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New Hampshire

HOUSE RECORD

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Friday, February 28, 2014

No. 13

Contains: Notices of Reconsideration, Committee Reports, Legislative Ethics
Committee Notice, Bills Laid on Table, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Wednesday, March 5, 2014, at 10:00 a.m. and on Thursday, March 6, at 1:00 p.m. In order to complete action on all House bills by the deadline of March 27, we will meet Wednesdays and Thursdays through the 27th. Please plan your schedules accordingly.

There will be no legislative activity scheduled for Tuesday, March 11, which is Town Meeting Day. Offices will remain open, however.

As we end our legislative break, please keep the families of Rep. Lester Bradley and Rep. Amy Perkins in your thoughts and prayers. We have been deeply saddened by their passing and will always remember the pride with which they represented their individual constituencies. We will greatly miss Lester and Amy as our legislative colleagues and as our personal friends. May they both rest in peace.

Terie Norelli, Speaker

NOTICE

The next meeting of chairs and vice chairs will be on **Tuesday, March 4**, 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, March 5th** at **9:00 a.m.** and **Thursday, March 6th** at **12:30 p.m.** in Representatives Hall.

Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on **Wednesday, March 5th** at **9:00 a.m.** in Rooms 305-307 LOB.

Rep. Gene Chandler, Republican Leader

NOTICE OF RECONSIDERATION

This day, February 19, 2014, at 12:25 pm, Rep. George Lambert, having voted on the prevailing side, has served notice that he will ask the House to reconsider its action whereby, on a voice vote, it found ***HB 1462, relative to electioneering by public employees, Inexpedient to Legislate.***

Karen O. Wadsworth
Clerk of the House

NOTICE OF RECONSIDERATION

This day, February 20, 2014, at 9:54 am, Rep. Steve Vaillancourt, having voted on the prevailing side, has served notice that he will ask the House to reconsider its action whereby, on a roll call vote of 223-104, it found ***HB 1251, making an appropriation for New Hampshire Public Television***, Ought to Pass with Amendment.

Karen O. Wadsworth
Clerk of the House

NOTICE

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

CLOSES NOON THURSDAY:

March 6
March 13

AVAILABLE FRIDAY:

March 7
March 14

Karen O. Wadsworth, Clerk of the House

2014 HOUSE DEADLINES

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 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

NOTICE

LEGISLATIVE ETHICS COMMITTEE

In connection with Informal Resolution of an Ethics Complaint, the Legislative Ethics Committee has recently issued a Letter of Caution, regarding restrictions on a sitting legislator's seeking or acceptance of employment by an employer, where the employer is or likely to become subject to or interested in a legislative matter. This Notice is offered to better inform legislators about those restrictions.

Knowingly seeking or accepting such employment may violate Legislative Ethics Guidelines, Section 4, Prohibited Activities. Accepting compensation for such employment may violate RSA 15-B:3, prohibiting acceptance of "gifts."

These violations cannot be avoided or excused by filing a Declaration of a conflict of interest under Section 5 of the Guidelines. Section 5 Declarations are effective only to permit legislators the option to participate or recuse in particular official activities that could involve a financial conflict of interest, as defined in Guidelines Section 2. They do not relate to the broader forms of conduct described in Guidelines Section 4, which are absolutely prohibited and cannot be "declared away" by use of Section 5.

Similarly, use of Section 5 Declarations cannot absolve legislators from complying with the prohibition on acceptance of gifts in RSA 15-B:3, III.

If members are in doubt about the applicability of a provision of the ethics statutes or Guidelines to a specific factual situation, they are, of course, entitled to submit to the Committee a request for an Advisory Opinion. Also, members are reminded that the Committee's website contains current information about the ethics statutes and Guidelines, and actions the Committee has taken to interpret, apply and enforce them. The website is viewable at <http://gencourt.state.nh.us/ethics/default.htm>

Martin L. Gross, Chairman
Representative Janet G. Wall, Vice Chairman
Representative Jordan G. Ulery
Senator Jim Rausch
Senator Martha Fuller Clark
Attorney Wilfred L. Sanders, Jr.
Hon. David A. Welch

WEDNESDAY, MARCH 5 CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1111, clarifying the term "valid claim" for property insurance. **OUGHT TO PASS.**

Rep. Richard D McNamara for Commerce and Consumer Affairs. This bill amends existing RSA 417-B:3-a Nonrenewal for Filing a Claim, to make it clear that inquiries about coverage on a policy do not constitute a valid claim. Under existing law an insurer is prohibited from nonrenewing an existing homeowner's insurance

policy based solely on the insured having filed a single valid claim within any one previous or current policy term. Some insurers log policyholder calls regarding coverage as a filed claim when, in fact, the insured has not filed a claim, but just asked a question. HB 1111 clarifies that this practice is not acceptable. **Vote 17-0.**

HB 1112, making technical corrections to the standard valuation law. **OUGHT TO PASS.**

Rep. Joe W Scarlotto for Commerce and Consumer Affairs. During the 2013 Session, HB 640 Standard Valuation Law was introduced, passed and signed into law as Chapter 221 (RSA 410).

It updated existing law RSA 410 with the latest NAIC model language. Prior to its passage it was pointed out that two cite references in the bill were incorrect. It was determined at that time that this issue could be addressed in the 2014 Session, and that is all that HB 1112 does. It corrects the two incorrect cite references. The first incorrect reference is found at RSA 410:2 II wherein the cite reference RSA 410:4 I. should be replaced with the correct cite RSA 410:4 II. The second incorrect reference is found at RSA 410:15, IV(c) (1) wherein the incorrect cite RSA 410:16, II(b) should be replaced with the correct cite RSA 410:16, II(c). The N.H. insurance department requests the passage of this bill to make the necessary corrections. **Vote 17-0.**

HB 1283, relative to a homeowners association's authority to collect back dues following revival of the association's charter. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Murphy for Commerce and Consumer Affairs. Current law allows a corporation to cease operations and allow their charter to expire for years and even decades, only to file a single sheet of paper with the Secretary of State to revive the charter and resume operations. The committee heard testimony about the case of one homeowners association, a voluntary corporation that allowed its charter to lapse for 17 years and then suddenly revived the charter and charged years of back dues from the association members. The bill as amended in committee requires those wishing to revive a charter that has been repealed, revoked, or annulled to file an application with the Secretary of State. The charter would then be revived following a hearing to ascertain that the corporation had continued to operate and that the charter revival would be in the public good. This application for revival would only be required more than three years after the charter had initially lapsed, ruling out revivals due to simple clerical error. The amendment was drafted in consultation with the Secretary of State. **Vote 15-0.**

HB 1332, relative to monetary judgments in class action civil suits under the Consumer Protection Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard D McNamara for Commerce and Consumer Affairs. This bill as written provides that in a class action civil suit, that monetary damages awarded shall be the actual monetary loss of each class member or an average if a loss amount cannot be determined for individual members. The committee felt that this bill lacked jurisdiction as most class action suits involve multistate corporations. As written, the enforcement and implementation of the law, if passed would be difficult to implement. **Vote 18-0.**

HB 1363-L, relative to insurance pools. **REFER FOR INTERIM STUDY.**

Rep. Pamela Z Tucker for Commerce and Consumer Affairs. This bill as written, would allow a political subdivision to participate in pooled risk programs without having to join the pooled risk association. A pooled risk management program is one, under RSA 5-B, in which political subdivisions of the state, such as a town or city, can come together for the purposes of risk management through the purchase of traditional insurance or by participation in pooled risk management program, such as those offered by the NH Municipal Association (NHMA). The intention is well founded; however, the implications could be far reaching. The prime sponsor of the bill suggested the interim study as more time is needed before we enact such legislation. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1256, relative to arrest without a warrant. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. This bill undermines current protections for victims of domestic violence. It would prohibit a police officer responding to a report of domestic violence from making an arrest unless the assault was witnessed by him or her or another police officer, or 2 or more witnesses. An officer arriving at a home to find an unconscious victim being stood over by someone with a bloody baseball bat in hand would be unable to make an arrest **Vote 17-2.**

