



State of
New Hampshire

HOUSE RECORD

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Friday, February 14, 2014

No. 11

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

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Wednesday, February 19, 2014, at 10:00 a.m. There will be no legislative activity the following week, but please plan on Wednesday and Thursday sessions thereafter through Crossover.

Legislative offices will be closed on Monday, February 17th, in observance of Presidents' Day.

Thank you for your efforts over the last few weeks to ensure that our initial deadlines have been met. Your continued cooperation is greatly appreciated.

Terie Norelli, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on **Tuesday, February 18th at 8:30 a.m.** in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on **Wednesday, February 18th at 9:00 a.m.** in Representatives Hall.
Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on **Wednesday, February 18th at 9:00 a.m.** in Rooms 305-307 LOB.
Rep. Gene Chandler, Republican Leader

NOTICE

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

CLOSES NOON THURSDAY:

February 20
February 27

AVAILABLE FRIDAY:

February 21
February 28

Karen O. Wadsworth, Clerk of the House

2014 HOUSE DEADLINES

Thursday, March 6, 2014
Thursday, March 20, 2014
Thursday, March 27, 2014
Thursday, April 17, 2014
Thursday, April 24, 2014
Thursday, May 8, 2014
Thursday, May 15, 2014
Thursday, May 22, 2014
Friday, May 30, 2014 at 4:00 pm
Thursday, June 5, 2014

Report single committee House Bills
Report all remaining House Bills
Act on remaining House Bills-**CROSSOVER**
Report Senate Bills going to a 2nd committee
Act on Senate Bills going to a 2nd committee
Report all remaining Senate Bills
Act on all remaining Senate Bills
Form Committees of Conference
Sign-off Committee of Conference reports
Act on Committee of Conference reports

WEDNESDAY, FEBRUARY 19

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1198, relative to the procedure for filing a children in need of services (CHINS) petition. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth E Walz for Children and family Law. This bill corrects a cut and paste error that occurred last year in the CHINS bill. The amendment removes the need to independently prove harm when a child has been sexually abused. The committee believes sexual abuse is inherently harmful. **Vote 16-0.**

HB 1218, relative to the crime of adultery. **OUGHT TO PASS.**

Rep. Kelleigh D Murphy for Children and Family Law. This bill was designed to address adultery in same-sex relationships. It would redefine the crime of adultery to include "anal penetration" under the definition of sexual intercourse. The committee felt that this language was too narrow to serve the bill's intended purpose. Furthermore, the committee did not see the need to expand the crime of adultery. **Vote 15-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1177, relative to the anti-rebating law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Emily C. Sandblade for Commerce and Consumer Affairs. Insurance companies and agents are prohibited under RSA 402:41 from issuing rebates worth more than \$50 on policies. Unfortunately, the phrasing of this law also prohibits holding contests or sweepstakes even when all the prizes are under \$50, if the total amount of prizes awarded is over \$1,000 for the entire state. This has led to situations where insurance companies hold safety poster contests (such as "Buckle Up!") for school children in the other 49 states, but from which New Hampshire residents are excluded, even though the prize amounts are very small and all of the contests are opt-in contests. This bill fixes that very specific problem and allows school children to participate--if their schools choose to--in such contests. **Vote 17-0.**

HB 1278, relative to ownership and operation of liquor licensees. **REFER FOR INTERIM STUDY.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs. This bill seeks to make adjustments in the three-tiered system of New Hampshire's regulatory framework with regard to the distribution and sale of alcohol by repealing prohibitions against what kinds of partnerships can occur among and between license holders. New Hampshire's three-tiered system provides a separation between the manufacturer, the wholesaler, and the retailer of alcohol. This has served to ensure transparency within these tiers and to prevent the creation of monopolies that can block out start-ups and drive out competition. The bill also repeals the part of the statute that prohibits a holder of a license from employing a license holder in any tier, except in very narrow circumstances. While the committee heard very little testimony in support of this legislation, it would like more time to consider the impact the proposed changes would have on the health of the industry and on public health. **Vote 18-0.**

HB 1606, relative to assignment of legal costs in suits between condominium associations and condominium members. **OUGHT TO PASS.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill fixes what the committee views as a mistake in condominium law. Currently, legal actions pursued by any party under RSA 356-B:15 entitles the condominium association to recover its legal fees and costs from the other party, regardless of who brought the suit and regardless of whether the association won or lost the suit. This means that unit owners who win a suit are still responsible to pay costs and fees for the association. This bill will provide fee and cost recovery to the prevailing party, which is the standard rule in other situations. **Vote 16-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1227, making changes to parole and parole board procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill as amended clarifies and gives clear direction to parole especially relating to medical parole. In addition to that this bill also sets clearer direction to parole boards in terms of granting parole based on medical necessity. It passed 15-0 at committee with good debate. The bill itself gives the parole board discretion to make a decision on parole on a case by case basis. It is more supportive of reintegration into community for parolee. **Vote 15-0.**

HB 1257, establishing private prosecution of criminal proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H. Fields for Criminal Justice and Public Safety. This bill would permit the private prosecution of crimes by private citizens. The committee would note that crimes are offenses against the state and that it is therefore appropriate for the state, within its discretion, to prosecute. The majority of the committee believes that allowing a citizen to prosecute another citizen is a situation which is ripe for abuse and which very likely would be used as a form of harassment and therefore recommends ITL. **Vote 18-1.**

EDUCATION

HB 1140, establishing a commission to study merit-based free tuition for certain residents attending schools in the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. June M Frazer for Education. This bill proposes to waive tuition at schools in the University System of New Hampshire for students who score at the highly proficient or equivalent level on the statewide assessment during their senior year at high school. This award of free tuition would be independent of a students' academic achievement throughout their school years. The committee concluded that merit-based tuition waivers should be awarded for a record of academic achievement rather than on a test score. It was also observed that the New Hampshire Scholarship Program would be open to the students this bill intended to serve. **Vote 18-1.**

HB 1147, permitting school districts to advertise. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education. School districts already have the right to advertise. We also believe that advertising on school busses is a safety issue and should not be allowed. **Vote 18-0.**

HB 1187, relative to an appeal of a change of school assignment decision by a superintendent. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education. Local school boards develop policy which is followed by the employees of the school district. The superintendent is employed by the local school board and the district and must adhere to policy. Decisions made by the superintendent are subject to discussion and approval by the local board. This bill is unnecessary. It is policy set by the local boards and enforced accordingly. **Vote 17-1.**

HB 1191, establishing a commission to study manufacturing education in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education. This is already covered by RSA-188-E:21, advanced manufacturing education council. As such, this bill is not needed. **Vote 17-0.**

HB 1199-L, excepting certain students from authorized regional enrollment area agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Pitre for Education. Testimony from department of education and New Hampshire school boards association indicate the bill changes nothing and existing law does not warrant change. **Vote 18-0.**

HB 1377, authorizing conferral of degrees by private entities. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education. The division of higher education –higher education commission has, by law, the responsibility for overseeing both private postsecondary career schools and private degree granting institutions of higher education, and the administrative rules that apply. This legislation is not necessary because the higher education commission already has the responsibility and authority to work with private postsecondary career schools and issue the license to grant degrees. Their authority falls under the jurisdiction of RSA 188-G, RSA 292:8g and RSA 292:8h. **Vote 19-0.**

ELECTION LAW

HB 1337, relative to authority for removal of political advertising. **REFER FOR INTERIM STUDY.**

Rep. Robert J. Perry for Election Law. The sponsor indicated the purpose of the bill is to authorize election officers, as defined at RSA 652:14, to remove political advertising from the area immediately surrounding the polling place that is not properly removed by the owner of the advertising. However, the effect of the bill as drafted would be to provide moderators, deputy moderators, assistant moderators, town clerks, deputy town clerks, city clerks, deputy city clerks, ward clerks, selectmen, supervisors of the checklist, registrars and deputy registrars with authority to remove political advertising from any public property or any private property as is already provided the sign owner, persons authorized by the owner, law enforcement officer, state, city or town maintenance or law-enforcement officer.

The committee concluded that the appropriate forum for further discussion and possible resolution of these issues is through interim study. **Vote 16-0.**

HB 1364-FN, relative to political expenditure and contribution reporting requirements and relative to political expenditure limitations for state representative and county office candidates. **REFER FOR INTERIM STUDY.**

Rep. Mary Ann Knowles for Election Law. The committee recognizes the merit in re-visiting the expenditure reporting threshold for state representative and county office candidates, but believes that the exact threshold amount needs to be studied, in order to ensure that it is reasonable and does not cause concerns about transparency in our elections. **Vote 14-1.**

HB 1459, relative to domicile for voting purposes during a temporary absence. **OUGHT TO PASS.**

Rep. Ruth E Gage for Election Law. Under current law a voter does not lose his or her domicile for voting purposes due to employment outside of New Hampshire while in the service of the United States. HB 1459 adds language to allow the spouses of military personnel and others employed by the United States to also retain domicile in the state. **Vote 15-0.**

HB 1461, relative to prohibited coercion of political contributions. **REFER FOR INTERIM STUDY.**

Rep. Robert J. Perry for Election Law. Current law confines the prohibition on coercing political contributions to a discrete class of employees described as classified state employees. It was the intent of the sponsor to expand the prohibition to cover any state employee. However, the committee learned there is no statutory definition for classified employee, nor classified state employee. In addition, the committee learned there are three statutory references to the definition of state employee. However, the bill does not cite which of the three shall provide the applicable definition.

For these reasons the majority of the committee concluded the proper forum for further discussion and possible resolution of these issues is through interim study. **Vote 15-1.**

HB 1542, relative to nomination of a political organization. **OUGHT TO PASS.**

Rep. Mary Ann Knowles for Election Law. This bill was requested by the secretary of state. It requires that nominating petitions for a political organization seeking placement on the ballot for the state general election shall be signed and dated in the year of the election, beginning January 1 of the political cycle. This will reduce the number of invalid signatures, due to death or relocation, which might arise if signatures are submitted earlier. **Vote 15-1.**

HB 1547, authorizing voters to remove their names from the checklist. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J Perry for Election Law. This bill would require supervisors of the checklist to remove the names of voters requesting removal, but the bill does not specify how that request may be made. If not in writing, it could be problematic for supervisors. In indicating his opposition to the bill, the secretary of state's office said only a minimal number of such requests are made annually. Current statutes protect those who are the applicants of restraining orders and who otherwise seek protections against threats of harm. For these reasons the committee determined that the bill is unnecessary. **Vote 14-1.**

HB 1605-FN, relative to audit recounts. **REFER FOR INTERIM STUDY.**

Rep. Mary Ann Knowles for Election Law. The committee agrees unanimously that this bill has much merit and addresses an issue of growing concern. It would require the secretary of state to perform audit recounts of towns and wards, representing 5 percent of the votes cast after each general election. The purpose of the audit would be to check for any signs of ballot manipulation. It would require a good deal of preparation, and there is a question of the cost involved. The committee feels that Interim Study is the most appropriate recommendation at this time. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1161-FN, relative to the definition of slot machines and the duties of game operators and game operator employers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J Sullivan for Executive Departments and Administration. HB1161 as amended allows certain electronic table games for charitable gaming, and requires that operators using these games must collect auditable records that are available for review by the racing and charitable gaming commission. The bill also sets specific standards which any such game must meet before it can be put into use. **Vote 20-0.**

HB 1182, relative to membership of the state transparency website oversight committee. **OUGHT TO PASS.**

Rep. Dianne E Schuett for Executive Departments and Administration . This bill simply changes the membership of the existing statutory committee from three members of the house and three members of the senate to four members of the house and two members of the senate. **Vote 18-0.**

HB 1563-FN, granting group II retirement system status to certain positions in the department of corrections. **REFER FOR INTERIM STUDY.**

Rep. Dianne E Schuett for Executive Departments and Administration. The committee members believed that this bill encompassed too many differing positions at the department of corrections that needed to be considered more carefully. Therefore, the vote to study them thoroughly when the committee has more time was unanimous. **Vote 19-0**

FINANCE

HJR 13-FN, requiring the payment of certain money to Joseph Haas. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine D Rogers for Finance. The common law of NH allows for the institution and prosecution of certain criminal complaints by private citizens. It also allows that any such prosecution is subject to the authority of the attorney general or the appropriate county attorney to enter nolle prosequi. In 2010 a private citizen instituted such an action in the Laconia District Court that was nolle prosequi by the NH Attorney General's office. HJR 13 sought to award \$250 in damages to the private citizen who instituted this action stating that the attorney general had acted beyond his duty in this instance. After research and discussion, the majority of the committee found that the attorney general acted within his authority and found no reason to award any payment for the aforementioned unfounded and frivolous legal action. **Vote 21-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1107, relative to the retention of advance directives by hospitals. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill requires hospitals to retain advance directives in the patient's medical record. The committee recognizes that there is already language in RSA 137, the directives for medical decisions statute, that addresses this issue. Therefore, HB 1107 is not necessary. **Vote 13-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1308-FN, adding 2 members to the advisory council on workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher R Andrews for Labor, Industrial and Rehabilitative. The bill as amended adds a member representing employees from the New Hampshire Association for Justice to the nine member workers compensation advisory council. The council reviews issues within the workers' compensation system and makes legislative recommendations only; the committee is therefore not concerned with an even number of members. **Vote 17-1.**

HB 1368-FN, relative to inquiries into criminal records on employment applications. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sally H Kelly for Labor, Industrial and Rehabilitative Services. The bill as recommended with amendment by the committee states that a board or commission cannot automatically revoke or deny a professional license or certificate based strictly on a person's prior conviction.

However, after conducting a review, the board or commission may then determine to either revoke or deny said license or certificate. **Vote 19-0.**

HB 1407, relative to privacy in the workplace. **OUGHT TO PASS.**

Rep. Michael D Cahill for Labor, Industrial and Rehabilitative Services. This bill closely limits employers from requesting or requiring employees and prospective employees to provide passwords or access to private social media accounts. Emphasizing maximal individual employee privacy, the bill does include specific exceptions. It allows employers to adopt policies governing and monitoring use of employer-owned electronic equipment, and permits employers to conduct certain investigations consistent with state and federal securities and financial laws, rules, and regulations. The legislation passed the House last year as HB 414 and was attached to an unrelated bill in a committee of conference where it met its end. **Vote 17-1.**

HB 1498-FN, relative to wages lost when an employee submits to a medical examination required under workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew A White for Labor, Industrial and Rehabilitative Services. This bill as amended stipulates that when an employee who and was injured at work who subsequently returns to work will be paid for work time lost when he or she is required to attend medical examinations. It also specifies that the requesting party should pay lost wages and that those payments do not restart the clock regarding the statute of limitations. **Vote 19-0.**

HB 1592-FN, relative to requiring prevailing wages on state-funded public works projects. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. Janice E Schmidt for Labor, Industrial and Rehabilitative Services. This bill would provide Davis-Bacon wages on construction jobs funded by the state. The specific details of the legislation require much more time than deadlines allow so the committee unanimously voted to support interim study to provide the attention that it deserves. **Vote 18-0.**

LEGISLATIVE ADMINISTRATION

HB 1481-FN, relative to information submitted to a committee of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Briden for Legislative Administration. The committee felt that this bill may have a "chilling effect" on the free speech of citizens who come to testify before House committees. The citizens who testify before us are giving their opinions on the outcome of legislation that has not been adopted yet. This attempt to hold them responsible, in retrospect, if their opinions turn out to be wrong could send a message that we are only looking to hear from experts who are certain in their predictions, not average people who want to make their positions known. It is our duty as legislators to fact-check assertions that seem implausible, and to do any further due diligence that is required to make sure the legislation is accurate. Additionally, there were concerns that the intended penalty, unsworn falsification, is not currently defined in a way that would allow proper prosecution under this statute, as it is commonly used for written statements only, and this bill includes oral testimony **Vote 9-0.**

HB 1535, extending the committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Legislative Administration. This bill would have extended the committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. Since no one appeared to testify in support of the bill, the committee recommends that the bill be found inexpedient to legislate. **Vote 9-0.**

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund. **OUGHT TO PASS.**

Rep. Marsha L Pelletier for Legislative Administration. This bill establishes a NH state house bicentennial commission and fund to prepare for 200th anniversary of the dedication, education and commemoration of the NH state house on June 2, 2019. The committee unanimously supports creation of this commission. **Vote 14-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1120, relative to procedures for the county budget and expenditures for Belknap county. **INEXPEDIENT TO LEGISLATE.**

Rep. James Verschueren for Municipal and County Government. This bill is proposed for Belknap County exclusively. It seeks to restrict the authority of county commissioners to transfer funds between specific lines within a department or from one department to another. All such transfers would become subject to approval by the executive committee of the county delegation. The impetus for the bill is a current dispute between the elected county commissioners and some number of members of the elected county delegation. The committee heard testimony from both sides of the issue. The consensus of the committee is that changes in statute to resolve an exclusively local issue is generally poor public policy. In this case, supporters of the bill cited prior special statutory consideration for Hillsborough County as a rationale for granting Belknap County such individual statutory consideration on the same question of transfer of funds. On the same day as this bill was heard, the committee heard testimony on a bill to alter the special statutory consideration for Hillsborough County in order to grant broader authority for budget transfers to the county commissioners. The inadvisability of legislating individual statutory processes for the same government entities was thereby clearly demonstrated. **Vote 18-0.**

HB 1245, relative to municipal lease agreements for certain equipment. **OUGHT TO PASS.**

Rep. Marjorie A. Porter for Municipal and County Government. Often energy efficiency projects require both equipment and facility improvements to achieve the greatest amount of savings. Although some municipalities are currently including facility improvements in lease contracts for energy efficiency upgrades, the existing RSA is ambiguous and has raised concerns among those financing such agreements. This bill provides certainty for financiers as well as the clarification sought by the office of energy and planning and the energy technical assistance and planning program. These lease arrangements for energy efficiency upgrades are often self-funding, in that the savings in the cost of energy to the municipality pays for the cost of the lease. Over time, this is a win-win situation for local property tax payers. **Vote 19-0.**

