to the effective date of this section upon recommendation of the commissioner and upon approval of the sentencing court in response to a petition which is timely brought by the prisoner.

III. The earned time reductions authorized in paragraph I of this section shall only be earned and available to prisoners while in the least restrictive security classifications of general population and minimum security. The earned time may be forfeited for involvement or membership in a security threat group, attempted escape, escape, or commission of any category A offense listed in the department of corrections policy and procedure directive number 5.25 (PPD 5.25).

IV. The earned time reductions granted under this section shall not exceed 13 months off the prisoner's minimum sentence and 13 months off the prisoner's maximum sentence.

2 Sentences and Limitations. Amend RSA 651:2, II-e to read as follows:

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 ***and for earned time as provided in RSA 651-A:22-a***. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of corrections to award earned time credits for prisoners who participate in, or complete, educational, vocational, mental health, or substance use treatment programming.

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.

[~~I.~~] 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.

[~~II. 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 [~~all~~] ***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 660-FN
(2013-2369h)
Proposed by the Minority of the Committee on Environment and Agriculture -r

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

1 New Subdivision; Genetically Engineered Foods. Amend RSA 146 by inserting after section 21 the following new subdivision:

Genetically Engineered Foods

146:22 Purpose. It is the intent of the general court that this subdivision:

I. Assist consumers who are concerned about the potential effects of genetic engineering on their health, beliefs, and the environment to make informed purchasing decisions.

II. Reduce and prevent consumer confusion and inadvertent deception and promote the disclosure of factual information on food labels.

III. Create additional market opportunities for New Hampshire producers who are not certified organic producers and whose products are not produced using genetic engineering.

IV. Ensure that consumers are provided with data from which they can make informed decisions for personal, health, environmental, religious, cultural, or ethical reasons.

V. Enable consumers to avoid the potential risks associated with genetically engineered foods and serve as a risk management tool enabling consumers, physicians, and scientists to identify unintended health effects resulting from the consumption of genetically engineered foods.

146:23 Definitions. In this subdivision:

I. “Commissioner” means the commissioner of the department of health and human services.

II. “Enzyme” means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.

III. “Food” means “food” as defined in RSA 146:2, I.

IV. “Manufacturer” means the person or business that makes, processes, combines, or packages food ingredients into a finished food product.

V. “Medical food” means food prescribed by a physician for treatment of a medical condition.

VI. “Genetically engineered” or “genetic engineering” means a process whereby any food intended for human consumption:

(a) Is produced from an organism or organisms in which the genetics are materially altered through the application of:

(1) In vitro nucleic acid techniques, which include, but are not limited to, recombinant deoxyribonucleic acid (DNA), the direct injection of nucleic acid into cells or organelles, encapsulation, gene deletion and doubling; or

(2) Methods of fusing cells beyond the taxonomic family that overcome natural physiological reproductive or recombinant barriers, and that are not techniques used in traditional breeding and selection such as conjugation, transduction, and hybridization.

(b) Is treated with a material described in subparagraph (a), except manure that is used as a fertilizer for a raw agricultural commodity; or

(c) Contains a component or substance described in subparagraph (a).

VII. "Processed food" means any food other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that was processed through canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.

VIII. "Processing aid" means:

(a) A substance that is added to a food during processing of the food but removed from the food before it is packaged in its final form;

(b) A substance that is added to a food during processing, is converted into constituents normally present in the food, and that does not significantly increase the amount of the constituents found in the food; or

(c) A substance that is added to a food for its technical or functional effects in processing but is present in the finished food at insignificant levels and that does not have any technical or functional effect in that finished food.

IX. "Raw agricultural commodity" means any plant, fungi, or fish in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing, grown or produced for human food use purposes.

X. "Retailer" means an establishment engaged in the business of selling any perishable agricultural commodity or packaged food via a storefront.

XI. "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.

XII. "Supplier" means a person or business that supplies raw agricultural products to retailers.

146:24 Label Required.