HB 1306-FN, prohibiting a law enforcement officer from soliciting another person to participate in criminal activity. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety. This bill is very poorly written and would be tying the hands of law enforcement. They could no longer have informants. When they use these people it is well planned out and they have agreed to do this. **Vote 16-3.**

HB 1361, prohibiting law enforcement agencies from using a drone to collect evidence. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. This bill is similar to HB 1620 and the committee felt that bill was a more appropriate vehicle to use for legislation. **Vote 13-1.**

HB 1457-FN, requiring risk assessment information to be posted on the sexual offender registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. This bill as amended would establish a committee to study the use of the sex offender registry, to evaluate whether any changes should be made to laws governing the registry. Over the years the committee has heard from members of the public, offender and victim advocates, and members of law enforcement about problems with the current sex offender registry, and believes now is an appropriate time for the legislature to take a comprehensive look at the laws governing the sex offender registry laws. The House passed a similar bill, HB 165, last session. **Vote 13-0.**

EDUCATION

HB 1212, relative to social media privacy in higher education. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for Education. This bill was identical to HB 1200 for the university system and the community colleges, but HB 1200 applies to all schools, colleges and universities and no differences were needed. As such this bill is not necessary. **Vote 14-0.**

HB 1252, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education. Definitely, the committee realizes the need to review and revise our educational laws. However, to expect a five member legislative subcommittee to handle this task by November 2014 is unrealistic. This task should be a collaborative effort with many entities whose knowledge and expertise are needed to review these laws properly. **Vote 14-0.**

HB 1298, relative to additional criteria for review of chartered public school applications. **INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for Education. The unanimous vote of the Committee recognized that the issue of geographic consideration for the placement of charter schools has been addressed in HB 1449. **Vote 18-0.**

HB 1321, relative to reporting of Armed Services Vocational Aptitude Battery scores. **OUGHT TO PASS.**

Rep. Barbara E Shaw for Education. This bill would provide the mechanism that would protect student privacy, secure personal data of young people under the age of 18, and ensure that parental rights are being honored and upheld. Some students, currently, who take the ASVAB test (Armed Services Vocational Aptitude Battery) often do not know (nor do their parents/guardians) that the test results are automatically sent to military recruiters without knowledge or consent. The implementation of checking the box "option 8" would prohibit the test scores from being transmitted without parent/guardian approval. **Vote 18-0.**

HB 1388, relative to student religious liberties. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education. The committee deemed this bill unnecessary. Students' rights to express and practice their faith in New Hampshire public schools are already well-protected by existing law. This bill could likely result in religious coercion of students who are subjected to the "limited public forum" condition of this bill. It could also result in costly litigation for school districts. **Vote 19-0.**

HB 1445-FN, relative to providing an education plan for certain students upon request of a parent or guardian. **INEXPEDIENT TO LEGISLATE.**

Rep. June M Frazer for Education. This bill would require school districts to adopt a policy requiring schools to provide, upon request from a parent or guardian, an educational plan for students who have not attained competency at grade level. The committee heard testimony that the bill is unnecessary because school districts are already doing this, and also that what the bill requires could not be implemented without state funding. Such funding would constitute an unfunded mandate to local schools. **Vote 14-0.**

HB 1447, prohibiting discrimination in educational standards for certain students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education. This bill corrects a technical error, "insure" to "ensure." The bill further states that it shall be unlawful to discriminate, or deny an individual the benefits of educational programs, or activities due to "economic status." Current law already addresses discrimination based upon: sex, race, creed, color, marital status or national origin. **Vote 14-0.**

ELECTION LAW

CACR 15, relating to elections. Providing that certain persons may vote in primaries prior to turning 18 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Election Law. CACR 15, if passed by the legislature and the voters, would allow persons to vote in primaries prior to turning 18 years of age, provided that they would attain the age of 18 prior to the general election. Although the committee wants to encourage young people to vote, the secretary

of state's office expressed concerns about logistical problems, particularly when there is a primary and city election on the same day. The committee felt that these concerns outweighed the benefit of allowing those 17 year olds so situated to vote in primary elections. **Vote 14-1.**

HB 1323, relative to candidates for state representative. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Election Law. HB 1323 would create provisions related to persons filing for the office of state representative before attaining 18 years of age. The committee strongly supports participation in government by young people, but the New Hampshire constitution limits the right to serve in the state legislature to inhabitants who are 18 years of age and upward. The committee feels that requiring candidates to be at least 18 years of age when the candidate files for office is not unreasonable. Accordingly, the committee recommends that HB 1323 be found inexpedient to legislate. **Vote 16-0.**

HB 1400, establishing the New Hampshire "First-in-the-Nation" presidential primary centennial anniversary commission. **OUGHT TO PASS.**

Rep. Mary Ann Knowles for Election Law. The committee was in unanimous agreement that the 100th anniversary of the New Hampshire presidential primary is worthy of state-wide celebration. This bill will establish the New Hampshire "First-in-the-Nation" presidential primary centennial commission. The commission shall encourage, plan, and coordinate appropriate events and activities commemorating the event. **Vote 17-0.**

HB 1543, relative to filing for state representative special elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for Election Law. This bill clarifies the filing period for state representative special elections to start on the Monday following the date on which the governor and council declare that there shall be a special election and shall end at 5:00 PM on the Friday of that week. The amendment allows the processing of absentee ballots at any time after the polls have been open for two hours; provided that the moderator announces and posts that time when the polls are opened. This amendment cures the issue that resulted in the veto of HB 183 which was passed by the House and Senate last session. **Vote 16-0.**

HB 1544, relative to special election ballots. **OUGHT TO PASS.**

Rep. Evelyn M Connor for Election Law. In the case of a special election for state representative, House Bill 1544 authorizes the Secretary of State to prepare ballots in paper form for either a hand count or machine count when this is cost-effective. **Vote 16-0.**

HB 1545, relative to voting booths. **OUGHT TO PASS.**

Rep. Ruth E Gage for Election Law. This bill will allow for better use of space for towns that have smaller polling places by providing for more streamlined voting booths. This is enabling legislation that allows municipalities to purchase smaller, portable voting pods. **Vote 17-0.**

ENVIRONMENT AND AGRICULTURE

HB 1221-FN, declaring New Hampshire fruit and vegetables exempt from the FDA Food Safety and Modernization Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter W Bixby for Environment and Agriculture. The committee received six bills designed to shield New Hampshire farmers from some of the effects of the Food Safety Modernization Act (FSMA). Five of these bills, including this one, deal with specific categories of agricultural products, while the sixth, HB 1464, is more general in scope. The committee, recognizing the negative impact that FSMA could have on New Hampshire farmers, has sent HB 1464 to subcommittee for further work, and may incorporate elements of the other five into it as appropriate. Therefore, the current bill is not needed. **Vote 17-0.**

HB 1263, relative to exempting maple syrup products produced and sold in state from federal regulation. **INEXPEDIENT TO LEGISLATE.** Rep. Lisa I Whittemore for Environment and Agriculture. The bill intends to remove the oversight of production and sale of maple syrup within the state of New Hampshire from federal law or regulation. It creates a Class A misdemeanor charge for any state employee who attempts to enforce federal law regarding maple syrup. The title under Grades included Honey which was an error. There would likely be a constitutional or preemption challenge in that the state cannot remove itself from the reach of federal laws and regulations relating in this instance to interstate commerce. The Commerce Clause may affect intrastate activity if it "in a substantial way interferes with or obstructs the exercise of granted power." (*Wickard v Filburn*, 317 U.S. 111, 124 (1942)). Maple syrup is the single largest export item in the state. Since this bill relieves the federal government of all oversight authority regarding the production and sale of maple syrup, enforcement of protocols would fall to department of agriculture, markets and food, division of regulatory services. No cost estimate was provided to add these responsibilities to state government obligations. The only federal requirement is a simple form stating that the producer is making maple syrup.