HB 1246, relative to the composition of public agency boards concerning housing standards. **OUGHT TO PASS.**

Rep. James Verschueren for Municipal and County Government. RSA 48-A:3, I requires each town to establish a public agency as the governing body for housing standards. The RSA currently provides 3 options for the composition of this public agency, none of which may prove to be practical for a small town. This bill provides a solution to smaller towns in NH that are not in a position to hire (afford) a qualified health inspector, and must therefore rely upon volunteers to fill the position. This bill allows a fourth option to be added to the three options currently available in the RSA. The new option is specifically tailored to allow an elected official to also volunteer as health inspector. Further, it contains a clause that requires that person to recuse themselves from any situation in which there may be a real or perceived conflict of interest. **Vote 19-0.**

HB 1259, relative to the functions of the municipal associations. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government. This proposed legislation attempts to restrict and/or regulate the agreements between municipalities and the association they join. Any community has the right not to belong to an association and to terminate membership if they disagree with policy. This bill also attempts to control what association dues are used for but no allegations of misuse were brought to the attention of the committee. The bill would also allow a municipality to join an association but refuse to pay its dues thus imposing a cost increase to those who do. Associations that work with municipalities are generally, if not always, governed by a board of directors and/or advisory board and municipalities that are members, have input to influence policy. The ongoing relationship between municipal associations and their member communities has been beneficial to smaller communities that lack the experience and resources provided by their association and the committee sees no reason to step into the middle of an agreement entered into by two consenting parties. **Vote 19-0.**

HB 1320, relative to incompatibility of town offices. **OUGHT TO PASS.**

Rep. Kathleen M. Stroud for Municipal and County Government. This bill prohibits a person from filing a declaration of candidacy for incompatible town offices. It prevents a person from running for two town offices, winning both and then choosing his favorite. **Vote 19-0.**

HB 1373, relative to the transfer of county budget appropriations in the Belknap county budget, and relative to payment of county legal expenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for Municipal and County Government. The sponsors of HB 1373 want to restrict the ability of county commissioners' authority to move any funds between line items without the express approval of the executive committee. HB 1373 would require that an Executive Committee meeting be held to approve all transfers regardless of the reason and or amount of the funds needed to be transferred. Not only would this restrict the commissioners' ability to address unexpected natural or human created events such as ice storms, major snow storms, flooding, or loss of life-support services at the county nursing home. In such cases there will be no time to post and get a quorum of the executive committee. The nature of the event could even prevent people from traveling. To require an executive committee meeting could endanger the lives, safety and welfare of our citizens. It would not be unreasonable to expect each executive committee meeting to cost between \$300 to-\$500. Every county has rules concerning the reimbursement of legal fees for any county employee when that employee chooses to take legal action against the county. The employee is required to ask for reimbursement of legal fee prior to engaging a lawyer or legal services. This helps protect the taxpayers by ensuring that the potential legal action is work related not personal. Most importantly the communities can prepare for a legal bill in advance. The committee doesn't believe it is the General Court's responsibility to enact a law for an employee who failed to follow well-established and written requirements. To do so would result in the General Court being flooded with bills to address individual requests for taxpayer reimbursement of legal fees. **Vote 19-0.**

HB 1479-L, relative to membership in municipal organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis J Malloy for Municipal and County Government. The committee felt that this bill would interfere with a town's ability to use the services of the New Hampshire Association of Assessing Officials, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association. These organizations help New Hampshire's 234 towns keep abreast of current laws and regulations needed for efficient and effective town management and administration. Membership dues are approved in the annual town budget and transparent to taxpayers. The committee unanimously agreed that required membership is critically important and there is no need to make any changes to the current RSA. **Vote 19-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1164, designating Interstate 293 as the John Durkin Highway. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. David B Campbell for Public Works and Highways. This bill proposes naming Interstate 293 in honor of the late United States Senator John Durkin. Senator Durkin passed away on October 16, 2012. However, the committee was informed that Interstate 293 has already been named in honor of the late Charles R. "Dick" Stanton, former Mayor of Manchester. Both the department of transportation and the committee have policies not to name a road or bridge for another once it is dedicated. The sponsors are in the process of researching an alternative road, bridge or other public facility to name in honor of Senator Durkin. Several members of the committee have expressed a willingness to work with the sponsors in the interim and have legislation introduced next session to appropriately honor Senator John Durkin. **Vote 14-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H Gottling for Resources, Recreation and Development. This bill allows the Jenness Pond Shore Owners Association, Inc. to remove and replace stoplogs from the Jenness Pond dam in order to control seasonal variations in water level as is routine and customary for many dams. The association will be responsible for this process. There will be no cost to the department of environmental services (DES). The amendment corrected the relevant citation. **Vote 13-0.**

HB 1303, relative to the Cass Road dam in Epsom. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne J Smith for Resources, Recreation and Development. Cass Pond dam in Epsom is one of 278 state owned dams. It impounds a 15-acre pond that has an average depth of approximately 2 feet. The dam does not meet current safety standards and during flooding on the Suncook River in 2007, the dam nearly breached. The committee heard from several residents that the dam provides for a picturesque setting. The committee encourages dialogue between the department of environmental services and the town of Epsom over resolving the issue of whether to rebuild, repair, or remove the Cass Road dam. The committee believes that to interfere in this process at this juncture would be premature. **Vote 12-1.**

HB 1340, exempting septic systems from certain requirements where there are grouted wells. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Wazlaw for Resources, Recreation and Development. This bill would allow for a reduction of the 75 foot protective well radius from a septic system to the well of the property owner or an abutter, provided

the well has been grouted. The Department of Environmental Services (DES) and the Water Well Board have recently developed proposed rules that would establish appropriate well construction methods that could be used if the 75 foot radius cannot be realized. The rules will be formally proposed in the spring of 2014. The committee heard from many stakeholders that new proposed rules would be the preferred approach because they allow for flexibility and provide additional options to address a nonconforming well. **Vote 13-0.**

HB 1554, relative to notice of water release from dams. **INEXPEDIENT TO LEGISLATE.**

Rep. Beverly A Ferrante for Resources, Recreation and Development. The issue which this bill was intended to address has been resolved. Therefore, the sponsors requested that the bill be found inexpedient to legislate. **Vote 13-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1209, relative to OBD II testing and the OBD II testing advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E Devine for Science, Technology and Energy. This bill modifies the membership and the meeting and reporting requirements of the On-Board Diagnostics II testing advisory committee. **Vote 16-0.**

HB 1312, establishing a committee to study off-shore wind energy development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L Townsend for Science, Technology and Energy. The study of the potential for capturing off-shore wind energy was strongly supported by committee members. Study would include issues of location and coastal visibility, impact on ocean fisheries and birds, and connections to the power grid. The committee would be disbanded when its report is completed by Nov. 1, 2014. **Vote 16-0.**

TRANSPORTATION

HB 1117, relative to restricting usage of cellular phones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. George E Sykes for Transportation. The transportation committee received three bills taking up the subject of distracted driving and/or cell phone use while driving. A sub-committee hearing was held on the three bills. The committee determined to recommend HB 1117 and HB 1118 be ITL; and to take up HB 1360 as a consolidated bill. **Vote 14-0.**

HB 1118, prohibiting certain drivers from using hand-held devices for communication. **INEXPEDIENT TO LEGISLATE.**

Rep. George E Sykes for Transportation. The transportation committee received three bills taking up the subject of distracted driving and/or cell phone use while driving. A sub-committee hearing was held on the three bills. The committee determined to recommend HB 1117 and HB 1118 be ITL; and to take up HB 1360 as a consolidated bill. **Vote 13-0.**

HB 1184, increasing the speed limit on a portion of Route 101 to 70 miles per hour. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian D Rhodes for Transportation. This bill is an attempt to increase the speed limit on a portion of Rt. 101 to 70 mph. Due to the lack of factual data from NH department of safety and NH department of transportation on the increase in speed on a portion of Rt. 93 (2013), the committee wishes to receive and review the Rt. 93 data before considering any additional speed increases on NH highways. **Vote 14-0.**

HB 1185, increasing the speed limit on a portion of I-89 to 70 miles per hour. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian D Rhodes for Transportation. This bill is an attempt to increase the speed limit on a portion of Rt. 89. This is the second bill this committee heard regarding the proposed increase of speed on a NH highway. The committee reinforced its' desire to receive and review data (from NH DOT/DOS) from the increase in speed on a portion of Rt. 93 (2013) before considering any additional speed increase on NH highways. **Vote 13-0.**

HB 1342, establishing a committee to study truck registration fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy A Soucy for Transportation. Per the request of the prime sponsor, a motion of ITL was made on HB 1342. **Vote 13-0.**

HB 1365, permitting certain vehicles to proceed through an intersection after stopping for a red light. **INEXPEDIENT TO LEGISLATE.**

Rep. George E Sykes for Transportation. This bill concerned the problem of activated traffic control devices not operating properly for motorcycles and bicycles. It would allow those vehicles to proceed through the intersection after stopping for the red light.

The committee felt because new systems were becoming available that there would be problems with the proper observance of the light cycle. Finally the NH DOT informed the committee that alternatives were available to the drivers they recommended. **Vote 14-0.**

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction. **OUGHT TO PASS.**

Rep. Sherman A Packard for Transportation. This bill establishes a process that will allow a trailer to be transported to a salvage facility for destruction. No such permit is currently available, causing the trailer to be moved unsafely or left to rust away at some location. **Vote 14-0.**

HB 1557-FN, relative to the cost of maintaining certain railroad crossings. **INEXPEDIENT TO LEGISLATE.**

Rep. George E. Sykes for Transportation. This bill attempted to shift the costs for maintaining private railroad crossings from the owners of the property with crossings to either the state or the railroad companies. The New Hampshire DOT was opposed to the bill as the state owns both active and inactive lines; this would shift costs to the state which would come from existing funds.

Further, there were a number of unanswered questions relative to how many active and inactive lines there are and how many crossings were involved. **Vote 14-0.**

HB 1558-FN, relative to prevention of motor vehicle title fraud. **OUGHT TO PASS.**

Rep. Brian D Rhodes for Transportation. This bill will assist in the prevention of motor vehicle title fraud (MVTF). MVTF purchases harm NH auto dealers, consume valuable resources and time at NH DMV and hurt unsuspecting NH citizens. Title fraud (fraudulently purchasing a vehicle for someone else) is a frequent, growing problem in the state of NH. NH's low title fee, no insurance requirement, and the lack of registering a vehicle at purchase make the state of NH a haven for these title fraud schemes. This bill will strengthen our title laws while helping NH businesses and citizens. **Vote 15-0.**

HB 1585-FN, relative to notice of driver's license suspensions. **INEXPEDIENT TO LEGISLATE.**

Rep. Tim O'Flaherty for Transportation. This well intentioned bill sought to improve communication between the department of safety and drivers whose licenses had been suspended. This issue might better be addressed by other means. **Vote 14-0.**

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects. **OUGHT TO PASS.**

Rep. George E. Sykes for Transportation. This bill will add some important work and extend the reporting date of the original study committee. With this bill, further information about both Type 1 and Type 2 effects and methods to mitigate highway noise can be collected. **Vote 14-0.**

WEDNESDAY, FEBRUARY 19 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1125-FN, repealing the crime of adultery. **OUGHT TO PASS.**

Rep. Kelleigh D Murphy for Children and Family Law. This bill would repeal the crime of adultery codified at New Hampshire RSA 645:3. This bill does not repeal the fault ground of adultery as a cause for divorce.

Vote 15-0.

HB 1289, relative to interference with custody. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deanna S Rollo for the **Majority** of Children and Family Law. This bill addresses a problem recognized by a court decision. In this decision the court stated an agency with custody of a child is not a person or guardian. The bill expands the protection afforded parents and guardians to a state agency with legal custody or guardianship of a child. **Vote 13-2.**

Rep. Daniel C Itse for the **Minority** of Children and Family Law. When interference with custody was passed it was intended to deal solely with custody between parents in a divorce. Extending it to apply to state agencies elevates state agencies parental status. This is a dangerous practice.

HB 1341, relative to grounds for divorce for persons with minor children. **INEXPEDIENT TO LEGISLATE.**

Rep. Ruth P Gulick for Children and Family Law. This bill attempts to disallow irreconcilable differences as a basis for divorce when the parties have a child or children. Its objective is to discourage divorce for married people with children, so that the emotional damage inflicted on minor children of divorce will be ameliorated or even eliminated. Actually, passage of this bill will have the opposite effect. Where children need both parents during a marriage and after the marriage, under this law, one of the parents would be identified as the "bad guy" potentially eliminating any ability for the parties to co-parent agreeably. It would require longer and more costly court hearings. Moreover, intolerable marriages may be forced to stay intact. It could also encourage perjury to dissolve an intolerable marriage, e.g. one inflicted with drug abuse or financial recklessness. **Vote 14-0.**

HB 1369, adopting the Uniform Marital Property Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ruth P Gulick for the **Majority** of Children and Family Law. The origin of this bill is European (French and Spanish) and we see the uniform marital property formula applied in western states and the State of Wisconsin. The rest of our states have a system predicated on the English common law. New Hampshire's current English system aspires to an equitable property distribution upon the dissolution of marriage, as opposed to an equal distribution, the uniform marital property approach. Importantly, the equitable method encourages the accommodation of the best interests of children in the first instance, an important priority for New Hampshire parents and New Hampshire Family Courts. Children should not have to be victimized by their parents' perfectly equal property distribution. For example, their house may have to be sold so Mom and Dad can share equally in the proceeds. Equitable distribution will allow the children to stay in the home with an adjustment to fit with their parents' circumstances. At the same time, our current codified equitable standards accommodate the many financial variables attendant to property distribution.

The proponents of this bill argued that pre-nuptial agreements would allow people to circumvent the equal distribution of assets required by this bill. But the reality is that would only apply to large estates because the average citizen is not going to execute a pre-nuptial agreement.

New Hampshire has become one of four or five states that are depositories for many large trusts. There was extensive testimony by the bankers association and the bar that passage of this bill would cause many of those trusts to flee the state. **Vote 14-2.**

Rep. J.R. Hoell for the **Minority** of Children and Family Law. This bill would make New Hampshire into a community property state. Community property means that property owned prior to marriage or gained by gift or inheritance may remain separate, but property earned during marriage is shared, even if only one spouse is the breadwinner. Besides basic fairness, the bill has three main advantages. First, property division during divorce will be less contentious since the split is predictable, not determined in court. Second, there are federal capital gains tax advantages to widows and widowers. Finally, it promotes greater financial flexibility, since all provisions of the statutory language changes can be modified by an agreement between the spouses. The main opposition to the bill came from trust attorneys who were worried that they would have a harder time attracting out-of-state trusts to move to New Hampshire. The bill does not affect trusts, and even if it did a marital property agreement could be put in place with any desired terms.

HB 1632, relative to child support orders for children with disabilities. **OUGHT TO PASS.**

Rep. Daniel C Itse for Children and Family Law. Last session the legislature amended RSA 461-A:14 IV such that support orders for children with disabilities who are over the age of 18 would terminate at age 21. This bill

further amends RSA 461-A:14 IV to make it clear that this only affects orders after the effective date of the 2013 amendment. Caretakers may have created care and financial plans based upon these support orders. Allowing these orders to be changed without anticipation were disruptive to the disabled and their caretakers. This bill is supported by the state and federal constitutions which prohibit ex post facto or retrospective law. **Vote 10-7.**

COMMERCE AND CONSUMER AFFAIRS

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the **Majority** of Commerce and Consumer Affairs. Nano breweries are allowed to sell at retail or wholesale, at farmers' markets, and to the state border for transportation and sale outside the state. Distributors have a list of licensees they are permitted to buy from, and this bill merely adds nano breweries to that list. The bill does not compel either nano breweries or distributors to contract, but allows them to. **Vote 12-6.**

Rep. Jill S. Hammond for the **Minority** of Commerce and Consumer Affairs. Several years ago this legislature created a license giving nano brewers a significantly reduced licensing fee from all other brewers. The nano license was intended to be an incubator license, limited in scope, to allow a brewer to get up and running. This bill seeks to further provide special treatment by allowing nanos to expand their distribution and sell via wholesalers without incurring the costs that other brewers must bear as part of doing business. Given the practical matters of scale and efficiency in brewing, and current nano brewer volumes, it is logical that a brewer looking to expand distribution would have to scale up operations and production, and would simply move up to a beverage manufacturer license. If their business model changes, they can change license types annually; current license options allow for this scenario. The minority noted that there was no industry support for this bill, and believes there is no need for this legislation.

HB 1288, requiring bottled water labels to indicate the source of water. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs. This bill would require bottled water labels to indicate the source of the water. This labeling is currently regulated at the federal level. A bottle of filtered/purified water such as Dasani will name the bottling entity. Bottled spring water such as Poland Spring will list its numerous source springs. Beyond this the committee heard testimony that too much disclosure of water sources could be a national security issue, due to potential terrorist sabotage of those sources. Certainly such labeling regulation is beyond the scope of New Hampshire legislation. **Vote 17-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape. **OUGHT TO PASS.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. This bill comes to the committee as a result of an actual case involving a constituent who admits to have broken the law in that she slipped out of a police car while being taken into custody. The committee was sympathetic with the plight of this individual and those in similar cases. As currently is the case, such a person would be guilty of a class B felony and could never have that removed from his or her record even though a pardon might be granted. The bill would continue to make escape from custody a class B felony if the act causes serious bodily injury "to another person" otherwise as for the case described above, the crime would be reduced to a misdemeanor. The committee is convinced that in the interest of balance and proportion in our penalties, a lesser degree is called for in such instances as noted here. The interests of society (and law enforcement) and individuals are both served by this bill, and that is always a good thing. **Vote 14-2.**

HB 1204-FN, relative to perjury by a law enforcement officer. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Robert R. Cushing for the **Majority** of Criminal Justice and Public Safety. The Majority of the committee felt that issues surrounding perjury and false statements by law enforcement should be studied. **Vote 11-7.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. After voting 6-12 against a motion of inexpedient to legislate on this bill, the majority decided on interim study. The minority, however, believes the more appropriate motion would have been ought to pass. This is really a very simple bill. It mandates that any police officer found guilty of perjury shall be prohibited from serving as a police officer in this state. Some issues were raised, fallaciously in the minority's opinion, that this bill is an assault on police officers. That is totally false. The only people who would be affected by this bill would be those who commit perjury thus endangering the lives and well being of innocent people. By failing to pass this bill, we send a message that we are condoning something we should never condone – lying under oath and getting away with it. Interim study is simply a way out by those who wish to avoid the responsibility of passing this bill. In this case, especially since we're in the second year of the session and this House will never see the results of any study, interim study is simply "death with dignity." This bill deserves to live, not to die a slow death of study.

HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children. **OUGHT TO PASS.**

Rep. Timothy N Robertson for Criminal Justice and Public Safety. This bill recognizes that these local ordinances were found unconstitutional in Dover District Court and in Merrimack County Superior Court because they deprive registrants of their fundamental property rights and drive them underground. The research explains why banning offenders from most areas of a town forces them into homelessness, destabilizes them, and concentrates them in the outskirts of town, far from buses, services, jobs, and mediators. Victim advocates, police, social workers and researchers widely oppose these codes because they paradoxically endanger the public. They arise from the panic when parents discover a registrant is living near them. It is incumbent on House members to educate citizens to the real safety issue as stated here. **Vote 18-1.**

HB 1301, relative to transportation of alcoholic beverages by a minor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for the **Majority** of Criminal Justice and Public Safety. Many members of the committee did not even know this particular law exists. If we as lawmakers were not aware of it; one can imagine how many of our constituents are breaking the law without even knowing it. That is never a good thing, so this change would simply reflect reality. Currently, a driver under 21 years of age may drive a vehicle with alcohol in the vehicle if accompanied by a parent, legal guardian, or of-age spouse. In other words, that passenger could be drunk and the driver would be acting legally. However, the driver would be acting illegally if accompanied by a perfectly sober 40 or 50 year old. That does not seem right. Keep in mind that this does not apply to open containers. They would remain illegal under all circumstances. This bill would simply allow any adult to be in the car with the underage driver, not necessarily the parent. In other words, it is currently illegal for a 19 year old to drive Grandma home from a grocery store if Grandma has purchased a six pack. The bill would make that common occurrence legal. The Majority feels this not only makes sense but is in the best interest of public safety since the youth will be sober and acting responsibly. **Vote 13-4.**

Rep. Dennis H. Fields for the **Minority** of Criminal Justice and Public Safety. This bill creates an exception to allow an underage person to transport an alcoholic beverage any time the alcohol is in possession of a legal age person. Under current law they can only do so when the legal age person is a parent, guardian or legal-age spouse. This bill will allow more minors to drive with alcohol in vehicles and thus make it far too easy for minor drivers to be in the presence of alcohol when driving and the "barely 21's" will suddenly become the popular companions for underage youth "out for a good time" and make it easier for them to obtain alcohol. This increasing access to alcohol will result in more alcohol consumption by minors, put more alcohol in cars driven by minors, and encourage them to consume alcohol while driving or riding. The minority contends there is no reasonable justification for this bill at a time when New Hampshire's fatal traffic crashes are on the increase and when we should be discouraging alcohol consumption by our most valuable asset, our youth, as well as protecting all the other road users.

HB 1436, relative to unlawful possession of alcoholic beverages. **WITHOUT RECOMMENDATION**
Statement in Favor of **OUGHT TO PASS WITH ADMENDMENT**

We believe this is a common-sense approach to add balance to the criminal prohibition on minors possessing alcohol, when the minor is in the presence of a parent or legal guardian. This bill also adds medical and religious exemptions. This applies only to possession, not consumption, which is illegal.

Rep. Mark Warden

Statement in favor of **INEXPEDIENT TO LEGISLATE.**

This bill would create three exemptions for unlawful possession of alcohol by those under 21 years of age; a medical exemption, a religious exemption, and an exemption for someone under 21 in the presence of an adult. This bill appears to be a solution in search of a problem, as the committee heard no testimony of those younger than 21 being arrested or charged under current law who might have qualified under one of the proposed exemptions. The committee could not conceive of any situation where alcohol would be prescribed to someone under 21 for medical reasons and believes that the religious exemption is far too broad to be enforced. The committee is aware that certain other states have family or location exemptions; however, that is no reason why New Hampshire should follow suit.

Rep. Laura Pantelakos

ELECTION LAW**HB 1347**, establishing a house committee to study apportionment of state representative districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for the **Majority** of Election Law. This bill creates a study committee to study re-apportionment. The committee amendment directs this study committee to propose methods to ensure that future redistricting plans comply with the New Hampshire constitution; specifically Part II, Article 11, which states that each town and city ward within a reasonable deviation from the ideal population shall have its own representative seat. **Vote 13-2.**

Rep. Timothy P Comerford for the **Minority** of Election Law. Part Second Article Nine of the New Hampshire constitution gives the legislature exclusive authority to redistrict every ten years. This bill seeks to create a study committee to explore the mechanisms by which we redistrict; the committee is entirely unnecessary. This legislation was put forth by legislators who take issue with the previous redistricting plan which the New Hampshire Supreme Court found constitutional. New Hampshire has now been released from federal pre-clearance requirements under the voting rights act which will allow us to have more flexibility in the future.

HB 1462-FN, relative to electioneering by public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Melanie A. Levesque for Election Law. The purpose of this legislation is to add classes of employee to the description of public employee under the statute prohibiting electioneering (RSA 659:44). Regardless of classification they are still considered public employees. There is also concern whether the performance of official duties means while on duty or while under employ. In addition concerns were raised whether idle conversation around the water cooler could be construed as electioneering. Finally the Judicial Branch states that during the past decade no charges were filed in any court for the violation of RSA 659.44. Accordingly, the committee voted this bill inexpedient to legislate. **Vote 10-6.**

HB 1506, relative to student identification cards used to satisfy voter identification requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Election Law. This bill would have eliminated the use of certain student identification cards to satisfy voter identification requirements. The secretary of state expressed a concern that election officials would be forced to maintain a long list of acceptable student I.D.'s issued by career schools. The majority of the committee did not feel that maintaining an alphabetized list of acceptable career schools was unduly burdensome. The committee also heard testimony that there is no credible evidence that impersonation fraud, which is the only type of fraud that identification cards seek to avoid, is a problem in New Hampshire. **Vote 10-6.**

FINANCE

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Susan M Ford for the **Majority** of Finance. This bill would establish a study committee to investigate whether it is feasible to offer a kindergarten to college/career ready program in New Hampshire. The study committee, with support from the education and banking community, will focus on creating, structuring, managing, marketing, and funding a program to meet the needs of New Hampshire students. Young students, with limited family finances, never consider that they may have an opportunity to attend college or a technical school. A kindergarten to college/career program provides a bank account for every kindergarten student in the cohort and provides an opportunity for all students to consider a post-secondary education leading to a career. These accounts may be funded by a foundation, a community, the state or an individual; the cohort may be students in the state, a region, a city, or town. Students, parents, and others may add to the fund over the 13 years a student is enrolled in a public school. There are many different kindergarten to career programs being implemented across the country – all organized in very different ways to meet local needs. This study committee will investigate if this program is right for New Hampshire. **Vote 16-6.**

Rep. Dan McGuire for the **Minority** of Finance. This bill contemplates yet another scheme for sending public funds to higher education. Over the last generation we've seen federal spending for colleges balloon to over \$100 billion a year. This is roughly \$5,000 per student per year. All this money has disappeared down the black hole of tuition increases. Students are graduating with higher debt than ever before. More money is not the answer.

HB 1251-FN-A, making an appropriation for New Hampshire Public Television. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel A Eaton for Finance. This bill came to the committee asking for a 2.7 million dollar appropriation for New Hampshire Public Television. The committee found that if we repealed a session law that does not allow NHPTV to negotiate with agencies for funds or services, the problem would be solved and no appropriation would be needed. At the current time, NHPTV cannot even respond to an RFP from any state agency even though it might save the state money. NHPTV has to maintain its towers which is expensive and adding additional services on those towers adds to that expense. Agencies currently using those towers have said that they are willing to pay for that use. The committee amendment eliminates the funding request, repeals a session law and allows NHPTV to respond to RFPs for service. NHPTV believes that this simple change will solve any existing problems and supports the committee's amended version of the bill. **Vote 21-0.**

HB 1489-FN-A-L, establishing a fund to reimburse costs associated with firefighters who have heart, lung, and cancer disease and continually appropriating a special fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. William A Hatch for the **Majority** of FINANCE. HB 1489-FN's purpose is to establish a dedicated fund to reimburse cost associated with firefighters who have heart, lung and cancer disease and to continually support that dedicated fund. This was established in law but due to Article 28A issues cancer has not been funded and needs this type of mechanism for funds to pay the law. After 3 work sessions the majority of the committee determined that a study committee was needed to review the many variables in the bill. The option for interim study was first considered but after reconsideration the majority of the committee determined a study committee would be appropriate. Factors in that determination are the bill does establish a dedicated fund which is a Ways and Means Committee responsibility, does involve workmen's compensation insurance which is a Labor Committee responsibility and insurance which the Commerce Committee reviews. When all is considered and in recognition of the need to address this issue the majority believes all would be better served by this venue. **Vote 14-8.**

Rep. Karen C Umberger for the **Minority** of FINANCE. This bill requires additional study to insure all the issues associated with firefighters and cancer can be studied. The committee has the concurrence of the fire marshal, the labor department and the insurance department that they would work with us to develop an appropriate methodology to insure firefighters are treated appropriately when they are identified as having cancer as a result of their job. The committee has the background on the issues surrounding the problem. The creation of a study committee with members who were not part of the hearings and work sessions will require an extensive learning curve. The duties of the majority-proposed study committee are quite limited. These limited duties as well as the composition of the study committee may not result in solving the problems associated with firefighters and cancer. We believe the committee has the expertise and the strong desire to work through this issue and to provide appropriate legislation to bring to the House for a vote

JUDICIARY

CACR 12, relating to nomination and appointment of officers. Providing that judges and the attorney general shall be elected. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank H Heffron for Judiciary. This proposed constitutional amendment would make a major change in the selection process for all judges and the Attorney General. Under it, these officials would be elected. The majority of the committee did not hear any persuasive arguments for making such a significant change. For decades the governors of both parties have had a judicial selection system which has worked well. Also, the committee is aware that in states where judges are elected, candidates for judgeships can be subjected to pressures that are inconsistent with unbiased resolution of legal matters. **Vote 16-2.**

CACR 16, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph M Hagan for Judiciary. This proposed constitutional amendment would allow either the governor or the executive council to appoint judicial officers and require confirmation by majority vote of the legislature in joint session. The majority feels that this change is not necessary and would needlessly complicate a process that is working well. **Vote 16-2.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1188, relative to paycheck equity. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles F Weed for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority believes that equal pay for equal work is a fundamental right and that pay disparity based solely on gender is unacceptable; current state law agrees and prohibits this practice. However, because some employers in the state strictly prohibit employees from discussing their pay and other benefits, the law is difficult to enforce. This bill prohibits employers from restricting employees' ability to speak to each other about their pay or benefits. It in no way requires employees to disclose any information, so an employee can keep information private or disclose it at their discretion. This bill does not restrict employers ability to pay employees differently, it specifically allows pay differences based on many factors including: seniority, merit, production, education, training, experience, or any other bona fide reason other than gender. The bill is a great step forward in assuring employers are not paying men and women differently based solely on their gender. **Vote 12-7.**

Rep. William J Infantine for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority agrees that it should be illegal for an employer to discriminate between two employees based on sex. The minority takes issue with the three aspects of the bill which do not allow the employer to make rules, sign agreements or discipline employees for disclosing their salary, wages or benefits. Employers need to allow for a harmonious work environment and partial information provided by one employee to another and then passed on through many means including social media will cause considerable discord in the workplace. This bill is one of many that make it harder for employers to want to come to and stay in New Hampshire.

HB 1404, relative to payroll cards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas A Ley for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill corrects abuses and provides new protections for employees who opt for compensation via electronic pay cards. Conditions set forth in this legislation include elimination of a number of “gotcha” or surprise fees, provide better access to card balances, and mandate disclosure of all payment options and transaction fees in clear and plain language. The committee has been assured that card providers will be able to meet these conditions. **Vote 15-3.**

Rep. Douglas A Ley for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill corrects abuses and provides new protections for employees who opt for compensation via electronic pay cards. Conditions set forth in this legislation include elimination of a number of “gotcha” or surprise fees, provide better access to card balances, and mandate disclosure of all payment options and transaction fees in clear and plain language. The committee has been assured that card providers will be able to meet these conditions. **Vote 15-3.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services. There is no need for this bill. Existing federal and state laws are sufficient. Further, this bill legislates business policy, furthering the assault on management rights and business in general.

HB 1405, prohibiting an employer from using credit history in employment decisions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael D Cahill for the **Majority** of Labor, Industrial and Rehabilitative Services. There is no correlation between an individual’s personal credit history and job performance. Therefore, the routine use of personal credit history information as a standard pre-employment screening tool creates barriers to employment for qualified workers who have experienced financial hardships or long-term unemployment. This bill expands access to employment and protects the privacy of workers and job applicants by prohibiting employers from using personal credit history information in employment decisions, with explicit exceptions for job positions for which personal credit history checks are required by state or federal law, and for positions with primary duties that require substantial management and control of company funds. **Vote 12-6.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill creates government interference in business hiring practices, further eroding incentives for business to stay in or come to, New Hampshire.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. **OUGHT TO PASS.**

Rep. James E. Coffey for Municipal and County Government. This bill amends RSA 466:14 by raising the amount that can be recovered for the cost of service of a “civil forfeiture” relating to the failure to license a dog from \$5.00 to \$10.00. This charge does not apply to other costs incurred which are addressed separately. This bill was requested by the town clerks association. **Vote 14-5.**

HB 1266, relative to the appointment of the town clerk. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Suzanne M Vail for the **Majority** of Municipal and County Government. The majority of the committee believes that HB 1266 is unnecessary. In towns, the selectmen, the clerk and the moderator are elected. The town clerk’s office can be appointed when one cannot be elected, or one must leave the position. We heard no compelling testimony that this bill addresses a statewide problem, rather the result of a very few municipalities that may have a local issue. Changing policy that potentially affects every municipality will have unintended consequences. While it sounds reasonable to propose legislation that is enabling, is also contrary to our democratic and time honored, historic way of conducting business in our towns. Clerks are an integral part of the integrity of elections. Clerks are suppose to remain “fair and impartial” in the discharge of all their duties. Clerks are elected in the town by the people and work for the people. When there is an interim, a clerk can be appointed. When the clerk’s job and raise are based on the evaluation from the selectmen, town administrator or town manager, the clerk becomes an employee and the separation and balance of power becomes uneven. The assumption that people who are elected are not as qualified as people who are appointed is not substantiated by facts. Town clerk’s performance is measured at every election and the voters speak clearly. Town clerks have lost elections when they did an inadequate job. Dismantling a process that works is not necessary. **Vote 11-8.**

Rep. David A Bickford for the **Minority** of Municipal and County Government. This enabling legislation would allow town voters to decide whether their clerk should be elected or appointed. This would give towns the same option that cities have enjoyed for decades. City clerks are appointed by the city manager or the mayor and aldermen. That enables the city to find the most qualified candidate, even if that person lives outside the city. This process works well; when a bill last year sought to require election of city clerks, it was uniformly opposed by city officials, especially city clerks, and our committee voted 20-0 to kill it.

Town clerks, however are required to be elected. Because every elected official must be a town resident, this severely limits the field of candidates. The Hanover town clerk testified that for several years, her town had a clerk who held the office in name only because he was the only resident willing to put his name on the ballot. He was not interested in, or qualified for, the position, so an appointed deputy had to perform the job on a day-to-day basis. The committee heard about other towns where no one was willing to run, or where the only person who ran was unqualified. We all know how hard it is to get people to run for local office. A town can limp along without a selectman or a library trustee for a few months or a year, but it must have a clerk every day.

Claims that allowing for an appointed clerk will endanger the independence of the position are unpersuasive. Selectmen are prohibited by law from interfering with any local official's duties, whether elected or appointed. Police chiefs, tax collectors, building inspectors, and many other officials must remain independent of the selectmen, yet there is no requirement that they be elected. And again, the practice of appointing city clerks as been successful and uncontroversial.

Although the clerk's association opposes this bill, committee members heard from several town clerks who support it, along with the municipal association and many town officials. At the very least, this is an issue on which reasonable people can disagree. On issues like that, it has been the tradition of this legislature to let the question be decided at the local level. This bill does exactly that. It does not require that clerks be appointed; it merely gives local voters that option.

HB 1268, relative to the purposes of town by-laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P. Lockwood for Municipal and County Government. This bill attempts to clarify the powers encompassed by the term "prudential affairs." The amendment to the law still doesn't make it very clear and the committee felt it became more confusing, so voted to leave the law as originally written. **Vote 15-4.**

HB 1573-FN, discontinuing regional planning commissions and requiring the election of municipal planning board members. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for Municipal and County Government. This bill has come before this committee in numerous forms over the past several sessions. This time we heard testimony that regional planning commissions are tools of the United Nations and its Agenda 21, and that the RPCs, by conforming to the department of housing and urban development standards, are violating our local property rights.

Membership in a Regional Planning Commission is entirely voluntary. No community is forced to join or required to remain a member.