I. Any food offered for retail sale that is genetically engineered shall be accompanied by a conspicuous disclosure that states "Produced with Genetic Engineering" or "Partially Produced with Genetic Engineering."

(a) In the case of a raw agricultural commodity, the manufacturer shall include, clearly and conspicuously, the words "Genetically Engineered" on the label on the front of the package of such commodity or, in the case of any such commodity that is not separately packaged or labeled, the retailer shall include a clear and conspicuous label on the retail store shelf or bin in which such commodity is displayed for sale;

(b) In the case of processed food containing some products of genetic engineering, the manufacturer shall label the product, in clear and conspicuous language, on the front or back of the package of such food, with the words "Produced with Genetic Engineering" or "Partially Produced with Genetic Engineering."

II. Any food that is genetically engineered that does not display the disclosure required under paragraph I is misbranded for the purposes this subdivision except that:

(a) No food is misbranded if the food is produced by a person who:

(1) Grows, raises, or otherwise produces that food without knowledge that the food was created from other seed or other food that was genetically engineered; and

(2) Obtains a sworn statement from the person from whom the food was obtained that the food was not knowingly genetically engineered and was segregated from and not knowingly commingled with a food component that may have been genetically engineered.

(b) No processed food is misbranded if it would be subject to this subdivision solely because one or more processing aids or enzymes were produced or derived with genetic engineering.

(c) No food product derived from an animal is misbranded if the animal was not genetically engineered but was fed genetically engineered feed.

(d) No packaged processed food is misbranded if the total weight of the processed food that was genetically engineered is less than 0.9% of the total weight of the processed food.

III. No food that is subject to disclosure under paragraph I may be described on the label or by similar identification as "natural."

146:25 Complaints; Investigations.

I. The commissioner shall investigate any complaint regarding noncompliance with this subdivision. Any retailer that is the subject of a complaint, shall be afforded reasonable notice of the complaint, and a full and fair opportunity to address or respond to the complaint; and, at the discretion of the commissioner, it shall be sufficient grounds to close the investigation of a complaint if the retailer complained against properly completes and files an affidavit as provided in RSA 146:27.

II. Any retailer that, after investigation, is found to be in noncompliance with this subdivision shall be subject to the administrative fines and penalties allowed by this chapter; and may be referred to the attorney general for further action on the complaint.

III. Any retailer that is the subject of a complaint, and who knowingly fails to answer the complaint, or knowingly fails to reasonably cooperate with the investigation, shall be subject to the administrative fines and penalties allowed by this subdivision; and may be referred to the attorney general for further action on the complaint.

IV. All complaints and any investigations thereof shall be a public record for purposes of RSA 91-A.

146:26 Third-party Protection.

I. No retailer that sells or advertises food that is genetically engineered that fails to make the disclosure required under RSA 146:24 is subject to liability in any civil action to enforce this subdivision if the distributor or retailer relied on the affidavit provided by the producer or grower under RSA 146:27.

II. The retailer shall label, at the point of purchase, any raw agricultural commodity that has been produced using genetic engineering. Suppliers shall label the container used for packaging, holding and/or transporting raw genetically engineered agricultural commodities that are delivered directly to New Hampshire retailers.

III. No retailer shall be penalized or otherwise held liable for the failure to label pursuant to this section unless:

(a) Such retailer is the producer or the manufacturer of the genetically engineered food and sells the genetically engineered food under a brand it owns; or

(b) Such retailer's failure to label was knowing and willful.

IV. In any action in which it is alleged that a retailer has violated the provisions of this subdivision, it shall be a defense that such retailer reasonably relied on:

(a) Any disclosure concerning genetically engineered foods contained in the bill of sale or invoice provided by the wholesaler or distributor; or

(b) The lack of any such disclosure.