There is positive collaboration between maple syrup producers and the DAMF - division of regulatory services to create grading and production standards. There is no dissatisfaction within the industry with the laws as currently enacted. It is an unnecessary piece of legislation. **Vote 18-0.**

HB 1270-FN, exempting meat and meat products from New Hampshire livestock from the FDA Food Safety and Modernization Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter W Bixby for Environment and Agriculture. The committee received six bills designed to shield New Hampshire farmers from some of the effects of the Food Safety Modernization Act (FSMA). Five of these bills, including this one, deal with specific categories of agricultural products, while the sixth, HB 1464, is more general in scope. The committee, recognizing the negative impact that FSMA could have on New Hampshire farmers, has sent HB 1464 to subcommittee for further work, and may incorporate elements of the other five into it as appropriate. Therefore, the current bill is not needed. **Vote 18-0.**

HB 1273-FN, exempting New Hampshire dairy products from the FDA Food Safety and Modernization Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter W Bixby for Environment and Agriculture. The committee received six bills designed to shield New Hampshire farmers from some of the effects of the Food Safety Modernization Act (FSMA). Five of these bills, including this one, deal with specific categories of agricultural products, while the sixth, HB 1464, is more general in scope. The committee, recognizing the negative impact that FSMA could have on New Hampshire farmers, has sent HB 1464 to subcommittee for further work, and may incorporate elements of the other five into it as appropriate. Therefore, the current bill is not needed. **Vote 18-0.**

HB 1464-FN, exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act. **REFER FOR INTERIM STUDY.**

Rep. Guy Comtois for Environment and Agriculture. The Environment and Agriculture Committee recommends Interim Study on HB 1464-FN pending the FDA promise to revisit their proposed rules due to the public outcry this past summer. The committee will monitor the FDA rule-making process and the impact the Food Safety and Modernization Act will have on New Hampshire Farms and their consumers. Once the rule-making process is complete, the committee will decide what legislative action, if any, is needed and to what extent. **Vote 13-0.**

HB 1582-FN, declaring New Hampshire poultry and poultry products exempt from the FDA Food Safety and Modernization Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter W Bixby for Environment and Agriculture. The committee received six bills designed to shield New Hampshire farmers from some of the effects of the Food Safety Modernization Act (FSMA). Five of these bills, including this one, deal with specific categories of agricultural products, while the sixth, HB 1464, is more general in scope. The committee, recognizing the negative impact that FSMA could have on New Hampshire farmers, has sent HB 1464 to subcommittee for further work, and may incorporate elements of the other five into it as appropriate. Therefore, the current bill is not needed. **Vote 18-0.**

HB 1583-FN, exempting New Hampshire apian products from the FDA Food Safety and Modernization Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter W Bixby for Environment and Agriculture. The committee received six bills designed to shield New Hampshire farmers from some of the effects of the Food Safety Modernization Act (FSMA). Five of these bills, including this one, deal with specific categories of agricultural products, while the sixth, HB 1464, is more general in scope. The committee, recognizing the negative impact that FSMA could have on New Hampshire farmers, has sent HB 1464 to subcommittee for further work, and may incorporate elements of the other five into it as appropriate. Therefore, the current bill is not needed. **Vote 18-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1116, relative to the membership of the advanced manufacturing education advisory council. **OUGHT TO PASS.**

Rep. Daniel C Hansberry for Executive Departments and Administration. The purpose of this bill is to expand, by one, the membership of the advanced manufacturing education council. The additional member will be either a secondary school counselor or a state guidance director who shall be appointed by the governor. **Vote 13-0.**

HB 1186, relative to rulemaking authority of certain occupational boards concerning examinations. **OUGHT TO PASS.**

Rep. Steven P Beaudoin for Executive Departments and Administration. Because various state boards under the Joint Board of Licensure and Certification use national organizations to proctor and administer examinations for professions such as architects, professional engineers, accountants and others, it is difficult for these boards to schedule testing. This bill simply removes conflicts in the law so that testing dates can be set to coincide with the national testing organizations. **Vote 18-0.**

HB 1431, relative to the membership of the developmental services quality council. **OUGHT TO PASS.**

Rep. Mary S Nelson for Executive Departments and Administration. This bill replaces a member of the developmental services quality council with a member of the New Hampshire council on autism spectrum disorders.

The member shall be an individual who has an autism spectrum disorder or the family member of a person who has an autism spectrum disorder. The new member replaces a member from the autism society of New Hampshire which no longer exists. **Vote 17-0.**

HB 1453, relative to procedures of the board of podiatry. **OUGHT TO PASS.**

Rep. Raymond G Gagnon for Executive Departments and Administration. This bill establishes procedures for emergency meetings of the board of podiatry and the election of officers. The procedures requested are the same as other collegial New Hampshire boards such as the board of medicine and the nursing board regarding emergency meetings. **Vote 17-0.**

HB 1454, relative to increases in fees using rulemaking authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P Goley for Executive Departments and Administration. This bill would prohibit any fee increase, by rule, over 20 percent. The committee was told that there was a lack of clarity as to how the 20% limit would be applied. There were also concerns that if a department was receiving federal or general fund money for a statutorily mandated program and that money was longer available, a fee increase of more than 20 percent might be needed to offset the loss. The committee believes that JLCAR already does a thorough review when a request to increase a fee is brought forward, and voted the bill inexpedient to legislate. **Vote 15-0.**

HB 1577-FN, relative to regulating alkaline hydrolysis for the disposal of human remains. **OUGHT TO PASS.**

Rep. Lucy M Weber for Executive Departments and Administration. This language was passed last year by a voice vote of the House on HB 316, after extensive study and discussion by the committee on Health, Human Services and Elderly Affairs, and by the committee on Executive Departments and Administration. As such, it is currently the House position. Committee members heard no reasons to change their votes on the issue. **Vote 13-2.**

HB 1593, relative to eligibility for the state extraordinary service award program. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne E Schuett for Executive Departments and Administration. The bill would add 'promotion of activities that provide continuous process improvement' to the language of the extraordinary service award RSA 99-E:6,I(b). The committee believes that this is already included in the scope of the existing statute. **Vote 12-1.**

HB 1634-FN, relative to the salaries of certain unclassified positions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M Weber for Executive Departments and Administration. HB 1684, as amended, is a request of the joint committee on employee classification. The bill completes the process of setting the salaries of seven unclassified employees in various departments. This is the final step in setting the salaries of certain positions that were once classified, but have been unclassified by prior legislation. To ensure that the salaries of unclassified employees are based on duties, responsibilities, years of experience, number of employees supervised, and other such objective measurements, the state of New Hampshire uses The Hay Group, an independent consulting firm, to make recommendations about the salary levels of unclassified employees. This ensures that pay grades are not the result of either political influence or personal preferences, and ensures consistency across the different departments. The adoption of this bill enacts the recommendations of The Hay Group, as approved by the joint committee on employee classification, into statute. The fiscal note states that the overall effect of the changes is a net savings of \$2135 in FY 2015, and a net additional cost for the following three years of \$4061 per year. **Vote 15-0.**

FINANCE

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

Rep. Cindy Rosenwald for Finance. This bill removes the requirement for certain long term care clients to spend down to a required level on non-covered services every month before they qualify for Medicaid coverage. The department of health and human services presented evidence that each of the approximately three dozen clients in this "spend down" category meets the required expenses every month. Integrating these clients into the larger long term care program will reduce administrative burden on the clients, the department and providers without increasing costs or eligibility for Medicaid long term care. The amendment also removed the fiscal impact of the underlying bill by removing the requirement for notification from the department about eligibility determination status. **Vote 19-2.**