Very few communities in New Hampshire have the financial and personnel resources to adequately address their long-range planning needs. Furthermore, many planning needs, such as brownfields, flood control, transportation, housing, etc. exist far beyond the local borders, requiring cooperation between communities. Additionally, RPCs provide in-depth and valuable information communities need when applying for state or federal funding, ensuring that New Hampshire tax dollars are returned to the state to meet our local needs. Regional planning commissions serve an important function in the state; abolishing them would be foolhearty. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1302, relative to certain driveway permits. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia Irwin for Public Works and Highways. The committee is concerned about taking away the authority of the department of transportation to approve points of ingress or egress onto state roads. It further supports the department of transportation's permitting process. The committee unanimously opposes giving local planning boards authority to create a curb cut on state roads for every lot approved by planning boards, subject only to sight distance and drainage. **Vote 16-0.**

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge. **OUGHT TO PASS.**

Rep. Kevin K. Waterhouse for Public Works and Highways. The committee is proud to honor the late Lance Corporal Michael E. Geary, a marine killed in combat in Helmand Province, Afghanistan. Corporal Geary was raised in Derry and graduated from Pinkerton Academy. The town of Derry has requested that they be allowed to install and maintain a sign naming the state owned bridge on West Broadway, Route 102 in the town of Derry. The committee unanimously and proudly recommends this bridge forever bear the name of Lance Corporal Geary. **Vote 15-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1443, relative to renewable portfolio standards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline A Cali-Pitts for the **Majority** of Science, Technology and Energy. This bill would have made significant changes in New Hampshire's Renewable Portfolio Standards (RPS) statute RSA 362-F. Programs

are funded by RPS that aid municipalities, schools, businesses and individuals to develop and implement renewable energy projects. This bill would remove the classes of renewables currently in statute and impede the attainment of the goal set by the state of 25% renewable energy by 2025 by 5%. Changes in the RPS law were made in 2012 and 2013 after extensive review and have not had an adequate trial yet. Changes made without thorough analysis and consideration should not be made and signal inconsistency and discourage the investment community. This is not the time to make changes to a program that is beneficial to the state. **Vote 12-4.** Rep. David K Murotake for the **Minority** of Science, Technology and Energy. This bill deletes electric renewable energy classes from the electric renewable portfolio standards. This bill would force renewable energy generators to compete against each other for their share of the marketplace, increasing competition and driving down electricity costs to ratepayers. RPS, by definition, picks winners and losers in the electric marketplace by only allowing certain technologies and generators to participate in particular classes. HB 1443 would force the “winners” to compete against each other for their share of the market, reducing the price of electricity paid by suppliers to generators, leading to lower rates for ratepayers. The committee amendment, 2014-0473h, addresses an issue in the original bill as introduced, which might inadvertently bias RPS markets in favor of large-capacity hydropower generators. The amendment defines “Renewable energy source,” “renewable source,” or “source” as energy derived from hydro with a total nameplate capacity of 5 MWs or less, geothermal, wind, solar thermal, photovoltaic, biomass, methane waste, or tidal sources.” This protects existing in-state hydro generators by limiting the total nameplate capacity to 5 MW.

TRANSPORTATION

HB 1223, relative to driving on limited access highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce E Hodgdon for Transportation. This bill would restrict use of the left lane of a limited access highway. After two amendments failed to pass, the majority of the committee felt that it would be a problem in the southern part of the state with a larger amount of traffic. Also, the committee felt that it would be difficult to enforce. **Vote 8-6.**

HB 1360, prohibiting impeded driving and use of certain electronic devices while driving. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. George E Sykes for the **Majority** of Transportation. This bill, after two committee work sessions, was amended to consolidate three bills submitted about distracted driving and/or cell phone use while driving. This bill as amended prohibits the use of electronic mobile devices while driving. It was amended to incorporate the concerns of stakeholders. The amendment does allow for the use of hands-free electronic devices, devices electronically integrated into the motor vehicle, non-cellular 2-way radio, and the use of cellular phones to report an emergency. The amendment also removes the impeded driving violation. Drivers under the age of 18 shall not use a cellular or mobile phone, hands-free or not. They may use a cellular phone to report an emergency. **Vote 13-3.**

Rep. Tim O’Flaherty for the **Minority** of Transportation. The minority of the committee is convinced that this bill as amended is an example of tremendous overreach by proposing to ban the use of all hand-held mobile devices while driving. This bill was brought to the committee as an attempt to expand the rarely enforced texting while driving ban, however this overly broad bill goes too far, enabling the nanny state to reach even further into our lives. Distraction while driving is a cause of many accidents, but as in all other areas of life, an individual must choose to behave responsibly. In a state with no mandatory seat belt laws for adults, this bill, which is modeled after the draconian distracted driving laws in Connecticut, would be one of the strictest mobile device bans in the country. This bill would ban the use of a cell phone or mobile device even while a driver is stopped at a red light or stuck in a traffic jam. It also encourages young drivers to disobey the law because they have no option to use Bluetooth or other hands-free technology.

It would be impossible to enforce a mobile device ban on everyone who uses a cell phone or GPS device and, in the end this bill is about using the police powers of the state to create a public education campaign. Education about the dangerous habits of distracted driving is important but it is inappropriate to use the police to correct our personal habits. As technology rapidly evolves, hands-free technology will be increasingly adopted and employed making driving safer without legislation.

HB 1366, relative to exemptions from seasonal weight restrictions on roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian K Chirichiello for Transportation. This bill would make an exemption for seasonal businesses to use state roadways that are designated with seasonal weight limits. This was a hardship for small type businesses from making a living, yet DOT was concerned with roadway infrastructure that could damage state roadways that are already in rough shape. A compromise between the business affected and DOT would allow the business to continue travel and so the bill is not needed. There was discussion on what a future study group should look at for needed improvements to some state roadways that are not up to standard for usage as the business community and our state grow in population in the more rural areas. **Vote 13-2.**

WAYS AND MEANS

CACR 10, relating to revenue classes. Providing that all moneys received by the state shall belong to a defined revenue class. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T Lovejoy for the **Majority** of Ways and Means. The state constitution should be looked upon as a framework. This amendment restricts the operation of state finances by requiring that all revenue sources be restricted to specific purposes. Our state operations are financed by many sources of revenue including taxes, fees, surcharges, tuitions, licenses etc. This amendment would require the matching of all sources of revenues to expenditures creating an accounting nightmare and restricting our ability to respond to economic challenges **Vote 15-1.**

Rep. Thomas C Schamberg for the **Minority** of Ways and Means. The minority believes the state legislature should not be able to balance the state budget by funding “sweeps” and diversions of designated fund monies into the general fund contrary to legislative intent. The minority believes that the people of New Hampshire have expressly been told through the establishment of these designated fund accounts that the express purpose of revenues raised by surcharges and fees will remain in the designated fund. To sweep or divert without informing the public that legislative intent is to be changed, is not transparent.

HB 1476-FN, exempting proprietorships from taxation under the business enterprise tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means. This bill exempts from taxation under the business enterprise tax (BET) persons who perform business activity as a proprietorship and would take effect July 1, 2014, the start of fiscal year (FY) 2015. The committee rejected this legislation for two reasons. First, NH would face the possible loss of about \$17.1 million in revenue based on the historical background of the tax. Proprietorships have usually paid about 7.5% of the total BET, and 7.5% of estimated BET revenue in FY 2015 (\$227,700,000) would be more than \$17 million. Second, legal precedent also indicates that a constitutional challenge could be made as this legislation exempts a classification of taxpayers. Supreme Court decisions in 1975 and 1990 are very clear in stating, “Distinctions in tax treatment must rest upon reasonable classifications of property, not upon classifications of taxpayers owning a common class of property.” **Vote 18-2.**

HB 1477-FN-A, exempting proprietorships from taxation under the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for Ways and Means. This bill exempts from taxation under the Business Profits Tax (BPT) persons who perform business activity as a proprietorship and would take effect July 1, 2014, the start of the fiscal year (FY) 2015. The committee rejected this legislation for two reasons. First, NH would face the possible loss of over \$17 million in revenue based on the historical background of the tax. Proprietorships have usually paid about 5% of the total BPT, and 5% of the estimated BPT revenue in FY 2015 (\$341,500,000) would be more than \$17 million. Second, legal precedent also indicates that a constitutional challenge could be made as this legislation exempts a classification of taxpayers. Supreme Court decisions in 1975 and 1990 are very clear in stating, “Distinctions in tax treatment must rest upon reasonable classifications of property, not upon classifications of taxpayers owning a common class of property.” **Vote 17-3.**

HB 1509-FN-A, relative to including nonprofit charitable enterprises in the business enterprise tax and lowering the rate of the tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Thomas C Schamberg for the **Majority** of Ways and Means. The majority of the committee was persuaded that a change in tax policy to include nonprofit charitable enterprises in the business enterprise tax (BET) would adversely affect the growth and stability of our state. New Hampshire has a long history of tax exemption for nonprofits to sustain their ability to mobilize resources and volunteers to meet community needs. The type of organizations that would be adversely affected under any amendment proposed include elder services, visiting nurse associations, goodwill groups and youth organizations. These organizations provide services that our state would have to provide directly if they were to fail. The tax proposed would put many nonprofit budgets under great stress and lead to smaller financial commitments to their communities. This bill also lowers the BET, and because the department of revenue administration cannot determine how much the state could get from taxing charities, we cannot tell whether the state would gain or lose fiscally. **Vote 12-8.**

Rep. David W Hess for the **Minority** of Ways and Means. The Minority believes this subject deserves further study. No one expected this bill to be enacted this year, but its introduction has generated considerable interest and support. 501(c)(3) organizations are the only not-for-profit entities exempt from the business enterprise tax; all the other 28 categories of non-profits recognized in the Internal Revenue Code currently pay this tax. 501(c)(3) entities account for approximately 15% of our Gross State Product, and that share is growing – in no small part because many of these large tax-exempt organizations are buying out independent entities which formerly paid the BET, but which no longer do so because they have been swept under the tax-exempt um-

brella of the acquiring entity. As a result, the base of the BET has shrunk, and many highly-paid professionals who previously paid this tax no longer do. Not all 501(c)(3) entities are created equal. More than one-third of the 30 largest non-governmental employers in the state are nonprofits. Alternative amendments to this bill were offered which demonstrate that legislation can be drafted which would constitutionally apply the BET to a discreet, specific group of large 501(c)(3) entities which look, act and behave like for-profit businesses, while continuing the exemption for churches and other religious organizations, all small and local private foundations, "Ma and Pa" charities, and non-profits which receive most of their revenue from contributions, gifts, donations and grants rather than from fees charged for services or products provided. Moreover, these organizations are not exempt from all taxes now; they currently pay many state and federal levies, including FICA, the Medicare tax, and unemployment compensation assessments among others. In addition, this bill is intended to be revenue neutral; it would reduce the BET rate to 0.68% to reflect the expanded base to which the tax would apply. Finally, the minimal financial burden of this nominal tax is demonstrated by the fact that the 23 non-profit hospitals in New Hampshire paid just their 23 CEOs more in total compensation in 2009 than they would have paid the state if the BET has been assessed on the total hospital system salaries they paid to all of their employees.

HB 1553-FN-A, requiring a refund of business profits taxes and business enterprise taxes which exceed an annual revenue cap adopted by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for Ways and Means. This bill seeks to cap business profits tax and business enterprise tax revenues at levels set by the legislature, presumably as part of the main budget bill. The bill would then require refunds to tax payers if annual revenues come in at levels higher than the caps. The proposed system is unworkable. It fails to recognize the dynamic features of these taxes, where tax adjustments are frequently made well after the tax year has ended.

DRA states that implementation would require significant new administrative costs. DRA also identified numerous uncertainties in the bill as drafted which would need to be resolved before further action on the bill. **Vote 17-0.**

HB 1597-FN-A, reducing the rate of tax on meals under the meals and rooms tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gilman C Shattuck for the **Majority** of Ways and Means. This bill would cause a major reduction in general funds revenue, \$23,891,236 in FY 2015 and similar losses in subsequent years. The sponsor of the bill offered no suggestion to make this bill revenue neutral. Because meals tax makes up such a large portion of the overall rooms and meals tax, offsetting the decrease in meals tax revenue by an increase in the rooms tax would require a large increase in the rooms tax. Further, it is doubtful if such a small decrease in the meals tax would bring any significant increase in the meals portion of business. Extensive changes would be required of innkeepers who would now have to segregate and report meals and rooms revenue separately. Taxes on bundled packages would have to be broken out. It would be confusing to consumers who are used to one set of rates on meals and rooms transactions. Since 22.4% of the tax is currently to the towns, the revenue loss to the towns would approach \$55,000,000 in FY 2015 and increasingly amounts in subsequent years. **Vote 9-8.**

Rep. Russell T Ober for the **Minority** of Ways and Means. This bill reduces the meals portion of the meals and room tax from 9% to 8%. This is a bill of interest to every citizen of New Hampshire. If you purchase a meal at a restaurant or fast food outlet you will pay less. If the revenues continue increasing for the rest of FY 14 (so far about 5%) and revenues for FY 15 (as several experts predict) also increase, the total revenues upon which the tax is based will be large enough to keep the total tax paid approximately the same. Therefore, revenues the same, less expensive meals equals a win – win for New Hampshire residents.

BILLS LAID ON TABLE

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

HB 566, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Pending question: Inexpedient to Legislate)

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

HB 1475, relative to expanding the research and development tax credit against the business profits tax to be a reinvestment tax credit. (No pending question)

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

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

COMMITTEE MEETINGS

FRIDAY, FEBRUARY 14

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

1:00 p.m. Subcommittee work session on **HB 1215**, relative to the rights of franchisees.

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

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular business.

10:30 a.m. Audits: The Unique College Investing Plan, Annual Report-September 30, 2013

The Fidelity Advisor 529 Plan, Annual Report- September, 30, 2013

State of New Hampshire, NH Veterans' Home, Internal Controls Over The Budget, Performance

Audit Report-February 2014

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

11:00 a.m. Regular meeting.

HOUSE LEGISLATIVE FACILITIES SUBCOMMITTEE (RSA 17-E:2), Room 210-211, LOB

12:00 p.m. (or 5 minutes after the JLFC meeting)

Regular meeting.

JOINT LEGISLATIVE FACILITIES (RSA 17-E:2), Room 210-211, LOB

11:30 a.m. (or 5 minutes after Fiscal Committee meeting)

Regular meeting.

TUESDAY, FEBRUARY 18

CHILDREN AND FAMILY LAW, Room 206, LOB

9:00 a.m. Subcommittee work session on **HB 1496**, relative to the objectivity and validity of student assessment materials, **HB 1262**, relative to student assessment data privacy, **HB 1432**, delaying implementation of certain statewide assessments and studying the effects of delaying implementation of certain curriculum changes in the public schools.

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

11:30 a.m. Subcommittee work session on **HB 1343**, relative to guardian ad litem fees and complaints.

1:00 p.m. Subcommittee work session on **HB 1316-FN**, requiring the use of metal detection devices in court-ordered, supervised visitation, **HB 1236**, establishing a committee to study supervised visitation centers.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:00 a.m. Subcommittee work session on **HB 1532**, relative to notification of radon level prior to sale or lease of property, **HB 1281-FN**, relative to copayments for certain specialists.

10:15 a.m. **HB 1612**, relative to health insurance cost-reduction incentives.

10:45 a.m. **HB 1416**, establishing a state economic development plan and process.

11:15 a.m. **HB 1378**, repealing sugar packet requirements.

1:00 p.m. **HB 1568-FN**, relative to service animals.

2:00 p.m. Executive session on **HB 1242-FN**, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies, **HB 1281-FN**, relative to copayments for certain specialists, **HB 1283**, relative to a homeowners association's authority to collect back dues following revival of the association's charter, **HB 1532**, relative to notification of radon level prior to sale or lease of property, **HB 1541-FN**, allowing health insurance policies to be sold without mandates, **HB 1614**, relative to pharmacy benefit cards, and a continued executive session on **HB 1276**, relative to alcoholic beverage advertising restrictions.

3:30 p.m. Subcommittee work session **HB 1282-FN**, relative to consumer protection for propane fuel users.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Ignition Interlock Demonstration.

1:00 p.m. Executive session on **HB 1330-FN**, prohibiting the disclosure by search warrant of privileged individual medical records, **HB 1361**, prohibiting law enforcement agencies from using a drone to collect evidence, **HB 1533-FN**, requiring a warrant to search information in a portable electronic device, **HB 1566-FN**, relative to warrant requirements, **HB 1567-FN**, requiring a warrant to obtain electronic device location information, **HB1619-FN**, prohibiting the acquisition, collection, or retention of certain information, **HB 1620-FN**, relative to the use of drones

and a continued executive session on **HB 1536-FN**, relative to penalties for driving under the influence of drugs or liquor, **HB 1607-FN**, relative to limited driving privileges after revocation for certain financial obligations.