V. Food service establishments shall be exempt from the disclosure requirements of this subdivision.

VI. Alcoholic beverages and medical food are exempt from the disclosure requirement of this subdivision.

VII. Food donated to charitable food banks shall be exempt from the disclosure requirement of this subdivision.

146:27 Affidavit. The commissioner shall develop and make available an affidavit form that may be provided by a producer or grower of food to distributors and retailers and that may be included in shipments of food within the state certifying that the food being sold or shipped is not subject to the disclosure requirements of this subdivision.

146:28 Private Right of Action Not Permitted. Nothing in this subdivision shall create a private right of action for the enforcement of this subdivision.

146:29 Severability. If any provision of this subdivision or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provisions or applications, and to this end the provisions of this subdivision are severable.

2 Determination of Effective Date. If the commissioner of health and human services certifies to the secretary of state and the director of legislative services on or before January 1, 2018 that legislation requiring mandatory labeling of genetically engineered food has been adopted by at least 4 of the following states: Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, this act shall take effect 18 months after the date of such certification. If such certification is not made by January 1, 2018, this act shall not take effect.

3 New Subparagraph; Rulemaking. Amend RSA 146:11, II by inserting after subparagraph (g) the following new subparagraph:

(h) Enforcement procedures and administrative fines for violations concerning the labeling of genetically engineered foods.

4 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

Amendment to HB 675-FN
(2013-2343h)
Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r

Amend the bill by replacing section 1 with the following:

1 New Section; Words and Phrases Defined; Number Plate Scanning Device. Amend RSA 259 by inserting after section 68 the following new section:

259:68-a "Number plate scanning device" or "LPR" means a license plate reading device that is either hand-held or mounted to a vehicle, that is attended to and operated by a law enforcement officer, and that

uses automated high speed camera and optical character recognition technology to passively read, instantaneously identify against a list or lists, check, send an audible or visual alarm to the operator, and store for a prescribed period of time, a record of each number plate read.

Amend RSA 261:75-b, V as inserted by section 2 of the bill by deleting subparagraph (j).

Amend RSA 261:75-b, VI as inserted by section 2 of the bill by replacing it with the following:

VI. A positive match by an LPR device alone shall not constitute reasonable suspicion as grounds for a law enforcement officer to stop the vehicle. The officer shall develop independent reasonable suspicion for the stop or immediately confirm visually that the license plate on the vehicle matches the image of the license plate displayed on the LPR and confirm by other means that the license plate number is on one of the lists specified in paragraph V.

Amend RSA 261:75-b, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. Records of number plates read by each LPR shall be purged from the system within 3 minutes of their capture unless an alarm resulted in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the data on the particular number plate may be retained until final court disposition of the case.

Amend RSA 261:75-b as inserted by section 2 of the bill by inserting after paragraph X the following new paragraph:

XI. A law enforcement agency using an LPR device shall report to the commissioner annually, beginning one year from the date equipment is deployed, the following information compiled for the previous year:

(a) The number of devices in use.

(b) The number of matches made by the LPR devices.

(c) The number of matches that identified vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals.

(d) The number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes.

(e) Other information requested by the commissioner.

AMENDED ANALYSIS

This bill authorizes and regulates the use of license plate scanning devices.

Amendment to HB 684
(2013-2370h)
Proposed by the Committee on Public Works - c

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

AN ACT relative to bridge replacement and rehabilitation and bridge aid funds.

Amend the bill by replacing section 1 with the following:

1 New Section; Bridge Replacement or Rehabilitation; Bridge Aid Funds. Amend RSA 234 by inserting after section 5 the following new section:

234:5-a Bridge Replacement or Rehabilitation and Bridge Aid Funds. In order to accommodate the early replacement or rehabilitation and lowest cost for municipal bridges that have been closed to vehicular traffic due to safety concerns, cities and towns may request the closed bridge be placed on the schedule for bridge aid funds from the state at the time of closure. If any municipal bridge is replaced or rehabilitated by the city or town at its cost prior to bridge aid funds being available, the state funding may come at a later date according to the bridge aid schedule provided that:

I. The bridge was closed in accordance with department of transportation recommendations;

II. The bridge is on the schedule for bridge aid funds;

III. The bridge design is approved by the department of transportation;

IV. Bridge aid funds are available in the year the bridge is scheduled to be replaced or rehabilitated; and

V. The city or town agrees it has no legal or financial claim against the state if funds are not available in the year of the schedule for the bridge aid.