FISH AND GAME AND MARINE RESOURCES

HB 1104-FN, relative to railroad motorcars. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rose Marie Rogers for Fish and Game and Marine Resources. This bill was at the request of a antique railroad motorcar club in conjunction with the department of economics and resources development and the fish and game department. This bill defines a railroad motorcar for the purpose of off highway recreational use. It also spells out the rules of operation and licensing and registration requirements. **Vote 13-0.**

HB 1290-FN, allowing nonresident full-time students to purchase resident licenses for hunting and fishing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsy McKinney for Fish and Game and Marine Resources. This bill allows non-resident full time students at any post-secondary educational institute or private high school to purchase a non-resident hunting and fishing license at a resident rate. Those enrolled in a post secondary educational institute would have to be a full time student with 12 credit hours or more to qualify. This legislation is an attempt at attracting a younger generation to the sport of hunting and fishing by reducing the financial burden of non-resident license fees. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1133, relative to copies of medical records for applicants of public assistance programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill G Nelson for Health, Human Services and Elderly Affairs. This bill would allow applicants for public assistance to have two free copies of their medical records. The parties agreed on an appropriate way to obtain these records without legislation. **Vote 15-0.**

HB 1296, adding a member to the therapeutic use of cannabis advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard E Meaney for Health, Human Services and Elderly Affairs. This bill, as amended, does two things. First, it increases membership of the therapeutic use of cannabis advisory council from 15 members to 16 members by adding a member of the NH Association of Chiefs of Police. Second, it clarifies that the "member of the public, appointed by the Governor," will be a lay person. The committee wanted to ensure law enforcement representation on the Council while also ensuring that a lay person would have a voice and a vote on the Council. **Vote 13-0.**

HB 1299, establishing a committee to study the cost and feasibility of requiring photo identification on electronic benefit transfer (EBT) cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs. This bill is not required as the issues relative to the use and regulation of EBT cards are being addressed in other bills making this one redundant. **Vote 17-0.**

HB 1502-FN, relative to induced termination of pregnancy statistics. **REFER FOR INTERIM STUDY.**

Rep. Donald L LeBrun for Health, Human Services and Elderly Affairs. The committee realized the bill needed further work and recommends it be passed on to interim study with the intent to make further improvements. The committee was in unanimous agreement. The committee is committed to collect any meaningful public health data in an aggregated form. **Vote 17-0.**

HB 1538, relative to medical intervention in the provision of midwife services. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill would allow a client having a home birth to sign a waiver saying that she is refusing treatment including a transfer to the hospital, thereby allowing the midwife to continue to support her. The bill provides a sanction for the midwife attending the woman. The New Hampshire midwives were strongly opposed to this bill because they felt it endangered clients. The committee agreed. **Vote 17-0.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs. This bill establishes a permanent subcommittee on Alzheimer disease to determine policies and actions in meeting the needs for New Hampshire individuals, families and caregivers living with Alzheimer's disease. Further the subcommittee shall establish a New Hampshire state plan to carry out the goals of helping identify the service needs of those with the disease. **Vote 17-0.**

HB 1623-FN, prohibiting a licensed alternative treatment center from advertising therapeutic cannabis. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard E Meaney for Health, Human Services and Elderly Affairs. The bill uses vague language in an attempt to prohibit advertising by alternative treatment centers. Language already exists in current law for DHHS to write rules with respect to advertising. It is expected that DHHS rules would ensure that alternative treatment centers would address caregivers' concerns that educational materials, business cards, instructions, directions and information on availability of various products and services would be permitted as necessary for proper patient care. **Vote 15-0.**

JUDICIARY

HB 1153-FN, allowing public bodies or agencies to require a deposit for right-to-know requests. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy O Horrigan for Judiciary. The majority concluded that the issue of the cost of fulfilling right-to-know request would best be addressed by the commission proposed in the amended version of HB 1156. **Vote 15-0.**

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M Sullivan for Judiciary. The committee recognizes that private organizations performing public, government functions create a gray area in our right-to-know law. However, this bill is too narrowly drawn to address these concerns in an appropriate manner; as drafted, it would apply to only one specific situation. The broader issue of private and quasi-public entities performing governmental functions will be addressed in the commission proposed in HB 1156. **Vote 13-0.**

HB 1470, relative to quorums for meetings under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary. This bill seeks to give relief to boards, agencies or other members of a public body who might have an onerous travel burden in order to make up a quorum. A literal reading of this bill would result in meetings with such a reduced participation that members of the public attending would be ill-served. The committee recognizes, however, that there are legitimate reasons that make the attendance difficult and has included this issue among those right to know issues to be studied by the commission proposed in HB 1159. **Vote 13-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1355-FN, relative to unemployment compensation for self-employed individuals. **REFER FOR INTERIM STUDY.**

Rep. Michael D Cahill for Labor, Industrial and Rehabilitative Services. This bill proposed to make changes to the State's unemployment statutes as they relate to self-employed individuals. The bill's sponsor agreed that the subject matter of the bill would require additional time and information to produce a successful product. The committee agreed to work with the sponsor over the summer and unanimously recommended interim study. **Vote 17-0.**

HB 1599, relative to employment protection for victims of domestic violence. **REFER FOR INTERIM STUDY.**

Rep. Charles F Weed for Labor, Industrial and Rehabilitative Services. The committee believes that it would be inappropriate to act on HB1599 at this time. Since the original hearing in early February, the sponsor has presented us with an amendment that would completely replace the original bill. We believe that the subject matter is important, and that we may receive a senate version of the bill regarding employment practices to protect employees who are victims of domestic violence, sexual assault, stalking or criminal harassment. Given the timing and deadlines of the 163rd General Court Session, the committee will be unable to hold a new hearing on the revised bill. Thus, as we may see a senate version after crossover, we recommend interim study, and if necessary we can make a recommendation to the next legislature. **Vote 18-0.**

LEGISLATIVE ADMINISTRATION

CACR 18, relating to citizen appeals. Providing that the general court shall have the authority to establish citizen redress of grievance panels. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J Briden for Legislative Administration. This bill is a proposed constitutional amendment that would grant the general court the authority to establish citizen redress of grievance panels. The majority of the committee had a number of concerns with the bill, including the confusion and inconsistent decisions that could occur by having a panel "to hear appeals of jury verdicts" and traditional appeals through the judicial system. Accordingly, the majority of the committee recommends that the bill be found Inexpedient to Legislate. **Vote 12-2.**

HB 1551, relative to the employment of elected officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F Winters for Legislative Administration. This bill would have prohibited an elected official from accepting employment if there could potentially be a conflict of interest. This bill is very broadly written - with the wide range of subjects in proposed legislation, it could have made it nearly impossible to accept a job. Without any proposed amendments to tighten the scope, the committee unanimously voted ITL. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1131, relative to the appointment of an immediate family member of a selectman to fill a vacant town office. **INEXPEDIENT TO LEGISLATE.**

Rep. David J Danielson for Municipal and County Government. The committee understood the basic concern that this bill attempts to address. However, the sense of the committee is that there is already a small number of volunteers who are interested in serving. This bill would make that pool potentially even smaller. In addition, it could occur that in a very small town the only ones interested in serving may be related to those already serving. Therefore, the committee recommends inexpedient to legislate. **Vote 18-1.**

HB 1190, relative to approval of budget transfers in Hillsborough county. **OUGHT TO PASS.**

Rep. Kathleen M Stroud for Municipal and County Government. This bill provides that approval of the Hillsborough county executive committee for budget transfers requested by a Hillsborough county department is required when the request exceeds \$10,000. At the committee hearing, there was no opposition to this legislation. **Vote 18-0.**