EDUCATION, Room 207, LOB

- 8:00 a.m. Subcommittee work session on **HB 1393-FN-L**, relative to tuition payments for students attending a chartered public school in the student's district of residence, **HB 1128**, establishing a committee to study issues related to students receiving special education services while attending a chartered public school, **HB 1392-FN-L**, removing the restriction on the number of pupils eligible to transfer to a chartered public school.
- 9:00 a.m. Subcommittee work session on **HB 1496**, relative to the objectivity and validity of student assessment materials, **HB 1262**, relative to student assessment data privacy, **HB 1432**, delaying implementation of certain statewide assessments and studying the effects of delaying implementation of certain curriculum changes in the public schools.
- 10:00 a.m. **HB 1488-FN**, adopting the interstate compact on educational support for military children.
- 10:45 a.m. **HB 1432**, delaying implementation of certain statewide assessments and studying the effects of delaying implementation of certain curriculum changes in the public schools.
- 11:30 a.m. **HB 1238**, relative to access to assessment materials.
- 1:00 p.m. Executive session on **HB 1128**, establishing a committee to study issues related to students receiving special education services while attending a chartered public school, **HB 1141**, requiring chartered public schools to share enrollment information with school districts, **HB 1200**, relative to student social media policies by educational institutions, **HB 1212**, relative to social media privacy in higher education, **HB 1252**, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15, **HB 1321**, relative to reporting of Armed Services Vocational Aptitude Battery scores, **HB 1392-FN-L**, removing the restriction on the number of pupils eligible to transfer to a chartered public school, **HB 1445-FN**, relative to providing an education plan for certain students upon request of a parent or guardian, **HB 1447**, prohibiting discrimination in educational standards for certain students. **HB 1298**, relative to additional criteria for review of chartered public school applications.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. Subcommittee work session on **HB 1322**, relative to the definition of "party" for election purposes, **HB 1497-FN**, relative to the definition of "party" and relative to nomination papers, **HB 1323**, relative to candidates for state representative, **CACR 15**, relating to elections. Providing that certain persons may vote in primaries prior to turning 18 years of age.
- 11:30 a.m. Subcommittee work session on **HB 1460**, relative to the date of appointment of inspectors of election, **HB 1338**, relative to appointment of inspectors of election by selectmen.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **HB 1178**, relative to the sale and transfer of animals from animal shelters.
- 10:30 a.m. **HB 1179**, relative to health certificates for transferred animals.
- 11:00 a.m. **HB 1578-FN**, relative to record keeping for sold or transferred animals.
- 1:15 p.m. Subcommittee work session on **HB 1464-FN**, exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act.
- 2:00 p.m. Subcommittee work session on **HB 1570-FN**, establishing a paint stewardship program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 1:00 p.m. Executive session on **HB 1480**, relative to objections to proposed agency administrative rules by standing committees of the general court, **HB 1537**, relative to acceptance of grants by state agencies, **HB 1552**, establishing a commission to study cyber security for critical state infrastructure, **HB 1564-FN**, relative to escheat proceedings, **HB 1569-FN**, permitting licensing requirements to be waived for buyers and sellers, **HB 1593**, relative to eligibility for the state extraordinary service award program, **HB 1603**, relative to renewal of emergency medical technician-intermediate licenses, **HB 1617-FN**, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A, 1:00 p.m. **HB 1102**, relative to membership of the police standards and training council, **HB 1116**, relative to the membership of the advanced manufacturing education advisory council, **HB 1173**, relative to the report submission date of the state retiree health plan commission, **HB 1175**, prohibiting state contracts with individuals or for corporations who have been convicted of certain criminal offenses or found liable of certain civil offenses, **HB 1269**, relative to expungement of agency records, **HB 1307**, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not

readily available in an open national commercial market, **HB 1327**, establishing a commission to review the security of data collected by the state of New Hampshire, **HB 1399-FN**, relative to the application for a vested deferred retirement allowance in the retirement system.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 461-FN**, relative to long-term care services, **HB 525-FN**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age,

FINANCE – (DIVISION I), Room 212, LOB

11:00 a.m. Work session on **HB 1494-FN**, relative to administration of the New Hampshire retirement system and authority of the board of trustees.

11:30 a.m. Work session on **HB 1372-FN-A**, making an appropriation for the ongoing training and education of pediatric sexual assault nurse examiners.

FINANCE – (DIVISION II), Room 209, LOB

11:00 a.m. Work session on **HB 435-FN**, relative to funding for chartered public school pupils.

1:00 p.m. Work session on **HB 650-FN-A**, making an appropriation to start a bus service between Claremont and Lebanon.

2:00 p.m. Work session on **HB 1406-FN**, relative to red list bridges.

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

1:00 p.m. Work session on **HB 1624-FN**, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights.

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

10:00 a.m. Subcommittee works session on **HB 1622-FN**, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use, **HB 1615**, relative to emergency prescriptions.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on **HB 1119**, relative to forfeiture of inheritance by killer, **HB 1143**, relative to the New Hampshire Law Against Discrimination, **HB 1153-FN**, allowing public bodies or agencies to require a deposit for right-to-know requests, **HB 1156-FN-L**, making certain changes to the right-to-know law, **HB 1159**, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event, **HB 1226**, establishing a committee to study end-of-life decisions, **HB 1315**, relative to confidentiality of police personnel files, **HB 1325-FN**, relative to death with dignity for certain persons suffering from a terminal condition, **HB 1345-FN**, relative to forfeiture of items used in connection with a drug offense, **HB 1379**, excluding firearms records from public records subject to disclosure under the right-to-know law, **HB 1442**, relative to mental health courts, **HB 1450**, extending the right-to-know law to certain corporations entering into contracts with municipalities for the purpose of operating a business improvement district, **HB 1470**, relative to quorums for meetings under the right-to-know law, **HB 1591-FN**, establishing the right-to-know grievance commission, **HB 1609-FN**, relative to forfeiture of personal property and a reschedule executives session on Executive session on **HB 1253**, relative to religious societies, **HB 1439-FN**, relative to the attorney general's authority in investigating combinations and monopolies, **HB 1618-FN**, relative to an additional hearing for persons who meet the standard for involuntary admission to a mental health treatment facility, **HB 1631-FN**, relative to debt collection and small claims, and continued executive sessions on **HB 1293**, establishing a civil right of action for victims of human trafficking, **HB 1452**, relative to jury nullification.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:15 a.m. **HB 1571-FN-L**, relative to breastfeeding.

11:00 a.m. **HB 1189**, relative to temporary worker rights.

1:00 p.m. **HB 1499-FN**, making changes in the maximum weekly benefit amount of unemployment compensation.

1:45 p.m. **HB 1468**, establishing a committee to study the effects of increasing workers' compensation benefits and to study payment schedules for medical reimbursement,

2:00 p.m. Executive session on **HB 1349**, relative to the definition of independent contractor, **HB 1355-FN**, relative to unemployment compensation for self-employed individuals, **HB 1403-FN**, establishing a state minimum hourly wage, **HB 1599**, relative to employment protection for victims of domestic violence.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

12:00 p.m. Continued executive session on **HB 1551**, relative to the employment of elected officials.

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

3:30 p.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1110**, relative to the penalty for sales chasing by certified assessors.
- 10:30 a.m. Continued public hearing **HB 1195**, establishing a commission to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.
- 11:00 a.m. **HB 1471-L**, relative to the proration of payments in lieu of taxes for renewable generation facilities among school districts.
- 11:30 a.m. **HB 1472**, relative to equalized property valuation used to apportion expenses in cooperative and multi-town school districts.
- 1:15 p.m. **HB 1590-L**, relative to payments in lieu of taxes for renewable generation facilities in unincorporated places.
- 2:00 p.m. **HB 1549**, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.
- 2:45 p.m. **SB 223**, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems.
- 3:00 p.m. Subcommittee work session on **HB 1458**, authorizing towns and cities to establish special assessment districts.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 1374**, repealing the priority status of the widening of I-93 from Manchester to the Massachusetts border in the state of New Hampshire 10 year transportation improvement plan.
- 1:00 p.m. Executive session on **HB 1145**, relative to the proposed Sewalls Falls Bridge in the city of Concord.
- 1:15 p.m. Continued public hearing on **HB 2014**, relative to the state 10-year transportation improvement program. Topic: Aeronautics, rail and transit, other projects, other public input.

RESOURCES, RECREATION AND DEVELOPMENT, Room 303, LOB

- 9:15 a.m. Subcommittee work session on **HB 1286**, relative to youth safety regarding mooring and rafting of boats at or near youth camps.
- 10:15 a.m. Executive session on **HB 1248**, relative to the acceptance of risk in outdoor recreational activities, **HB 1254**, establishing a committee to study and propose a recodification of certain environment-related statutes, **HB 1383**, relative to municipal monitoring of large groundwater withdrawals, **HB 1467**, relative to large groundwater withdrawal permits.
- 1:00 p.m. **HB 1348**, relative to the community development finance authority.
- 1:30 p.m. Subcommittee work session on **HB 1271**, establishing a committee to study the powers and duties of conservation commissions, **HB 1100**, establishing a committee to study the ownership by public entities of land for conservation purposes.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:00 a.m. **HB1540**, relative to least cost integrated resource plans filed by an electric utility.
- 10:00 a.m. **HB 1352**, establishing a committee to explore public-private partnerships to coordinate energy transmission corridors with rapid transit.
- 10:45 a.m. **HB 1376**, requiring the department of environmental services to examine the potential harm to the public and the environment of New Hampshire from the transportation of bituminous tar sands through Coos county by the Portland-Montreal pipeline.
- 12:00 p.m. Subcommittee work session **HB 1265**, relative to coordinating and funding broadband infrastructure information by the enhanced 911 system.
- 1:00 p.m. **HB 1600**, relative to reporting of energy production for net metering.
- 2:00 p.m. **HB 1192-FN**, eliminating the threshold price on the use of proceeds from the regional greenhouse gas initiative program.
- 2:45 p.m. **HB 1224-FN**, relative to best practices for the transmission of energy.
- 3:00 p.m. **HB 1129**, establishing a committee to study energy efficiency.
- 3:45 p.m. Subcommittee work session on **HB 1129**, establishing a committee to study energy efficiency.

TRANSPORTATION, Room 203, LOB

- 10:15 a.m. Executive session on **HB 1183**, relative to display of antique motor vehicle plates, **HB 1291**, relative to sales by motor vehicle dealers, **HB 1313**, relative to highway surveillance, **HB 1324-FN**, relative to access to event data recorders, **HB 1329**, prohibiting the use of facial recognition technology in connection with driver's license photographs, **HB 1356**, relative to fire department plates, **HB 1359-FN**, establishing Bronze Star and Silver Star number plates, **HB 1448**, relative to vessel registration, **HB 1483-FN**, relative to transfers of motor vehicle registration, **HB 1601**, relative to mandatory headlamp use.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Full committee work session on **HB 1633-FN-A-L**, relative to expanded gaming in New Hampshire. Topic: revenue and business models.

WEDNESDAY, FEBRUARY 19**SHORELAND ADVISORY COMMITTEE (RSA 483-B:21), Department of Environmental Services, Hazen Dr., Concord**

1:00 p.m. Regular meeting.

THURSDAY, FEBRUARY 20**COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB**

9:00 a.m. Subcommittee work session on **HB 1158-FN-L**, relative to insurance incentives to lower costs of health care.

9:30 a.m. **HB 1546**, relative to insurance coverage for tractors.

10:00 a.m. **HJR 12**, requesting that Anthem extend its coverage to include one hospital in every county in New Hampshire.

10:30 a.m. Continued public hearing on **HB 1193**, relative to flood coverage notification.

11:00 a.m. Continued public hearing on **HB 1194**, relative to student coverage.

1:15 p.m. **HB 1233**, allowing a claimant to take possession of his or her lost or stolen property under certain circumstances.

2:00 p.m. Executive session on **HB1233**, allowing a claimant to take possession of his or her lost or stolen property under certain circumstances, **HB1378**, repealing sugar packet requirements, **HB1416**, establishing a state economic development plan and process, **HB1546**, relative to insurance coverage for tractors, **HB1568-FN**, relative to service animals, **HB1604**, establishing a commission to study financial fraud laws and the rights of victims of financial fraud.

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

2:30 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on **HB 1154-FN**, relative to the use of a laser pointing device for self-defense or defense of others, **HB 1264**, relative to carrying of firearms by nonresidents, **HB 1326**, establishing the affirmative defense of unwitting possession of a controlled drug, **HB 1362-FN**, prohibiting enforcement of any federal law which bans certain firearms or limits firearm magazine size and establishing a criminal penalty for such enforcement, **HB 1438**, relative to the burden of proof for exceptions or exemptions in actions brought under the firearms laws of this state, **HB 1503-FN**, including "fetus" in the definition of "another" for the purpose of certain criminal offenses, **HB 1611-FN**, adding certain products to the controlled drug act, **HB 1625-FN**, relative to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 1586-FN**, relative to student and teacher information protection and privacy.

10:30 a.m. **HB 1587-FN-L**, relative to the collection and disclosure of pupil data.

11:00 a.m. **HB 1508-FN**, terminating state participation in the common core educational standards.

1:00 p.m. Executive session on **HB 1247**, requiring the department of education to share costs of implementing statewide online assessment technology requirements, **HB 1393-FN-L**, relative to tuition payments for students attending a chartered public school in the student's district of residence, **HB 1449**, relative to the requirements for filing a charter school application, **HB 1488-FN**, adopting the interstate compact on educational support for military children.

ELECTION LAW, Room 308, LOB

11:00 a.m. Executive session on **CACR 15**, relating to elections. Providing that certain persons may vote in primaries prior to turning 18 years of age, **HB 1322**, relative to the definition of "party" for election purposes, **HB 1323**, relative to candidates for state representative, **HB 1338**, relative to appointment of inspectors of election by selectmen, **HB 1460**, relative to the date of appointment of inspectors of election, **HB 1497-FN**, relative to the definition of "party" and relative to nomination papers.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on **HB 1178**, relative to the sale and transfer of animals from animal shelters, **HB 1179**, relative to health certificates for transferred animals, **HB 1295**, relative to the defini-

tion of livestock, **HB 1300**, creating an exemption from licensure for low volume seed sellers, **HB 1344**, relative to the disposal of sharps waste by retail establishments, **HB 1367**, relative to the sale of birds, **HB 1382**, defining "farm stand.", **HB 1464-FN**, exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act, **HB 1570-FN**, establishing a paint stewardship program, **HB 1578-FN**, relative to record keeping for sold or transferred animals.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 9:00 a.m. Subcommittee work session on **HB 1219**, relative to the work schedules of pharmacists.
- 9:00 a.m. Subcommittee work session on **HB 1241**, relative to the sale of consumer fireworks. *Please note room 305, LOB*
- 10:30 a.m. **HB 1130-FN-L**, relative to the Northeastern Interstate Forest Fire Protection Compact
- 1:00 p.m. Continued executive session on **HB 1155-FN**, relative to state retiree health coverage premium contributions, **HB 1444**, recognizing the month of April as Genocide Awareness Month, **HB 1454**, relative to increases in fees using rulemaking authority, **HB 1577-FN**, relative to regulating alkaline hydrolysis for the disposal of human remains, **HB 1634-FN**, relative to the salaries of certain unclassified positions.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

- 10:00 a.m. Executive session on **HB 1104-FN**, relative to railroad motorcars, **HB 1290-FN**, allowing non-resident full-time students to purchase resident licenses for hunting and fishing, **HB 1495**, repealing the prohibition on the use of silencing devices for taking wildlife.

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

- 9:00 a.m. Executive session on **HB 1539**, relative to the repeal date of the certificate of need law, **HB 1574-FN**, relative to the cap on total billings to counties for nursing home care costs, **HB 1615**, relative to emergency prescriptions, **HB 1622-FN**, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use, **HB 1623-FN**, prohibiting a licensed alternative treatment center from advertising therapeutic cannabis and a continued executive session on **HB 1133**, relative to copies of medical records for applicants of public assistance programs.
- 11:00 a.m. Subcommittee work session on **HB 1133**, relative to copies of medical records for applicants of public assistance programs.
- 11:30 a.m. Subcommittee works session on **HB 1434**, relative to surrogate health care decision making by a family member or friend.
- 1:00 p.m. **HB 263**, relative to reporting a person as medically unfit to drive.
- 2:00 p.m. Executive session on **HB 1502-FN**, relative to induced termination of pregnancy statistics, **HB 1299**, establishing a committee to study the cost and feasibility of requiring photo identification on electronic benefit transfer (EBT) cards, **HR 26**, honoring and recognizing the Cadet Nurse Corps, **HB 1501-FN**, requiring licensing of outpatient abortion facilities, **HB 1538**, relative to medical intervention in the provision of midwife service, **HB 1572-FN**, establishing a commission to create a New Hampshire state plan for Alzheimer's disease and requiring certain training and education programs regarding Alzheimer's disease and other related dementia

JUDICIARY, Room 208, LOB

- 10:00 a.m. Continued executive session if needed.
- 2:00 p.m. **HB 1504**, providing that life begins at conception.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1285**, relative to recommendations by the department of revenue administration regarding municipal fund balance retention.
- 10:30 a.m. **HB 1350**, relative to prior public hearings for acceptance of unanticipated funds.
- 11:00 a.m. **HB 1354**, relative to municipal appropriations for certain capital projects.
- 1:00 p.m. **HB 1466**, relative to modification of a tax increment financing plan.
- 1:30 p.m. **HB 1134**, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Full committee work session on **HB 2014**, relative to the state 10-year transportation improvement program.
- 10:45 a.m. Executive session on **HB 1249**, relative to refunds of the road toll paid by a governmental entity using a credit card, **HB 1250**, relative to security at state-owned park-and-ride facilities.
- 11:15 a.m. Tour of Sarah Mildred Long Bridge in Portsmouth, Little Bay Bridge in Dover and the Portsmouth Naval Shipyard in Kittery, ME. *Please meet in the LOB lobby.*

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:00 a.m. Subcommittee work session on **HB 1385**, relative to changes and additions to energy facilities.
- 10:00 a.m. Continued public hearing on **HB 1167**, relative to exemptions from boiler inspection requirements.
- 11:00 a.m. Executive session on **HB 1384**, relative to rehearings by the public utilities commission, **HB 1385**, relative to changes and additions to energy facilities.
- 1:00 p.m. Informational briefing on the path forward and the legislative needs for SB 99.
- 2:30 p.m. Continued public hearing on **HB 1602**, relative to the divestiture of PSNH assets.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:30 a.m. **HR 20**, urging Congress to support a statewide veterans' medical identification card.
- 9:45 a.m. **HR 22**, urging Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans.
- 10:00 a.m. **HR 21**, expressing support for the right of residents of the District of Columbia to be fully represented in the Congress of the United States of America.
- 1:00 p.m. **HB 1451**, establishing a canine veterans day. *Please note Rooms 305-307, LOB*

TRANSPORTATION

- 11:15 a.m. Tour of Sarah Mildred Long Bridge in Portsmouth, Little Bay Bridge in Dover and the Portsmouth Naval Shipyard in Kittery, ME. *Please meet in the LOB lobby.*

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Full Committee work session on **HB 1633-FN-A-L**, relative to expanded gaming in New Hampshire.

FRIDAY, FEBRUARY 21**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

- 9:00 a.m. Regular meeting.

COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E), Seashell Pavilion at Hampton Beach

- 10:00 a.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:15 a.m. Subcommittee work session on **HB 1353**, relative to recovery under uninsured motorist coverage.

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Room 304, LOB

- 9:00 a.m. Regular meeting.

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

- 1:30 p.m. Regular meeting.