AMENDED ANALYSIS

This bill requires the state to reimburse municipalities for the cost of replacing or rehabilitating bridges according to the bridge aid schedule.

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 devce, and appurtenances***.

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.

Amendment to SB 190-FN
(2013-2372h)
Proposed by the Committee on Resources, Recreation and Development -r

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

1 Fees for Park System. Amend RSA 218:5-c to read as follows:

218:5-c Admission Without Charge. Any person who is a resident of this state and who has attained the age of 65 shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches, and state-operated ski areas, without charge. Persons qualifying under this section shall be allowed to use any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" [~~on Saturdays and Sundays~~] ***and enterprise functions, as listed in RSA 216-A:3-g, II***. Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas or state-owned ski areas operated by a lessee.

2 New Section; Admission to State Parks; General Court; General Court Staff; Governor and Council; Governor's Staff. Amend RSA 218 by inserting after section 5-c the following new section:

218:5-d Admission to State Parks for Members of the General Court, General Court Staff, Governor and Council, and Governor's Staff. Current members of the general court, general court staff, the governor and council, and the governor's staff shall not receive any discounts for admission to state recreation areas, including but not limited to, parks, historical sites, beaches, and state-operated ski areas unless the purpose of such visit is state business. This section shall not be construed to prohibit any person who is a veteran from receiving discounts for admission to such areas in accordance with RSA 216-A:3-g or any eligible person from receiving a discount under RSA 218:5-c.

3 New Paragraph; State Employees; Discount for Admission to State Parks and Historic Sites. Amend RSA 216-A:3-g by inserting after paragraph VII the following new paragraph:

VIII. The difference of regular admission minus any discounts state employees receive for admission to state parks and historic sites which are part of a collective bargaining agreement shall be paid by the employee's employing state agency. Such funds shall be deposited into the fund where the fee would have been deposited had it been collected.

4 Repeal. RSA 218:5-b, relative to discount coupons for state parks, is repealed.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2015.

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

AMENDED ANALYSIS

This bill requires persons over the age of 65 who are admitted to state parks and historical sites without charge to pay the usual cost of for the use of any uphill devices and for enterprise functions. This bill eliminates the discount coupon fee books issued by the director of the division of parks and recreation. The bill also prohibits any discounts in such fees for members of the general court, general court staff, governor and council, and governor's staff.

Amendment to SB 196-FN
(2013-2204h)
Proposed by the Committee on Election Law - c

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

1 Definitions; Push-Polling. Amend RSA 664:2, XVII(c) to read as follows:

(c) Conducting such calling in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group ***as part of a series of like telephone calls that consist of more than 2,000 connected calls that last less than 2 minutes in presidential, gubernatorial, United States senatorial, or United States congressional elections; or conducting such calling as part of a series of like telephone calls that consist of more than 500 connected calls that last less than 2 minutes in executive council, state senate, city, town, school district, or village district elections; or conducting such calling as part of a series of like telephone calls that consist of more than 200 connected calls that last less than 2 minutes in state representative elections; and***

(d) Conducting such calling for purposes other than bona fide survey and opinion research.

2 New Paragraph; Definitions; Bona Fide Survey and Opinion Research. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Bona fide survey and opinion research" means the collection and analysis of data regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population, through the development and administration of surveys, interviews, focus groups, polls, observation, or other research methodologies, in which no sales, promotional, or marketing efforts are involved, and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide survey and opinion research includes message testing, which is the study for research purposes of how randomly-selected individuals react to positive or negative information on a candidate, elected public official, or ballot question.