HB 1297, relative to workforce housing grants. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie A Porter for Municipal and County Government. This bill requires municipalities to get the approval of voters at town or special meetings before they apply for, accept, or expend any "workforce housing" grants from the state, the federal government, or other governmental unit. The entire committee felt this bill is not needed for several reasons. First, under current law, municipalities can choose how the application, acceptance, or expenditure of grants is handled. They can vote to give the governing body (select board, town council, etc) the power to apply, accept, and expend grants, or they can require a vote at town meeting in order to do so. Forcing them to choose only one way for one kind of grant takes away local control. Second, there is no such thing as a "workforce housing grant" in New Hampshire. Federal and state money has been used to fund planning grants for municipalities, and some municipalities have used these grants to help them plan for the development of workforce housing. However, to the committee's knowledge, there are no grants being offered solely for the purpose of developing workforce housing. In addition, singling out "workforce housing grants" as the only type of grant that requires special consideration from the voters opens doors to lawsuits for discrimination against one type of resident. Lawsuits waste taxpayer money. The committee recommends that if someone is unhappy with the way his or her community is handling the application, acceptance, or expenditure of grant money, he or she should take it up at the local level, and not force every other community in the state to change the way it does business. **Vote 19-0.**

HB 1370, relative to county budgets and the authority of county conventions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis J Malloy for Municipal and County Government. This bill requires that if a county convention has at least one minority party member, the county executive committee shall also contain at least one minority party member. If the membership of the county convention does not include any members of a minority party, this requirement does not apply. **Vote 15-0.**

HB 1386, relative to the minutes of county proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce L Tatro for Municipal and County Government. This bill requires clerks of county commissioners be responsible for writing and keeping the minutes of county commissioners meetings. RSA28:2 is not specific as to who was required to compose the minutes. **Vote 19-0.**

SB 223, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E Coffey for Municipal and County Government. This bill allows for an innovative private public partnership to be created that will help municipalities that are often hard pressed to raise cash to extend the capabilities of their sewer system through improvements to their infrastructure. It allows for a municipality, after adoption of this section, to enter into an agreement for contracting with a non-governmental entity for the design, constructing and funding of a new sewer, sewerage system or addition, without the municipality incurring any debt. The proposed statute accounts for repayment to the private party from sewer rentals and fees that are associated with the project held in a separate fund. During the hearing for this bill, all testimony was positive and it was supported by the Greater Manchester Chamber of Commerce and New Hampshire Department of Environmental Services. This bill encourages positive economic growth while encouraging improvements to the environment through improved sewer systems, when appropriate. **Vote 15-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1145, relative to the proposed Sewalls Falls Bridge in the city of Concord. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martin L Jack for Public Works and Highways. Current law allows the transfer of state property to facilitate the construction of state owned bridges. This bill was necessary to accommodate the reconstruction of two municipally owned bridges in New Boston and Concord. The parcels to be transferred are extremely small, with the proceeds to be returned to the land conservation investment program. **Vote 12-0.**

HB 1249, relative to refunds of the road toll paid by a governmental entity using a credit card. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martin L Jack for Public Works and Highways. This bill is a request of the road toll bureau to improve the handling of fuel purchases made with a credit card. Governmental entities are exempt from the road toll, and it has been the practice to issue certain credit cards to these entities so that they are not charged the road toll if they purchase fuel from a pump available to the general public. Due to the evolution of the distribution network and credit card issuer network, it is now the case that the fuel distributor is not always the credit card issuer. Under current law, only the distributor may apply for a refund of the road toll. The bill extends this so that the credit card issuer may be refunded for the properly exempt entities such as municipalities and state agencies. **Vote 15-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1248, relative to the acceptance of risk in outdoor recreational activities. **OUGHT TO PASS.**

Rep. Yvonne D Thomas for Resources, Recreation and Development. This bill clarifies for New Hampshire property owners the protections they have when they allow public use of their land. HB 1248 acknowledges an assumption of risk by outdoor recreational users of such land. Recreational users, including hikers, mushers and birders, were enthusiastic in their support, testifying that HB 1248 would ensure access to land which would otherwise be closed to public use. **Vote 13-0.**

HB 1254, establishing a committee to study and propose a recodification of certain environment-related statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Holmes for Resources, Recreation and Development. None of the sponsors of HB 1254 testified in support of the bill, nor did any member of the public testify in support of or in opposition to the bill. The committee felt this bill was inexpedient to legislate. **Vote 13-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1384, relative to rehearings by the public utilities commission. **OUGHT TO PASS.**

Rep. Charles L Townsend for Science, Technology and Energy. An affected party may request reconsideration following a Public Utility Commission decision. The committee found that the current 10 day limit for a PUC response is insufficient to resolve objections to complicated issues among multiple parties and that the 30 day period this bill provides will better ensure due process for all parties involved. **Vote 16-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HJR 10, urging Congress to apply laws equally to citizens of the United States and to Senators and Representatives. **INEXPEDIENT TO LEGISLATE.**

Rep. Leon H Rideout for State-Federal Relations and Veterans Affairs. This bill would petition the Congress of the United States to call a constitutional convention for the purpose of amending the constitution to make Congress abide by the laws that it passes just as citizens are required. The committee, while agreeing with the intent of the resolution, found there are currently statutes covering this matter, and the majority of the committee is very concerned about the potential dangers to our individual rights and our system of government as we know it, knowing that a constitutional convention cannot be called for or limited to a single issue, and are concerned that opening the entire constitution to amendments may have unintended consequences and accordingly recommend ITL. **Vote 15-0.**

HJR 11, petitioning Congress of the United States to call a constitutional convention for the purpose of proposing an amendment to the Constitution to provide that rights extended by the constitution intended for people are granted only to human beings. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs. The committee feels that the U.S. Constitution, Bill of Rights and the NH Constitution are not being enforced nor properly executed. Under the NH Constitution article 7 (state sovereignty), the people of NH have free, sovereign and independence to govern and make laws in the best interest for the people of NH and hence, not make any changes to the U.S. Constitution which opens the entire constitution under a constitutional convention to an unknown number of changes and outcomes. **Vote 15-0.**

HR 23, recognizing the Honor and Remember Flag as a symbol of the service and sacrifice of the armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia P Sweeney for State-Federal Relations and Veterans Affairs. The committee fully understood that the original bill SB88 (2013) was extremely emotional and fractured both the veteran community and loved ones who have lost a family member in the military. Members proposed a resolution to the former bill in the hopes of offering a compromise. Unfortunately, individuals who advocated for the original bill did not testify in support of the resolution and did not accept the committee's offer to have the flag flown

at the Veterans Cemetery in an area designated for memorials. The committee fully understood that this resolution would further exacerbate the issue between veterans groups and family members of the fallen. **Vote 13-2.**

WAYS AND MEANS

HB 1630-FN-A, relative to gaming in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Ames for Ways and Means. This bill as amended substantially improves the regulation of charitable gaming, including new financial record-keeping and reporting requirements for charities, heightened background investigations by the Attorney General of certain licensees, and a more comprehensive licensing scheme. The Committee amendment lowers the limit on the cost of regulation. The bill also clarifies the legal definition of so-call “gray” or redemption slot machines and provides for civil enforcement by the Racing and Charitable Gaming Commission of the redemption slot machine activity. The bill also establishes a Games for Charity Study Commission with a mandate to determine the most appropriate system for sustaining ongoing resources to charities from gaming. **Vote 20-0.**

REGULAR CALENDAR

PART I

MUNICIPAL AND COUNTY GOVERNMENT

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.