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

- 1:00 p.m. Regular meeting.

MONDAY, FEBRUARY 24**COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 103, State House**

- 10:00 a.m. Regular meeting.

THURSDAY, FEBRUARY 27**COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), New Hampshire Medical Society, 7 North State St., Concord**

- 2:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 28**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration, 101 Pleasant St., Concord**

- 9:30 a.m. Regular board meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 205-207, LOB

- 9:30 p.m. Regular meeting.

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

- 9:00 a.m. Regular meeting.

MONDAY, MARCH 3

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

9:00 a.m. Regular meeting.

TUESDAY, MARCH 4

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

2:00 p.m. Regular business.

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

3:00 p.m. Regular meeting.

EDUCATION, Room 207, LOB

1:00 p.m. Executive session on **HB 1432**, delaying implementation of certain statewide assessments and studying the effects of delaying implementation of certain curriculum changes in the public schools, **HB 1239-FN-L**, relative to the implementation of new educational standards, **HB 1587-FN-L**, relative to the collection and disclosure of pupil data, **HB 1508-FN**, terminating state participation in the common core educational standards, **HB 1262**, relative to student assessment data privacy, **HB 1496**, relative to the objectivity and validity of student assessment materials, **HB 1238**, relative to access to assessment materials, **HB 1586-FN**, relative to student and teacher information protection and privacy.

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

2:30 p.m. Regular business.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Full committee work session on **HB 2014**, relative to the state 10-year transportation improvement program.

11:30 a.m. Executive session on **HB 1374**, repealing the priority status of the widening of I-93 from Manchester to the Massachusetts border in the state of New Hampshire 10 year transportation improvement plan.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Executive session on **HB 1531**, relative to tax expenditure reports for the business profits tax by the department of revenue administration and establishing a joint committee on tax expenditure review, **HB 1626-FN-A-L**, establishing up to 6 gambling establishments in the state and a gaming oversight authority and continually appropriating a special fund, **HB 1627-FN-A-L**, relative to video lottery and table gaming, **HB 1628-FN-A-L**, relative to games of chance and establishing a gaming regulatory commission and video lottery gaming, **HB 1633-FN-A-L**, relative to expanded gaming in New Hampshire.

WEDNESDAY, MARCH 5

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

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

THURSDAY, MARCH 6

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

9:00 a.m. Executive session on **HB 1451**, establishing a canine veterans day, **HR 20**, urging Congress to support a statewide veterans' medical identification card, **HR 21**, expressing support for the right of residents of the District of Columbia to be fully represented in the Congress of the United States of America, **HR 22**, urging Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans.

FRIDAY, MARCH 7

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

9:00 a.m. Continued regular meeting.

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

12:00 p.m. Regular meeting.

FRIDAY, MARCH 14**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I), Room 101, LOB**

9:30 a.m. Regular meeting.

MONDAY, MARCH 17**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Folsom Tavern, 164 Water St., Exeter**

3:00 p.m. Quarterly meeting.

FRIDAY, MARCH 21**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

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

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

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

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

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

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

Karen O. Wadsworth, Clerk of the House

COUNTY DELEGATION NOTICE

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

Rep. Robert Theberge, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

The **Hillsborough** County Executive Committee will be meeting on **Friday, February 28th** at **9:00 a.m.** at the Hillsborough County Complex, Bouchard Building, Goffstown.

Rep Mariellen MacKay, Clerk

Hillsborough Executive Committee

COUNTY DELEGATION NOTICE

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

Rep. Kevin K. Waterhouse, Clerk

Rockingham County Executive Committee

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet **Tuesday, March 4th** at **5:30 p.m.** in the Commissioners Conference Room, Rockingham County Nursing Home, Brentwood.

Rep. Kevin K. Waterhouse, Clerk

Rockingham County Executive Committee

COUNTY DELEGATION NOTICE

The **Rockingham** County Convention will meet **Tuesday, March 4th** at **6:00 p.m.** in the Hilton Auditorium, Rockingham County Nursing Home, Brentwood. Sandwiches and light refreshments will be provided.

Rep. Kevin K. Waterhouse, Clerk

Rockingham County Executive Committee

REVISED FISCAL NOTES

The following Bills have a revised fiscal note: HB 118, HB 226, HB 255, HB 256, HB 404, HB 424, HB 439, HB 435, HB 461, HB 469, HB 480, HB 489, HB 492, HB 525, HB 584, HB 597, HB 645, HB 649, HB 650, HB 653, HB 657, HB 666, HB 671, HB 682, HB 624, HB 1127, HB 1148, HB 1161, HB 1163, HB 1216, HB 1368, HB 1411, HB 1557, HB 1595, HB 1609, HB 1618, HB 1626, HB 1627, HB 1628, HB 1630, HB 1631, 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.

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

Rep. Edward Butler

The house Business caucus will meet on **Tuesday February 18th** at 3:00 p.m. in LOB 305. All pro-business representatives are invited and encouraged to attend.

Reps. Laurie Sanborn, Adam Schrodter, Patrick Abrami

Casino Free NH and the Granite State Coalition Against Expanded Gambling invite all representatives to join us for lunch at the Holiday Inn on **Wednesday, February 19th** during the session lunch break. There will be a brief program and the opportunity to have questions answered.

Reps. David Hess and Marjorie Smith

The American Cancer Society Cancer Action Network-NH will be hosting a Legislative Breakfast on **Wednesday, February 19th** from 8:00 a.m. to 10:00 a.m. at the Upham Walker House at 18 Park Street in Concord. A light continental breakfast will be served. American Cancer Society Action Network volunteers and staff from New Hampshire will be on hand to discuss pending legislation as well as what services the Society provides to NH residents.

Rep. Jim MacKay

Legislators are invited to meet with Travis Brown of How Money Walks on **Wednesday, Feb 19th** from 4:00 - 5:30 upstairs at The Draft, 67 S. Main Street Concord. HMW highlights the migration of wealth from high-tax states to lower-tax states and helps inform good public policy and tax policy to attract wealth and businesses to NH.

Rep. Mark Warden and Rep. Laurie Sanborn

The OWLS will meet at lunch time on **Wednesday, February 19th** in the Sargent At Arms conference room on the State House third floor. Everyone welcome, please bring a bag lunch.

Rep. Laura Pantelakos

The House Republican Alliance will be hosting a session on using social media next **Thursday, February 20th**, 8:30 to 10:00 a.m. in LOB 206. Our guest, Kimberly Morin will speak to us on the impact social media can have and how to use it. All Republicans are invited to attend.

Reps. Al Baldasaro, Carol McGuire and Pamela Tucker

Legislative Breakfast – The annual Water's Worth It! legislative breakfast is set for **Wednesday, March 5th** at the Holiday Inn on Main Street in Concord. Check in for the event begins at 7:00 am with a breakfast buffet. During the breakfast water quality professionals will present information on drinking water and wastewater treatment challenges in New Hampshire. Maintaining high quality water resources in New Hampshire is critical to our health and economy. All legislators and staff are invited to enjoy a hearty breakfast and learn more about New Hampshire's water infrastructure. There is no cost for this event.

Rep. Tom Buco

The New Hampshire Public Charter School Association welcomes all legislators to St. Paul's Church on **March 5th** from 11 am – 2 pm for the 7th Annual Charter Chili Competition. Participating public charter schools will showcase the mission of their schools and parents from each school will enter their best chili to compete to win the contest for their school. Legislators will vote for their favorite recipe. Please join us and learn more about the state of public charter schools in NH and the nation.

Rep. Glenn Cordelli

SKI NH cordially invites all members to the New Hampshire House and the staff to their Winterfest Reception to be held **Wednesday, March 5th** from 4:00 to 6:30 p.m. at the Holiday Inn in Concord.

Reps. Jeff Goley and Gene Chandler

All legislators are cordially invited to attend a breakfast hosted by the New Hampshire Travel Council, (NHTC). The breakfast will take place in the State House Cafeteria from 7:30 a.m. to 9:00 a.m. on **Wednesday, March 12th**.

Reps. Peter Ramsey, Gene Chandler and Ed Butler

The American Red Cross cordially invites all legislative members and staff to the annual State House Complex Blood Drive. The blood drive will take place on **Tuesday, March 18th** from 9:00 a.m. to 3:00 p.m. The American Red Cross state of the art self-contained coach will be parked out in front of the State House for this event. Give blood and you could help save three lives. Appointments are strongly encouraged. To schedule an appointment, please call the State House Health Services, Ext. 2757. In the past the blood drive has had overwhelming support. Please help to make this year the best ever!!

Reps. Steve Shurtleff and Gene Chandler

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Crossover Reception on **Wednesday, March 26th** at 3:30 p.m. (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Steve Shurtleff and Gene Chandler

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

Reps. Pamela Tucker, Al Baldasaro, and Carol McGuire

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **2014**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes. Note that large groups are divided into smaller groups for tours.

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

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

DATE	TIME	GROUP	Group#/Grade
Feb. 14	9:30/11:00 SH/SC	Pembroke Hill School	70/4
Feb. 18	9:00	Cardigan Mountain School – Finnish Hockey team	20/HS
Feb. 18	10:30	St. John's Regional School – Concord	29/4
Feb. 19	9:00	UNH Dept of Social Work	30/col
Feb. 19	10:30	American Cancer Society	20
Feb. 20	10:30	Tuftonboro Central School	10/4
Feb. 21	9:30	Milton & Sanbornville Home School Group	25
Feb.24	10:30	South Tamworth Community School	22/6-12
March 3	9:30/11:00 SH/HM	Maple Avenue Elementary School – Goffstown	60/4
March 4	9:30	Woodman Park School – Dover	50/4
March 4	10:15/11:30	Captain Samuel Douglas School – Brookline	100/4
March 5	9:30/10:45 SH/HM	Dondero Elementary School – Portsmouth	60/4
March 5	11:00	Wells Memorial School – Harrisville	15/4&5
March 6	9:45/11:15 SH/HM	Hooksett Memorial School	60/4
March 6	10:15	Lakes Region Leadership	
March 7	9:45/11:15 SH/HM	Hooksett Memorial School	89/4
March 10	9:30/11:00 SH/HM	Maple Avenue Elementary School – Goffstown	60/4
March 11	10:00	East Kingston Elementary School	27/4
March 12	10:30/12:00 SH/HM	Milford Elementary School	96/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to CACR 10 (2014-0147h)

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

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c. [Moneys Received by State, Dedicated Funds.] Moneys collected by the state from a specified source or sources shall be deposited in a dedicated fund and used exclusively for the purpose of such fund. Each dedicated fund shall have a mechanism for balancing fund income with the program requirements, such that the fund neither fails to meet its purpose nor accumulates moneys beyond what is necessary for long term stability consistent with the fund's purpose. Furthermore, the fund shall have a mechanism for discontinuing collection of revenue and disbursing excess moneys if the underlying purpose of the fund ends.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c. [Moneys Received by State, Dedicated Funds.] Moneys collected by the state from a specified source or sources shall be deposited in a dedicated fund and used exclusively for the purpose of such fund. Each dedicated fund shall have a mechanism for balancing fund income with the program requirements, such that the fund neither fails to meet its purpose nor accumulates moneys beyond what is necessary for long term stability consistent with the fund's purpose. Furthermore, the fund shall have a mechanism for discontinuing collection of revenue and disbursing excess moneys if the underlying purpose of the fund ends."

2014-0147h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that certain moneys received by the state shall be deposited in a dedicated fund and used exclusively for the purpose of such fund.

**Amendment to HB 1122-FN
(2014-0438h)**

Proposed by the Committee on Legislative Administration - c

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

AN ACT relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property.

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

1 New Subdivision; Fraudulent Filings. Amend RSA 478 by inserting after section 41 the following new subdivision:

Fraudulent Filings

478:42 Fraudulent Filings.

I. A person may not intentionally or knowingly present for filing or cause to be presented for filing in a registry or other public office, any type of document that is an alleged judgment or other document purporting to memorialize or evidence an act, order, directive, or process of creating a lien without having been authorized under state law, the Constitution, or the laws of the United States.

II. For purposes of this section, a document or instrument that purports to create a lien on, assert a claim against, or assert an interest in, real or personal property, is presumed to be fraudulent if it:

(a) Is not certified or ordered by a court or a judicial entity expressly created or established under the Constitution or the laws of this state or of the United States; or

(b) Is not a document or instrument provided for by the Constitution or the laws of this state or the United States.

III. Nothing contained herein shall affect the validity of a mechanic's or statutory lien created pursuant to state or federal law.

IV. If a register of deeds or other public official, believes in good faith that a document filed with the registry of deeds or other public office, purports to create a lien that is fraudulent, the register or other public official, shall index the document only under the signer of the document in the grantor index and shall identify the document as a notice in the document type. No other names appearing on the document shall be indexed.

(a) The register or other public official shall send a notice of the action taken under this paragraph to the person presenting or causing such filing by regular mail at his or her last known address no later than the next business day after such action.

(b) The register or other public official shall send a copy of such document to the New Hampshire attorney general's office for review and possible prosecution.

(c) Any such document or instrument on file with the registry of deeds or other public office, presumed to be fraudulent or deemed fraudulent as described in this section shall be considered invalid, void, and having no force or effect on any named person or persons named within the document or instrument.

(d) Any register of deeds or other public official acting in good faith pursuant to this chapter shall be immune from civil and criminal liability.

V. Any person who shall knowingly or intentionally file a document or instrument with the express intent to fraudulently create a lien on real or personal property shall be guilty of a class A misdemeanor for a first offense, or a class B felony for each subsequent offense, and shall be subject to the costs and reasonable attorney's fees incurred by the aggrieved party in the proceedings.

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

2014-0438h

AMENDED ANALYSIS

This bill establishes requirements for registers of deeds or other public official presented with a fraudulent filing of a document purporting to create a lien on or assert a claim or interest on real property. The bill establishes criminal penalties for persons who file fraudulent documents or instruments with the registry of deeds.

**Amendment to HB 1142-FN-A
(2014-0402h)**

Proposed by the Committee on Public Works and Highways - r

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Definition; Motor Fuel Equivalent Gallon. Amend RSA 259 by inserting after section 58-a the following new section:

259:58-b Motor Fuel Equivalent Gallon. "Motor fuel equivalent gallon" means the volume of alternative fuel it takes to equal the energy content of one gallon of gasoline or special fuel. The commissioner of safety shall adopt in rules under RSA 260:57 the applicable conversion rates for motor fuel equivalent gallons for compressed natural gas, liquid natural gas, and propane based on nationally recognized standards for weights and measures.

3 New Section; Levy of Road Toll on Alternative Fuels. Amend RSA 260 by inserting after section 32 the following new section:

260:32-a Levy of Road Toll on Alternative Fuels. There is hereby imposed a road toll on alternative fuels, as defined in RSA 259:3-d and sold by licensed alternative fuel dealers, on the motor fuel equivalent gallon, as defined in RSA 259:58-b, for such alternative fuel at the rate per gallon established in RSA 260:32. The alternative fuel road toll shall be subject to the exemptions provided for by RSA 260:32, I-V and the refund provisions as provided in RSA 260:47, RSA 260:52-b, and RSA 260:52-e.

Amend the bill by replacing section 5 with the following:

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

Amendment to HB 1150-FN

(2014-0249h)

Proposed by the Committee on Transportation - c

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

1 Dealer License; Fee. Amend RSA 261:103-a, II to read as follows:

II. All applications shall be accompanied by the payment of a license fee of [~~\$125~~] **\$250**. If any application is denied or the license applied for is not issued, 75 percent of the license fee shall be refunded to the applicant. ***There shall be no proration of fees for issuance of license for a partial term, however, applications submitted during the second year of the license cycle shall be accompanied by a fee of only \$125.***

2 Dealer License; Expiration. Amend RSA 261:103-a, IV to read as follows:

IV. All licenses issued pursuant to the provisions of this section shall expire [~~annually~~] ***biennially in even-numbered years*** in the month designated by the director.

3 Inspection Stations. Amend RSA 266:1, V to read as follows:

V. The director may authorize properly qualified persons to make inspections without expense to the state at stations designated by [~~him~~] ***the director***, and may at any time revoke such authorization or designation; provided, however, that inspections conducted at such stations at the request and under the direction of a police officer or a [~~highway enforcement officer~~] ***state trooper or authorized employee of the department of safety*** shall be paid for as follows:

(a) In the event violations of this section are uncovered, by the owner of the vehicle.

(b) In the event no such violations are uncovered, by the agency represented by the police officer or [~~highway enforcement officer~~] ***state trooper or authorized employee of the department of safety***. The [~~annual~~] ***biennial*** fee to be paid by the inspection station upon authorization to make inspections shall be [~~\$25~~] ***\$50*** and shall not be refundable ***nor prorated, however, applications submitted during the second year of the license cycle shall be subject to a fee of only \$25.***

4 Effective Date.

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

II. The remainder of this act shall take effect January 1, 2015.

Amendment to HB 1161-FN

(2014-0345h)

Proposed by the Committee on Executive Departments and Administration - c

Amend RSA 287-D:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV. ***"Slot machine" shall not include an electronic table that aids in the dealing and administration of approved card games of chance.***

Amend RSA 287-D:2-b, XVI(a) as inserted by section 2 of the bill by replacing it with the following:

XVI.(a) A game operator or game operator employer using an approved electronic table when conducting games of chance where chips have monetary value on behalf of a charity shall maintain the following minimum records provided that the record keeping requirements of this section shall not apply to manually dealt games:

(1) A list of each unique card player each day and the total amount of wagers by that player on that day.

(2) A record available to any player on a day of game play showing how long that player has been playing that day and a list of all monetary transactions by that player on that day in order to assist a player in management of time spent in card play.

Amend RSA 287-D:2-b, XVI(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Electronic devices and software used to aid in the dealing and administration of card games and maintenance of the records required under this paragraph shall be private, secure, free from tampering,

comply with all appropriate state laws and administrative rules, be Gaming Laboratories International certified, and shall be licensed in at least one state that has its own internal gaming and or licensing division. Manufacturers or distributors of such devices shall comply with RSA 287-D:3.