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.**

TRANSPORTATION

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 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 umbrella 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 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 \$5,500,000 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 REMOVED FROM CONSENT 2/19

EDUCATION

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.**

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.**

REGULAR CALENDAR

PART II

COMMERCE AND CONSUMER AFFAIRS

HB 1115, excluding condominium assessments from homestead rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit R Williams for the **Majority** of Commerce and Consumer Affairs. This bill modifies RSA 480, The Homestead Right, which allows any person to exempt \$100,000 of the value of his homestead from debts. This law dates from the 1850s and seldom applies today, because taxes and mortgages take precedence. The bill provides an exception for unpaid assessments levied by a homeowners' or condominium association under the association's bylaws. The Homestead Right already has a number of exceptions, including property taxes, mortgages, and mechanics' liens or other debts used to construct or repair the property. Since homeowners' and condominium association assessments are used to provide facility services, like snow plowing and street repair, as well as unit maintenance and repairs, the committee felt that such assessments should be included with other similar exceptions. Other members of the condo association should not have to make up the loss caused by unpaid fees. **Vote 9-8.**

Rep. John B Hunt for the **Minority** of Commerce and Consumer Affairs. This bill intends to expand RSA 480:4 IV, which is the list of exceptions known as Homestead Rights when someone goes through bankruptcy. The current exemptions of taxes, construction and mechanics liens and mortgages have existed since the creation of the law in 1851. Adding condo fees will open the law for consideration of more "worthy" exceptions and does not address which exemptions of the current three, or other debts, may be legitimate but are not getting paid.

HB 1277, relative to grocery sales by stores licensed to sell alcoholic beverages. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward A Butler for the **Majority** of Commerce and Consumer Affairs. Our current requirement for stores to sell beer and wine works well now & the bipartisan majority see no reason to change it. The sale of food at stores with beer and wine hopefully encourages consumers to enjoy one with the other. Though some think that eliminating this relatively small hurdle to enter the market would encourage boutique stores to open, the presence of several specialty wine and beer stores already in our state seems to belie that concern. **Vote 12-6.**

Rep. Pamela Z Tucker for the **Minority** of Commerce and Consumer Affairs. This bill would eliminate the \$3,000 grocery requirement for businesses to sell beer and wine. Having the \$3,000 requirement removed would let the business owners determine how to best invest in their operations instead of a government mandate. The number of beer and wine licenses would still be controlled by the liquor commission so there is little threat of “package” stores appearing everywhere. There is no proof that carrying \$3,000 worth of groceries deters from problems associated with alcohol. Moreover, if this bill were to pass, it could open the door for boutique type beers stores that could cater to our smaller, yet growing beer industry across our state.

HB 1294, requiring that all providers be allowed to participate in the health exchange. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs. This bill would require that all insurance carriers offering products through the health exchange must negotiate in good faith with all health care providers willing to be part of said insurance products. The purpose of the bill is to prevent carriers from only offering narrow networks such as those currently available through the exchange. The state’s network adequacy standards serve to balance access to care with the cost of said care, and all insurance products are measured against specific parameters to meet these standards. The committee heard that actuarial data shows that when you increase access you increase costs, hence the reason for offering products with narrow networks. While these insurance plans do meet the state’s standards for network adequacy, there are concerns from consumers and health care providers, as well as the New Hampshire Insurance Department, that the standards dictating network adequacy may be flawed.

The department recently held a public hearing on this issue and is convening a stakeholders group for the purpose of reviewing its standards. While the committee is concerned for consumers who have been impacted by the present products on the exchange, some believe that passing this law could have a chilling effect on insurance carriers who are set to offer products on the exchange in 2015. By requiring admission to all willing providers, it may make it more difficult for companies to compete by offering different products to our consumers. In addition, it was unclear how one would enforce whether or not negotiations were done in good faith. At a time when our health care industry is going through changes in how care is accessed and delivered, the majority of the committee felt this bill would not further the goal of lowering costs and improving care. **Vote 13-5.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1216-FN, relative to the crime of causing or aiding suicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brenda E Grady for the **Majority** of Criminal Justice and Public Safety. This bill amends the crime of causing or aiding suicide by deleting language relating to soliciting another to commit suicide. The majority of the committee believes the word solicit as contained in statute means to “entice” or to “strongly urge” and would not be enough to discourage someone from discussing suicide. Furthermore, the committee received no evidence or testimony that this law is currently being abused. **Vote 11-5.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. This is a very simple bill. It simply strikes two words (“or solicits”) from the statute regarding causing or aiding suicide. A person would still be guilty of a crime if he or she purposely aids another to commit suicide. The minority believes however, that the definition of “soliciting” is so murky that it should be removed. For example, would someone be guilty of “soliciting” if he or she simply mentioned in jest that another be more comfortable if not of this world. The minority is convinced that a person is responsible for his or her own body; that person is capable of determining the extent of any so-called solicitation. The minority is not convinced with the red herring cache of arguments that this striking of two words would lead to elderly slaying or euthanasia. The House is no place for such inflated rhetoric as the majority chooses to indulge in especially when individual right to choice is trampled upon.

HB 1292-FN, creating an affirmative defense for a person who causes or aids another in committing suicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for the **Majority** of Criminal Justice and Public Safety. This bill seeks to provide a defense for a person who causes or aids another in committing suicide with a 2 year or less life expectancy. The majority believes society has a moral duty to protect and preserve all life. To allow people to assist others in destroying their lives violates a fundamental duty we have to respect human life. Laws that sanction assisted suicide inevitably will pose a threat to the lives of innocent persons. If assisted suicide is allowed on the basis of mercy or compassion, what will keep us from “assisting in” and perhaps actively urging, the death of anyone whose life we deem worthless or undesirable? What will keep the inconvenienced relatives of a patient from persuading him or her to “voluntarily” ask for death? What will become of people who, once having signed a request to die, later change their minds, but, because of their conditions, are unable to make their wishes known? The majority believes that advance directives, living wills, palliative care, hospice and do not resuscitate (DNR) are sufficient in meeting the wishes of those given the diagnosis of 2 years or less expectancy on life. **Vote 12-4.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. This bill is rather simple, not lengthy to read at all. It would simply create an affirmative defense to prosecution if someone aids another in committing suicide if the person has a terminal illness and the person assisting does so to “alleviate the terminally ill person’s pain and suffering.” The minority believes a time can arrive that pain and suffering is so great that an individual might chose to end it all. That’s sad but true, and the individual has a right to decide when and if that time arrives. Unfortunately when it comes to acting upon a decision to end it all, a weakened individual might not be in the best position of carrying out his or her desires. Imagine the horrors we as a society would face if an individual decides to end it all but in the process fails and makes himself or herself worse off, that is to say places himself or herself in greater pain. That is a horror that should outweigh any of the cache of red herrings the majority offers in pointing out how this could lead to a person dying who wishes to live. Quite the contrary, this bill simply allows an individual the dignity of best determining what to do with his or her body. In a society which treasures individual rights, as opposed to collective or totalitarian societies which allows the state to rule our lives, this bill should not only be passed but championed as an effort we can no longer ignore or demonize.

HB 1330-FN, prohibiting the disclosure by search warrant of privileged individual medical records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for the **Majority** of Criminal Justice and Public Safety. This bill prohibits the disclosure to the state of medical information contained in an individual’s medical record except by search warrant. No more of a patient’s medical record than is absolutely essential shall be disclosed. **Vote 10-4.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety. The Minority agrees with the intent of the bill, but believes ambiguous language therein allows for loopholes and the potential for exploitation. For example, the bill grants exceptions to the search warrant requirement to “health oversight entities under federal law” without defining or listing said entities.