Amendment to HB 1142-FN-A

(2014-0402h)

Proposed by the Committee on Public Works - r

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Definition; Motor Fuel Equivalent Gallon. Amend RSA 259 by inserting after section 58-a the following new section:

259:58-b Motor Fuel Equivalent Gallon. "Motor fuel equivalent gallon" means the volume of alternative fuel it takes to equal the energy content of one gallon of gasoline or special fuel. The commissioner of safety shall adopt in rules under RSA 260:57 the applicable conversion rates for motor fuel equivalent gallons for compressed natural gas, liquid natural gas, and propane based on nationally recognized standards for weights and measures.

3 New Section; Levy of Road Toll on Alternative Fuels. Amend RSA 260 by inserting after section 32 the following new section:

260:32-a Levy of Road Toll on Alternative Fuels. There is hereby imposed a road toll on alternative fuels, as defined in RSA 259:3-d and sold by licensed alternative fuel dealers, on the motor fuel equivalent gallon, as defined in RSA 259:58-b, for such alternative fuel at the rate per gallon established in RSA 260:32. The alternative fuel road toll shall be subject to the exemptions provided for by RSA 260:32, I-V and the refund provisions as provided in RSA 260:47, RSA 260:52-b, and RSA 260:52-e.

Amend the bill by replacing section 5 with the following:

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

Amendment to HB 1146

(2014-0223h)

Proposed by the Committee on Finance- r

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

1 Committee Established. There is established a committee to study the feasibility of creating, structuring, managing, marketing, and funding a kindergarten to college/career (K2C/C) ready program and a universal college savings account, the purpose of which shall be to promote individual financial literacy among low and moderate income families.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the children and family law committee, one of whom shall be a member of the education committee, one of whom shall be a member of the ways and means committee, one of whom shall be a member of the commerce committee, and one of whom shall be a member of the finance committee.

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

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

3 Duties. The committee shall study the feasibility of creating, structuring, managing, marketing, and funding a K2C/C ready program and a universal college savings account and asset building program in New Hampshire. The committee shall:

I. Review the structure and success of the K2C ready program in San Francisco and the status of similar programs in Ohio, Nevada, Washington, and elsewhere in the United States.

II. Determine the projected population of kindergarten children to be served.

III. Establish contacts with New Hampshire banks, credit unions, philanthropic organizations, and other area financial services that may be involved in similar efforts.

IV. Explore marketing protocols used in San Francisco and other states.

V. Solicit information and testimony from those individuals, agencies, and entities that may be of assistance to the committee in the performance of its duties, including but not limited to, the state treasurer, a principal of an urban elementary school, and a superintendent of a school district that includes a career and technical education center.

VI. Develop a proposal for New Hampshire, based on projected kindergarten enrollment in 2016, that addresses the anticipated investment per student, guidelines for account maintenance, application procedures, and administrative costs.

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

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

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

Amendment to HB 1161-FN

(2014-0345h)

Proposed by the Committee on Executive Departments and Administration - c

Amend RSA 287-D:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV. ***"Slot machine" shall not include an electronic table that aids in the dealing and administration of approved card games of chance.***

Amend RSA 287-D:2-b, XVI(a) as inserted by section 2 of the bill by replacing it with the following:

XVI.(a) A game operator or game operator employer using an approved electronic table when conducting games of chance where chips have monetary value on behalf of a charity shall maintain the following minimum records provided that the record keeping requirements of this section shall not apply to manually dealt games:

(1) A list of each unique card player each day and the total amount of wagers by that player on that day.

(2) A record available to any player on a day of game play showing how long that player has been playing that day and a list of all monetary transactions by that player on that day in order to assist a player in management of time spent in card play.

Amend RSA 287-D:2-b, XVI(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Electronic devices and software used to aid in the dealing and administration of card games and maintenance of the records required under this paragraph shall be private, secure, free from tampering, comply with all appropriate state laws and administrative rules, be Gaming Laboratories International certified, and shall be licensed in at least one state that has its own internal gaming and or licensing division. Manufacturers or distributors of such devices shall comply with RSA 287-D:3.

Amendment to HB 1177

(2014-0398h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by replacing section 1 with the following:

1 Anti-Rebating; Exceptions. Amend RSA 402:41, I(f) to read as follows:

(f) ***Contests, sweepstakes***, raffles, or drawings, conducted in connection with the marketing or promotion of insurance products, if:

(1) The total prize value for all ***contests, sweepstakes***, raffles, or drawings in a 12-month period ~~[do]~~ ***does*** not exceed \$1,000 ***provided, however, that this subparagraph shall not apply to insurer contests, sweepstakes, raffles, or drawings;***

(2) There is no participation cost to entrants; and

(3) The ***contest, sweepstakes***, raffle, ***or drawing*** is open to consumers who are not policyholders and the consumer is not required to purchase a policy in order to be eligible to enter the ***contest, sweepstakes***, raffle, ***or drawing*** or receive a ~~[raffle]~~ prize.

2014-0398h

AMENDED ANALYSIS

This bill adds certain contests and sweepstakes that are conducted in connection with the marketing or promotion of insurance products to the exceptions to the anti-rebating law.

Amendment to HB 1197

(2014-0164h)

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

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

1 Jenness Pond in Northwood; Dam Construction. Amend 1993, 19:1 and 19:2 to read as follows:

19:1 Purpose. The general court declares that it is in the best interests of both the littoral owners around Jenness Pond in Northwood and the people of New Hampshire to control the waters of this great pond ~~[and to establish a constant water level]~~ by allowing the construction of a dam at its natural outlet ***and using such dam to control the water level of the pond.***

19:2 Dam Construction Authorized. ***Subject to the permitting requirements of RSA 482:7***, the Jenness Pond Shore Owners Association, Inc. is specifically authorized to construct a dam at the natural outlet of Jenness Pond in the town of Northwood ***and to seasonally vary the water surface elevation of such pond***

by lowering it at the end of each recreational season and restoring it to its full pond elevation in the spring of each year by manipulation of such dam. [The Jenness Pond Shore Owners Association, Inc. shall apply for a permit as required by RSA 482:7.]

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

Amendment to HB 1198

(2014-0023h)

Proposed by the Committee on Children and family law - c

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

AN ACT relative to the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4: 3 Child Protection Act; Definition of Sexual Abuse. Amend RSA 169-C:3, XXVII-a to read as follows:

XXVII-a. "Sexual abuse" means ~~[the following activities under circumstances which indicate that the child's health or welfare is harmed or threatened with harm:]~~ the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term "child" or "children" means any individual who is under the age of 18 years.

2014-0023h

AMENDED ANALYSIS

This bill makes a technical correction to the CHINS statute as amended by 2013, 249. It requires the court to inquire whether the child is eligible for special education services during the initial appearance in a CHINS proceeding.

The bill also removes the reference to harm in the definition of sexual abuse under RSA 169-C, the child protection act.

Amendment to HB 1209

(2014-0275h)

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

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

AN ACT relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee.

Amend the bill by replacing section 1 with the following:

1 Emission Control Equipment; Applicability. Amend RSA 266:59-b, III to read as follows:

III. The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~[all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered]~~ motor vehicles equipped with **an** on-board diagnostic ~~[systems]~~ **system** meeting ~~[the]~~ federal EPA OBD II (***On-Board Diagnostics***) standards ***that are*** driven on the ways of this state ***and*** which are subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. ***Vehicles subject to this requirement shall include model year 1997 and newer diesel-powered motor vehicles and model year 1996 and newer motor vehicles powered by any other fuel source.*** To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

Amendment to HB 1227

(2014-0240h)

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

Amend the bill by replacing section 4 with the following:

4 Parole of Prisoners; Medical Parole. Amend RSA 651-A:10-a, III to read as follows:

III. Medical parole shall ~~[only]~~ be granted by a majority vote ~~[which includes at least 3 votes]~~ of the members ~~[who are present and voting]~~ ***of the hearing panel.***

Amend RSA 651-A:19, III(b) as inserted by section 7 of the bill by replacing it with the following:

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII[;] and

~~[(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or~~

(2)] the prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or

~~[(3) Both subparagraphs (1) and (2); or]~~

Amend the bill by replacing section 11 with the following:

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

Amendment to HB 1308-FN

(2014-0466h)

Proposed by the Committee on Labor, Industrial, and Rehabilitative-c

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

AN ACT adding a member to the advisory council on workers' compensation.

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Advisory Council. Amend RSA 281-A:62, I to read as follows:

I. There is hereby established an advisory council on workers' compensation. The advisory council shall consist of [9] **10** members: the commissioner or a designee; the insurance commissioner or a designee; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the president of the senate; and [5] **6** persons appointed by the governor and council, one representing the interests of management, who shall not have interests in the insurance field, ***one representing employees from the New Hampshire Association for Justice***, one representing the interests of labor, one representing insurance interests of commercial workers' compensation carriers, one representing self-funded employers and one representing health care providers. The legislative members of the advisory council and the [5] **6** members appointed by the governor and council shall be familiar with the workers' compensation laws of New Hampshire. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the advisory council shall be replaced by the governor and council. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The advisory council shall also ratify managed care programs established under RSA 281-A:23-a. The term of office of each member appointed by the governor and council shall be 3 years and until a successor is appointed and qualified. Vacancies shall be filled in the same manner and for the unexpired terms. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

2014-0466h

AMENDED ANALYSIS

This bill adds one member to the advisory council on workers' compensation.

Amendment to HB 1312

(2014-0380h)

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

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

AN ACT establishing a committee to study offshore wind energy and the development of other ocean power technology.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study offshore wind energy and the development of other ocean power technology.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study offshore wind energy and the development of other ocean power technology, including but not limited to:

(a) Determining potential power generation capacity in New Hampshire offshore waters.

(b) Identifying opportunities and possible facilities in the Portsmouth Harbor and other coastal communities for support of offshore ocean power development.

(c) Identifying existing regulatory and jurisdictional challenges to enabling future offshore power development.

(d) Projecting likely benefits to the state economy from this type of development over the next decade.

II. The committee may solicit testimony from any person or organization with information relevant to the committee's objective.

2014-0380h

AMENDED ANALYSIS

This bill establishes a committee to study offshore wind energy and other ocean power technology development.

**Amendment to HB 1347
(2014-0440h)**

Proposed by the Majority of the Committee on Election Law - r

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the methods and conditions governing the apportionment of state representative districts. The committee shall propose such procedures and changes as may be required to assure compliance with New Hampshire constitutional requirements in future apportionment plans.

**Amendment to HB 1357
(2014-0106h)**

Proposed by the Minority of the Committee on Election Law - r

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

1 Accessible Voting System. Amend RSA 652:16-d to read as follows:

652:16-d Accessible Voting System.

I. "Accessible voting system" shall mean the system chosen by the state to meet the accessibility for individuals with disabilities requirements of section 301 of the Help America Vote Act of 2002, 42 U.S.C. section 15481, that has the capacity to print a paper ballot marked with the votes chosen by the voter.

II. If only one voter uses the accessible voting system at a polling place on election day, the moderator shall make a reasonable effort to assure that at least 2 volunteers also vote using the system in order to protect the secrecy of the ballot.

2 Sealed Ballots. Amend RSA 659:95, II to read as follows:

~~II. [Ballots, including cast, cancelled, and uncast ballots and]~~ Successfully challenged and rejected absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ~~[ballots or]~~ absentee voter affidavits prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

3 Disposal of Ballots. Amend RSA 660:16, II to read as follows:

~~II. [Ballots, including cast, cancelled, and uncast ballots and]~~ Successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ~~[ballots or]~~ absentee voter affidavit envelopes prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

4 New Subdivision; Public Review of Ballots. Amend RSA 660 by inserting after section 31 the following new subdivision:

Public Review of Ballots

660:32 Public Review of Ballots.

I. Public review of ballots shall only be allowed after the recount period for the election has ended.

II. The clerk shall remove the seal from the container holding the ballots in the presence of the person requesting the review. After the review, the clerk shall return the ballots to the container and seal the container in the presence of the person requesting the review with a sealer provided by the secretary of state.

III. If only one of a particular type of ballot is included in the ballots to be reviewed, the clerk may exclude the ballot, and may also exclude a randomly-selected ballot of another type, in order to prevent any reviewed ballot from being linked to an identifiable voter and to prevent a determination of how an identifiable voter has voted. The application of this paragraph shall include, but not be limited to, federal offices only absentee ballots, write-in absentee ballots, and photocopy ballots.

5 Preservation of Ballots. Amend RSA 669:33, II to read as follows:

~~II. [Ballots, including cast, cancelled, and uncast ballots and]~~ Successfully challenged absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ~~[ballots or]~~ absentee voter affidavit envelopes prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

6 Effective Date. This act shall take effect 60 days after its passage. 2014-0106h

AMENDED ANALYSIS

This bill limits the ballot exemption from the provisions of RSA 91-A so that it applies only to successfully challenged absentee ballots. This bill also establishes requirements for public review of preserved ballots.

**Amendment to HB 1360
(2014-0376h)**

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 use of certain electronic devices while driving.

Amend the bill by replacing section 1 with the following:

1 New Section; Serious Traffic Offenses; Use of Mobile Electronic Devices. Amend RSA 265 by inserting after section 79-b the following new section:

265:79-c Use of Mobile Electronic Devices While Driving; Prohibition.

I.(a) No person, while driving a moving motor vehicle upon a way or temporarily halted in traffic for a traffic control device or other momentary delay, shall use any hand-held mobile electronic device capable of providing voice or data communication, including but not limited to: reading, composing, viewing, or posting any electronic message; or initiating, receiving, or conducting a conversation; or initiating a command or request to access the Internet; or inputting information into a global positioning system or navigation device; or manually typing data into any other portable electronic device. An operator of a motor vehicle who holds a cellular telephone or other electronic device capable of voice communication in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section.

(b) "Driving," for the purposes of this section, shall not include when a person is behind the controls of a vehicle that has pulled to the side of or off the road at a location where it is legal to do so and where the vehicle remains stationary.

II. It shall not be an offense under this section for any person driving a motor vehicle upon a way:

(a) To make use of a cellular telephone or other electronic device capable of voice communication to report an emergency to the enhanced 911 system or directly to a law enforcement agency, fire department, or emergency medical provider.

(b) To use one hand to transmit or receive messages on any non-cellular 2-way radio.

(c) To use a Bluetooth enabled or other hands-free electronic device, or a similar device that is physically or electronically integrated into a motor vehicle, for such a purpose to send or receive information provided the driver does not have to divert his or her attention from the road ahead. As used in this section, "hands-free electronic device" means a mobile electronic device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile electronic device, by which a user engages in conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand merely to activate, deactivate, or initiate a function of the telephone.

III. Any person who violates this section shall be guilty of a violation and shall be fined \$100 plus penalty assessment for a first offense, \$250 plus penalty assessment for a second offense, and \$500 plus penalty assessment for any subsequent offense within a 24-month period.

IV. No person less than 18 years of age shall use a cellular or mobile telephone or other mobile electronic device, whether hands-free or not, while driving a motor vehicle in motion or temporarily stopped in traffic upon any way, except to report an emergency to the enhanced 911 system or any public safety agency. A person violating this paragraph shall be subject to the fines in paragraph III and license suspension or revocation under RSA 263:14, III.

2014-0376h

AMENDED ANALYSIS

Amendment to HB 1368

(2014-0450h)

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 relative to consideration of criminal records for occupational and professional licensing.

Amend the bill by replacing section 1 with the following:

1 New Section; Criminal Conviction. Amend RSA 332-G by inserting after section 7 the following new section:

332-G:8 Criminal Conviction. No board or commission shall disqualify a person from practicing, pursuing, or engaging in any occupation, trade, vocation, profession, or business for which a license, permit, certificate, or registration is required under this title, nor suspend or revoke such license, certificate, or registration because of a prior conviction of a crime in and of itself. However, a board or commission may deny a license or certificate, or the renewal of a license or certificate, because of a prior conviction after considering the nature of the crime and whether there is a substantial and direct relationship to the occupation, trade, vocation, or profession for which the person has applied; information about the rehabilitation of the convicted person; and the amount of time that has passed since the conviction or release.

2014-0450h

AMENDED ANALYSIS

This bill prohibits certain regulatory boards and commissions from denying a license to any person because of a prior conviction of a crime in and of itself.

**Amendment to HB 1372-FN-A
(2014-0339h)**

Proposed by the Committee on Children and Family Law - c

Amend the bill by replacing section 1 with the following:

1 Department of Justice; Appropriation for Pediatric Sexual Assault Nurse Examiner. The sum of \$20,000 for the fiscal year ending June 30, 2014 is hereby appropriated to the department of justice, grants management unit, of which \$10,000 shall be for the purpose of providing ongoing training and education for pediatric sexual assault nurse examiners and \$10,000 shall be for the purchase of software and network access necessary for the ongoing training and education of pediatric sexual assault nurse examiners. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2014-0339h

AMENDED ANALYSIS

This bill makes an appropriation to the department of justice, grants management unit, for the ongoing training and education of pediatric sexual assault nurse examiners.

**Amendment to HB 1404
(2014-0501h)**

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

Amend RSA 275:43, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) By a payroll card provided that the employer *has offered, and the employee has declined, both the option of receiving his or her wages by direct deposit to a depository account of the employee's choosing and the option of receiving a paper check, and that the employer* shall provide to the employee at least ~~[one free means to withdraw]~~ *3 free withdrawals* up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution, *automated teller machine within the network of financial institutions of the issuer providing the payroll card account*, or other location convenient to the place of employment. *The payroll card account shall not be linked to any form of credit, including a loan against future pay, a cash advance on future pay, or overdraft protection.* None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; Amend RSA 275:43, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Ensure that there are no fees charged to employees for the following payroll card account transactions and services:

(1) A declined transaction.

(2) A low balance fee.

(3) Account inactivity.

(4) Access to payroll card balance and transaction history online, by interactive voice response system, at an automated teller machine in the network of an issuer, or by any automated system in conjunction with the payroll card.

(5) Any transaction or service not expressly identified by type and amount in the contract between the employer and the payroll card issuer, or any transaction or service not expressly disclosed to the employee as required in subparagraph II(a).

**Amendment to HB 1405
(2014-0219h)**

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

Amend RSA 275:71, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Any individual or entity that is required by federal law or regulation to obtain an employee's or applicant's credit history or credit report.

**Amendment to HB 1436
(2014-0369h)**

Offered by Reps. Warden and C. McGuire

Amend RSA 179:10, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person at least 18 years of age but less than 21 years of age, who is in possession of liquor or alcoholic beverages, who is in a place where alcoholic beverages are not sold, and who is in the physical presence of that person's parent, legal guardian, or spouse who is 21 years of age or older shall be exempt from this section.

**Amendment to HB 1443
(2014-0473h)**

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

Amend RSA 362-F:2, XV as inserted by section 1 of the bill by replacing it with the following:

XV. "Renewable energy source," "renewable source," or "source" means [a class I, II, III, or IV source of electricity or a class I source of useful thermal energy] **energy derived from hydro with a total nameplate capacity of 5 MWs or less, geothermal, wind, solar thermal, photovoltaic, biomass, methane waste, or tidal sources.** An electrical generating facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4, shall not be considered a renewable source.

Amendment to HB 1478

(2014-0400h)

Proposed by the Committee on Children and Family Law - c

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

AN ACT relative to oversight of child day care agencies.

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

1 Record of Licenses and Monitoring Visits. Amend RSA 170-E:10 to read as follows:

170-E:10 Record of Licenses **and Monitoring Visits.**

I. The department shall keep in a central depository records of licenses issued under this subdivision and all monitoring reports that have been made relative to licensees. When a license is issued to a child day care agency, the department shall give notice to the health officer and fire department of the city or town in which the licensee is located stating the granting of such license and its terms. A like notice shall be given of any suspension or revocation of such license.

II. The license itself, [and] the findings of monitoring visits, and final decisions relative to licensure of the child day care agency shall be considered public information, **posted on the department's website, and** available for review by members of the public; information submitted in the application process, however, shall be private, confidential, and not available for review.

III. At least 5 business days before posting the results or findings of a monitoring visit on the department's website, the department shall provide the child day care agency with the results or findings by email or, if the child day care agency has not provided an email address, by United States mail. If the child day care agency submits a reasonable response to the department's findings, the child day care agency's response shall be posted with the department's findings on the website.

2 New Section; Informal Dispute Resolution. Amend RSA 170-E by inserting after section 10 the following new section:

170-E:10-a Informal Dispute Resolution.

I. The department shall offer an opportunity for informal dispute resolution to any child day care agency that disagrees with the results or findings of a monitoring visit. The child day care agency shall submit a written request for informal dispute resolution no later than 14 days from the date the findings were issued by the department. Within 30 days of receipt of a request for informal dispute resolution, the department shall review the evidence presented and provide written notice of its decision to the child day care agency.

II. Informal dispute resolution shall not be available to any child day care agency against which the department has initiated action to suspend, revoke, deny, or refuse to renew a license or permit under this chapter.

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

2014-0400h

AMENDED ANALYSIS

This bill requires the department to provide the results of a monitoring visit to the child care agency. The bill also provides the child day care agency with the opportunity to respond and have the agency's response posted on the department's website. The bill also establishes a process for informal dispute resolution if the child day care agency disagrees with the department's findings.

Floor Amendment to HB 1486-FN

(2014-0407h)

Proposed by Reps. Hoell and Itse

Amend the bill by replacing section 1 with the following:

1 Unlawful Possession and Intoxication; Fines. Amend RSA 179:10, I to read as follows:

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, shall be guilty of a violation and shall be fined [a minimum of \$300] **not less than \$100 plus penalty assessment and not more than \$300 plus penalty assessment.** Any second and subsequent offense shall be fined [at least \$600] **not less than \$250 plus penalty assessment and not more than \$500 plus penalty assessment.** For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be

prima facie evidence of intoxication. No portion of ~~[this mandatory]~~ **the** minimum fine shall be waived[,] **or** continued for sentencing[, or] **and no portion of the minimum fine shall be** suspended ~~[by the court]~~ **except for sufficient mitigating circumstances which shall be stated on the court's order.** ~~[In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.]~~

Amendment to HB 1494-FN

(2014-0422h)

Proposed by the Committee on Executive Departments and Administration - r

Amend RSA 100-A:1, XVII as inserted by section 2 of the bill by deleting subparagraph (c).

2014-0422h

AMENDED ANALYSIS

This bill:

- I. Clarifies definitions of terms used in RSA 100-A.
- II. Establishes a procedure for the determination of the costs of purchase of service credits.
- III. Clarifies the ability to earn service credit while on a salary continuance plan.
- IV. Changes the date for the approval of the comprehensive annual financial report (CAFR).
- V. Adds a penalty for employers who fail to timely remit data on compensation paid to retired members.
- VI. Repeals obsolete provisions.

Amendment to HB 1498-FN

(2014-0468h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services-c

Amend RSA 281-A:38, III as inserted by section 1 of the bill by replacing it with the following:

III. When an employee who has returned to work is required to submit to an examination pursuant to this section, the employee shall be entitled to receive from the party requesting the examination all wages lost in submitting to the examination. These wages shall not count against the maximum allowable weekly compensation rate set forth in RSA 281-A:28. The payment under this paragraph is not a payment of compensation for disability pursuant to RSA 281-A:28, RSA 281-A:28-a, RSA 281-A:31, RSA 281-A:31-a, RSA 281-A:40, or RSA 281-A:48. The payment under this paragraph does not toll the statute of limitations for compensation payments under RSA 281-A:48.

2014-0468h

AMENDED ANALYSIS

This bill requires the party requesting an independent medical examination to reimburse an employee for lost wages if the employee who has returned to work is required to submit to an independent medical examination.

Floor Amendment to HB 1573-FN

(2014-0258h)

Proposed by Rep. Hoell - r

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

AN ACT establishing a committee to study regional planning commissions

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

1 Committee Established. There is established a committee to study regional planning commissions.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the structure, governance, operation, delivery of services, effectiveness, and accountability of regional planning and existing regional planning commissions and propose changes to current law in order to implement and codify needed reforms. In particular, the committee shall study the impact of requiring regional planning commission appropriation and budget-making processes on those used by New Hampshire political subdivisions; repealing RSA 36:49-a; and, amending RSA 36:49 to prohibit regional planning commissions from accepting or receiving any funds, grants, or services from the federal government or its agencies, from departments, agencies, and instrumentalities of state, or from private and civic sources.

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

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

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

2014-0258h

AMENDED ANALYSIS

This bill establishes a committee to study regional planning commissions.

Amendment to HB 1579-FN

(2014-0435h)

Proposed by the Committee on Fish and Game- r

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

AN ACT relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

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

1 Trapping; Injury or Death of Domestic Animal; Penalty. Amend RSA 210:18 to read as follows:

210:18 ~~[Damage to]~~ ***Injury or Death of Domestic Animals; Penalty.***

I. Any person causing injury or ~~[damage]~~***death*** to domestic animals~~[, except for dogs at large pursuant to RSA 466:33,]~~ by the aid or use of traps shall be liable to the owner therefor. An injury to a licensed dog at large shall be reported to the town or city listed on the dog's tag, and to the owner of the dog if identifiable.

II. ***Any person who violates the laws or rules governing trapping under this title, which violation results in the injury or death of a domestic animal, shall be subject to a mandatory minimum fine of \$1,000 for each offense and, in addition, the person's hunting, fishing, and trapping licenses and permits shall be revoked and the person shall not be issued a license or permit to hunt, fish, or trap for a period of 3 years. Prior to the restoration of such person's ability to apply for a license or permit to hunt, fish, or trap, the person shall show successful completion of a trapping education program pursuant to RSA 210:25.***

2 Trapping Licenses; Education Requirements. Amend RSA 214:11-b, I(c) to read as follows:

(c) Satisfactory proof that he ***or she*** has ~~[previously]~~ held a trapping license issued to him ***or her*** in this state~~[, any other state, province or country]~~ ***during any of the previous 3 years.***

3 Committee Established. There is established a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

4 Membership and Compensation.

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

(a) Four members of the house of representatives who are members of the fish and game and marine resources committee, appointed by the speaker of the house of representatives.

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

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

5 Duties. The committee shall study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations. The committee shall seek input from the fish and game department and any other persons or organizations as the committee deems relevant.

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

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

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2015.

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

2014-0435h

AMENDED ANALYSIS

This bill adds penalties for violations of trapping laws and rules which result in the injury or death of a domestic animal. The bill requires trapping education for license applicants who have not held a trapping license in this state during any of the previous 3 years. This bill also establishes a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

Amendment to HB 1581-FN-A**(2014-0228h)****Proposed by the Committee on Public Works and Highways - r**

Amend RSA 228:12-b as inserted by section 1 of the bill by replacing it with the following:

228:12-b Red List Bridge Capital Projects; Bonds Authorized. To provide funds for capital projects to repair or replace state-owned red list bridges, or any state-owned bridge closed in accordance with a department of transportation order, the state treasurer, as may be requested from time to time by the commissioner of the department of transportation, is authorized to borrow from time to time upon the credit of the state such amounts so that the total state obligation shall at no time exceed \$50,000,000 and for said purposes may issue bonds and notes at such time in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A and as authorized by the governor and council. The department shall request and the treasurer shall issue bonds only for such amounts from time to time as are required for the purposes of this section and provided that the principal and interest payments can be satisfied within limitation mandated by RSA 6-C:3. Debt service for such bonds shall be a charge against the highway fund.

Amendment to HB 1589-FN**(2014-0371h)****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 a criminal background check for certain firearm sales or transfers.

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

1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require commercial firearm sales and transfers in New Hampshire to be processed through a licensed firearms dealer, who will conduct a background check and create a record of each sale. The general court believes this law will protect public safety by helping to keep guns out of the hands of felons, domestic abusers, the dangerously mentally ill.

2 New Chapter; Universal Background Checks for Firearms Sales. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E**UNIVERSAL BACKGROUND CHECKS FOR FIREARMS SALES**

159-E:1 Definitions. As used in this chapter:

I. "Commercial sale" means a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing, or display.

II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, explosion, or other means of combustion, or the frame or receiver of such a device, provided the term "firearm" shall not include the term "antique firearm" as defined in 18 U.S.C. section 921(a)(16), or a weapon that has been rendered permanently inoperable and is incapable of being readily restored to a firing condition.

III. "Individual" means a natural person.

IV. "Law enforcement" means any person employed by the United States, or a state, county, city, municipality, village, township, or other political subdivision as a police officer, peace officer, or another position involving the enforcement of the law and protection of the public interest.

V. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required by state or local law to engage in the business of selling firearms.

VI. "Person" means any corporation, company, association, firm, partnership, club, organization, society, joint stock company or other entity, and shall include any entity that engages in business in this state, in whole or part, through Internet or mail order sales.

VII. "Prohibited person" means any person who is prohibited from owning or possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

I. No person shall engage in the commercial sale of a firearm unless:

- (a) The person is a licensed firearms dealer;
- (b) The purchaser is a licensed firearms dealer; or
- (c) The requirements of paragraph II are met.

II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the parties to the transaction shall complete the commercial sale through a licensed firearms dealer as follows:

(a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he or she were the seller, except that the seller may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser and the seller shall return to the business premises of the licensed dealer, and the seller shall again deliver the firearm to the licensed dealer prior to completing the sale.

(b) Except as provided in subparagraph (a), the dealer shall comply with all requirements of federal, state, and local law that would apply if the licensed dealer were selling the firearm from his or her inventory to the purchaser, including but not limited to, conducting a background check on the prospective purchaser, which shall include a check of the National Instant Criminal Background Check System (NICS), and compliance with all federal, state, and local recordkeeping requirements.

(c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer after all legal requirements are met.

(d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return the firearm to the seller without requiring a background check and the transfer to the buyer shall not take place.

(e) The dealer may require the purchaser to pay a reasonable fee.

159-E:3 Exception. This chapter shall not apply to a noncommercial, private sale, transfer, or exchange of a firearm between individuals, provided neither party to the transaction is a prohibited person. If the status of either party's eligibility to own or possess a firearm cannot be ascertained, the transaction shall be completed through a federally-licensed firearm dealer pursuant to RSA 159-E:2, II.

159-E:4 Penalties.

I. Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent offense.

II. The local law enforcement agency shall report all violations of this chapter by a licensed firearms dealer to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

159-E:5 Other Laws.

I. Nothing in this chapter shall be construed to modify or change the duties of the department of safety pursuant to RSA 159-D.

II. Nothing in this chapter shall be construed to require or authorize any state, county, or local law enforcement agency to establish or maintain a registry of firearms sold or transferred in accordance with this chapter.

3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or after the effective date of this act and shall not apply to sales completed prior to the effective date of this act.

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

2014-0371h

AMENDED ANALYSIS

This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides for a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

Amendment to HB 1594-FN

(2014-0211h)

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

Amend RSA 310-A:202, II as inserted by section 1 of the bill by replacing it with the following:

II. "Community association" means a residential homeowners' association in which membership is a condition of ownership of a lot, parcel, unit, or interest, whether in a condominium, subdivision, or planned unit development. "Community association" shall not include associations of owners of property held under time-share arrangements or associations comprised of fewer than 20 lots, parcels, units, or interests.

Amend RSA 310-A:214, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Any person affected by a final decision of the board may appeal such final decision pursuant to RSA 541.

Amendment to HB 1595-FN

(2014-0207h)

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

Amend RSA 356-B:71 as inserted by section 1 of the bill by inserting after paragraph I the following and renumbering the original paragraphs II-VI to read as III-VII, respectively:

II. No more than 3 members of the board may be involved professionally and/or financially in the condominium industry.

Amend RSA 356-B:74, II and III as inserted by section 1 of the bill by replacing them with the following:

II. A decision of the board may be appealed, by either party, by requesting a rehearing and appeal pursuant to RSA 541.

III. If no timely appeal is taken pursuant to paragraph II, the decision of the board shall become final.

Amendment to HB 1616-FN

(2014-0084h)

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

Amend the bill by replacing section 2 with the following:

2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(a) to read as follows:

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

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, *epilepsy, lupus, Parkinson's disease*, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and

(2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: *dementia associated with Alzheimer's disease*, elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

Amendment to HB 1624-FN

(2014-0336h)

Proposed by the Committee on Children and Family Law - r

Amend RSA 169-B:20, IV and V as inserted by section 19 of the bill by replacing them with the following:

IV. If the court determines that a competency determination is necessary, it shall order that a minor be examined to evaluate the minor's competency to proceed. The court shall set the time within which the competency evaluation report shall be filed with the court, which shall be no later than 21 days of the court's order in cases in which at the time of the order the minor is detained, not later than 30 days of the court's order in cases in which at the time of the order the minor is in an out-of-home placement, and not later than 60 days of the court's order in cases in which at the time of the order the minor remains in the home. So that detention or placement outside the home is not unnecessarily extended by the determination of competency, the time within which the report shall be filed with the court shall be appropriately modified by the court in cases in which during the pendency of the competency evaluation the minor's placement changes. Following notice and an opportunity to be heard to the parties, upon a showing of good cause, the court may extend the time for filing of the evaluation report. Any such extension shall be limited to the time necessary for completion of the evaluation report and shall be set out in a written order which details the basis for the extension.

V. A competency evaluation may be conducted by an entity approved by the commissioner of health and human services, which may include an agency other than the Philbrook center, a psychiatrist, or psychologist licensed in the state of New Hampshire. The commissioner shall adopt standards establishing the process for approval as an examiner as well as the qualifications required for approval, which shall be based on generally accepted standards for forensic psychiatrists and psychologists. The expense of such evaluation shall be borne by the department of health and human services as provided in RSA 169-B:40, I(a) and shall not be subject to reimbursement under RSA 169-B:40, I(c).

Amend RSA 169-B:20, VIII as inserted by section 19 of the bill by replacing it with the following:

VIII. Following receipt of the competency examination report from the examiner, the court shall provide copies of the report to the parties and hold a competency determination hearing. The court may consider the report of the examiner, together with all other evidence relevant to the issue of competency, including a subsequent evaluation requested by defense under RSA 604-A, in its determination whether the minor is competent to proceed. If the court finds that the minor is competent to proceed, the court shall promptly resume the proceedings. If the court is not satisfied that the minor is competent to proceed, the court shall dismiss the petition.

Amend RSA 169-B:31-b, III(a) as inserted by section 24 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) Re-entry into the juvenile justice system.

Amend the bill by replacing sections 25 and 26 with the following:

25 New Section; Juvenile Defense; Assigned Counsel. Amend RSA 604-A by inserting after section 2-d the following new section:

604-A:2-e Counsel in Juvenile Delinquency Cases. Courts assigning counsel in RSA 169-B proceedings shall do so in accordance with standards adopted by the judicial council.

26 New Paragraph; Juvenile Defense; Qualifications. Amend RSA 604-A:10 by inserting after paragraph IV the following new paragraph:

V. The judicial council shall adopt standards relative to appointment for juvenile counsel. Such standards shall establish training, experience, and other qualifications for attorneys to represent minors in such proceedings, and shall be developed with consideration of relevant national standards including, but not limited to, the Juvenile Justice Standards of the Institute of Judicial Administration and American Bar Association.

2014-0336h

AMENDED ANALYSIS

This bill:

I. Changes the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.

II. Clarifies competency determinations in juvenile proceedings.

III. Clarifies right to counsel in juvenile hearings under RSA 621:19, I-a.

IV. Changes waiver of counsel procedure for juvenile proceedings.

V. Directs the department of health and human services to collect certain data regarding the juvenile justice program.

VI. Requires the judicial council to adopt standards relative to the appointment and qualification of juvenile defense counsel.

VII. Requires the department of corrections to submit plans for compliance with the Prison Rape Elimination Act (PREA).

NOTICE

The House Clerk's Office is now accepting orders for the **2013** hardcover Permanent House Journals. Orders will be accepted until **Friday, June 27, 2014**.

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