HB 1435, requiring law enforcement officials to disclose specific information relating to a police checkpoint. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety. This bill as amended would increase transparency in the execution of sobriety checkpoints by requiring law enforcement to disclose more detailed information about court-authorized checkpoints. Law enforcement testified that the current practice of publishing upcoming checkpoints helps inform and educate the public about the enforcement activity, making people more aware of the dangers of DWI. This bill would simply give the public more information about time, date and location of the checkpoint, along with names of the agencies involved. The original bill applied to all forms of checkpoints, but the amendment limits changes to only sobriety checkpoints. **Vote 11-8.**

HB 1437, relative to license revocation for drugs or alcohol involvement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew S O’Hearne for the **Majority** of Criminal Justice and Public Safety. This bill would limit the license suspension for a minor to alcohol or drug use offenses involving driving a motor vehicle. The current statute, the intent of which is to discourage all drugs and alcohol use by minors by imposing a strict but appropriate penalty would be weakened by this bill. The department of safety remains opposed to any form of “limited licensing” because it is almost impossible to enforce and therefore becomes meaningless and ineffective as a deterrent. **Vote 12-6.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety. This bill seeks to uncouple the current practice of suspending or revoking a driver’s license for an alcohol or drug offense totally unrelated to operating a motor vehicle. The minority believes that current DWI laws sufficiently deal with those found to be driving under the influence. This bill only deals with drivers under 21 years of age. Somebody who is convicted of possession, use, or abuse of alcohol or a controlled substance while in his or her home, or on private property, when nobody else is endangered should not suffer license suspension, which could potentially lead to losing a job or being unable to attend school. This bill would allow the court to permit driving with conditions limited to specific hours or places instead of full license revocation for certain offenses.

HB 1485-FN, relative to vulnerable users of highways. **REFER FOR INTERIM STUDY.**

Rep. Geoffrey D. Hirsch for Criminal Justice and Public Safety. The majority believes this bill provides extra protection to vulnerable users of highways and can be a tool for education of young drivers. However, the language of this version needs clarification and further study. **Vote 12-4.**

HB 1533-FN, requiring a warrant to search information in a portable electronic device. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety. This bill’s intent is to expand privacy protections by prohibiting government entities from searching “portable electronic devices,” including cell phones, without a warrant. With the immense amount of data contained in such devices nowadays, it’s more important than ever to respect people’s privacy and Fourth Amendment rights. This legislation will give clear direction to law enforcement, thereby protecting all parties. With today’s smart phones, many people rely on these devices as their only means of communication and as an indispensable tool for work. **Vote 12-1.**

HB 1548-FN, eliminating separate penalties for crack cocaine. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mark Warden for Criminal Justice and Public Safety. This bill contains changes to penalties in the controlled drug act (318-b) statutes, specifically regarding crack cocaine. In NH there is a wide disparity between penalties for possession or sale of crack cocaine versus other forms of cocaine. There has been a trend by the federal government and states to reduce or remove this disparity, with New Hampshire being one of the last to adopt the changes. The majority believes this reform is overdue and is a positive step in restoring justice and balance to drug crime penalties. **Vote 13-2.**

HB 1550, permitting the audio and video recording of a public official while in the course of his or her official duties. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J Tasker for the **Majority** of Criminal Justice and Public Safety. This bill changes the statute to reflect the reality of recording public officials in their official capacity. It has the potential to enhance openness and accountability in government. **Vote 10-6.**

Rep. Geoffrey D Hirsch for the **Minority** of Criminal Justice and Public Safety. While recognizing the need for open and accountable records of public officials conducting the duties of their office, this bill as written expands the realm of public officials beyond law enforcement (as in the Glick v. Cunniffe decision) to all public officials. This expansion exceeds what the Constitution requires, creating problems of potential interference with duties as well as potential invasion of privacy. The term "physically interfere" is too broad and can lead to costly court time over interpretation. The terms "public official" and "generally accessible" are also open to varied interpretations. This bill has unintended consequences. If defined as within this bill, public officials (town clerks, school teachers, counselors, for example) could easily be intimidated by the prospect of audio recording and might be reluctant to perform even routine duties.

Issues of privacy can arise when the official is recorded interacting with a private citizen getting a ticket, receiving medical treatment, being calmed at an accident or fire, registering to vote, or any activity where public officials are performing their duties. This bill contains no provision to protect the privacy of citizens as the recording must be returned to the owner within 10 days. This bill is too problematic to become law.

HB 1621-FN, redefining simple assault. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brenda E Grady for the **Majority** of Criminal Justice and Public Safety. Prosecutors, law enforcement, domestic violence and child sexual abuse prevention advocates provided information to the committee that this bill weakens New Hampshire's simple assault law. Law enforcement regularly uses the crime of "simple assault" to charge domestic violence abusers and child sexual offenders who use "grooming behaviors."

Under this bill, if an abuser pinches, pushes, slaps, or spits on a victim but does not leave a visible injury, a law enforcement officer will have to determine whether a reasonable person would find that conduct offensive, threatening, or provocative before arresting the offender. This complicates and potentially delays an arrest in cases that pose imminent danger to victims and puts law enforcement in the onerous position of having to prove the state of mind of the victim. Since NH does not have a sexual "grooming" law, this bill would also legalize seemingly innocuous grooming behaviors by sex offenders. For example, if a man goes to a city park and tickles small children he does not know, the children might not find this conduct "offensive," "threatening" or "provocative." However, we know that this is exactly the type of behavior sex offenders use to groom children for future victimization.

The majority believes that this bill is not only dangerous but also unnecessary because you cannot be charged with simple assault if you accidentally bump into someone. There must be intent in order to charge under current law. The committee does not believe that this statute is being unfairly enforced. This bill is opposed by the NH Chiefs of Police Association, The NH Coalition Against Domestic and Sexual Violence, The Hillsborough county attorney, and NH's 14 domestic violence and sexual assault crisis centers. **Vote 9-7.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. How many people realize that if you simply tap someone on the shoulder, you could be charged with simple assault? Not many, most likely, but it's true, and this bill simply represents an attempt to redefine the term "simple assault" which can be applied contrary to both the spirit of the law and of common sense. It's so bizarre that during the hearing on this bill, the committee chairman described a situation for which she could have been charged with assault. The deputy commissioner of safety described a similar situation in which he was involved. However, rather than face the problem, the majority chose to wander off in a field of weeds, claiming that such a simple change would lead to more grooming. The minority is convinced that other statutes deal with that vile conduct and we must stay focused on the issue before us. This bill was filed as a result of an actual incident at a Manchester restaurant; a waitress was simply tapped on the shoulder by a supervisor. A full three months later, after the waitress was fired for another reason, she went back and filed an assault charge. Police were, by law, forced to investigate and bring charges. Ultimately, the case was dismissed in court when the waitress never showed up. In the meantime, however, the defendant had had to hire an attorney and go through the onerous task of defending herself on a clearly frivolous charge. The bill maintains current language that a person is guilty of simple assault if he or she causes bodily injury to another. To clarify problems which have arisen, the

bill adds the line that a person is also guilty of simple assault of her or she “purposely or knowingly causes physical contact with another when the nature of the contact is such that the actor knows or a reasonable person should know that the other person will regard the contact as offensive, threatening, or provocative.” Clearly, with this clarifying language, a person could be found guilty if causing unwanted contact, but just as clearly, we would be removing the “right” of a person to file an assault charge for simply being tapped on the shoulder. Note the words “reasonable person” in the bill. Also note the final line, “Nothing in this section shall affect or alter the provisions of RSA 632-A” which deals with sexual assaults. This is a common sense bill which has been demonized by opponents who choose to see bogeymen where none exist. The minority prefers that we use our common sense rather than pursue bogeymen. The punishment for simple assault can be a year in jail and a \$2000 fine. Our constitution tells us that the punishment must fit the crime. Does a year in jail and a \$2000 fine fit the “crime” of tapping someone on the shoulder? The minority would answer that question, “definitely not.” Even the department of safety, which almost always appears before the committee in opposition to bills such as this one, supported this bill.

EDUCATION

HB 1132-FN, relative to school building inventory reports. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education. This bill as amended, requires NHDOE to compile security information and building schematic floor plan diagrams for all K-12 public schools and to copy most recently received materials to the director of NH homeland security and emergency management, department of safety. Submitted security information received from schools shall address elements within three core standards as identified by the department of safety: surveillance, access control, and emergency alerting (communications). These materials shall not be a public record pursuant to RSA 91-A: 5.VI. One of the benefits of collecting centralized comprehensive, standardized data comes in the form of local, regional and statewide emergency responders being able to better prepare, respond and mitigate potentially dangerous conditions in K-12 public schools. NHDOE, NH homeland security and emergency responders support the bill. **Vote 19-0.**

HB 1247, requiring the department of education to share costs of implementing statewide online assessment technology requirements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Judith T Spang for the **Majority** of Education. While an amendment solved the 28-a issue of the original bill, the majority believes that the bill is unnecessary. There is adequate time and opportunity for school districts to acquire the technology needed to implement statewide online assessment programs. Schools have 12 weeks to administer tests to students sharing computers; schools have time to find funds or donated computers because students can take tests by paper and pencil for 3 years. Finally, it seems inequitable to the districts that have been proactive in acquiring the needed technology. **Vote 11-7.**

Rep. Glenn Cordelli for the **Minority** of Education. The state is mandating that students take a new statewide assessment beginning in 2015. That assessment will be online and computer-based. The minority believes that this is a local mandate, a 28-a issue. It is, therefore, a state requirement to pay for the mandated technology upgrades.

Rep. Mel Myler for the **Minority** of Education. The Minority was not convinced that the 10% restriction limiting students to transfer from a public school to a public charter school was warranted. There has been no past problem for any student wishing to attend a charter school. Furthermore, the unintended consequence could negatively impact the public school by depleting a grade level of attendance or curriculum options.

HB 1463, relative to the definitions of “priority school” and “focus school.” **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for the **Majority** of Education. The existing law only ranks schools that accept federal Title I money. Priority and focus schools are the new designation for schools in need of improvement. There are 84 high schools in the state, but only 9 accept Title I money, so only those 9 high schools are tested to see if they are in the lowest 5%. The lowest 5% of 9 may even be in the top 20% of the 84 high schools, no one really knows. This bill will change the law to use all schools for the ranking of priority and focus schools and not in some cases a small percentage of schools. **Vote 14-5.**

Rep. Barbara E Shaw for the **Minority** of Education. The local school districts determine if Title I money is going to be accepted in their districts. Title I “priority” and “focus” schools are terms which determine the allocation of federal funds according to qualifying data. If the reclassification of this bill were to occur, the resources may not be available, or at least be diminished by the more widespread allocation of funds. The impact on students could be substantial because of a reduction in resources. There are other methods of ranking schools in (1) pure performance and (2) improvement rankings. These methods of ranking can also be addressed by funding from the state with limited resources. Results of all assessment tests are shared with individual schools for local evaluation.

HB 1507, relative to university system of New Hampshire in-state tuition rates for students domiciled in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barbara E Shaw for the **Majority** of Education. This bill is one of many recent attempts to micromanage how the university system does business. The distinction between in-state and out-of-state tuition is based on the student's domicile according to the University's definition of domicile, not necessarily the same definition used for voting, taxation, or other purposes. The terminology in this bill could ultimately raise tuition for long-term resident families who currently get in-state tuition since it may reduce the number of students paying out-of-state tuition. **Vote 12-6.**

Rep. Glenn Cordelli for the **Minority** of Education. The minority feels that this is a constitutional issue. Our NH constitution states that any person 18 years old or over shall be considered an inhabitant for voting where he/she has their domicile. A person can also be elected into office, providing they meet other constitutional provisions, where they are domiciled. Thus, are we saying that someone can be an elected official in this state, but cannot get in-state tuition? Are we saying that residency rules of the university system trump our state constitution? The minority feels that our NH constitution is the highest law in our state. Period.

HB 1534, establishing a commission to study fiscal disparities between public school districts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James L Grenier for the **Majority** of Education. This bill will establish a commission to study fiscal disparity between school districts. Disparity was taken out of the adequacy funding formula in 2011. Differences between a school district's ability to support school costs vary greatly because of several local factors. A weak property tax base, a higher than average percent of special needs students, or the income of school district residents are examples of factors that cause fiscal disparity between school districts. **Vote 13-6.**

Rep. Ralph G Boehm for the **Minority** of Education. In the last ten years we have changed the adequacy formula at least three times. The Legislature will vote again on winners and losers which may or may not cause a new bill to pass. We just changed the formula in 2011.

ELECTION LAW

HB 1338, relative to appointment of inspectors of election by selectmen. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Election Law. The committee acknowledges that there is concern about the ability to find willing and qualified inspectors of election. The testimony indicated that it is a larger concern in the cities, since the committee did not hear from the towns. There have been a number of concerns regarding inspectors of election brought to the attention of the committee, and we feel that they would all be more appropriately addressed in the study committee that was established in 2013 by the passage of HB 521. **Vote 14-2.**

ENVIRONMENT AND AGRICULTURE

HB 1178, relative to the sale and transfer of animals from animal shelters. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janice S Gardner for the **Majority** of Environment and Agriculture. This bill comes from conversations over the last two years between this committee and the Department of Agriculture, Markets & Food, which inspects and licenses New Hampshire animal shelters and rescues, as well as pet stores and commercial kennels, and enforces the statutes and regulations under which these licensees operate. Since the 1970s, animal shelters and rescues have been exempted from requirements regarding minimum age, basic immunizations and health certificates for the dogs, cats and ferrets that they transfer. This bill removes that exemption, which most shelters have not utilized in many years. Stipulating that all four licensees operate under the same rules and laws simplifies enforcement, eliminates public confusion and enhances consumer and animal protections. **Vote 10-4.**

Rep. Christy D Bartlett for the **Minority** of Environment and Agriculture. The bill removes longstanding exemptions that have existed for the benefit of not-for-profit community animal shelters. It imposes upon such shelters all of the health verification requirements that are required of for-profit, commercial pet stores. There was no testimony whatsoever presented to demonstrate that problems were present in the current animal control and adoption processes of shelters. There was substantial testimony that animal welfare and safety have been paramount in shelter operations. The bill was presented as necessary to create a "level playing field" for the commercial pet businesses. Animal shelters do not have the benefit of the controlled and predictable stream of animals that commercial stores enjoy. Shelters must take all comers. They must be available to take responsibility for the stray, abandoned, and unwanted animals found in communities. Shelters provide affordable pets for families. Statewide, the costs of the health certificates required by the bill will add hundreds of thousands of dollars of costs to current shelter budgets. It will increase the cost of adoptions, and will increase the "time of stay" for the animals. This creates risks for the animals and financial burdens on the shelters. Because of the negative impact on existing shelters, the minority believes this bill should be inexpedient to legislate.

HB 1179, relative to health certificates for transferred animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janice S Gardner for the **Majority** of Environment and Agriculture. This bill carries on with clarifying the protections covered in HB 1178. This bill provides protection for both animals sold or transferred by an entity licensed by the NH Department of Agriculture, Markets and Food (pet stores, commercial kennels, animal shelters and rescues), and for those persons who buy, adopt or accept transfer of these animals. The purpose of this bill is to prevent, as far as possible, the introduction of additional or foreign diseases to NH animals, and to protect the health of New Hampshire's human residents.

This bill requires that the new owner be provided with a record of all medical treatments the dog, cat or ferret has received prior to transfer, as far as is known. Also, as protection for dogs, cats or ferrets already in this state, for the transferred animal, and for the new owner, the new owner is given the option of taking the animal to a veterinarian of their choosing for an examination within 14 days of transfer; if this veterinarian declines to issue a health certificate due to the presence of a contagious or infectious condition, the new owner can, within 2 days and with certification from the examining veterinarian, return the animal to the licensee for, at the new owner's option, a refund or a replacement animal of the same value. The new owner can also opt to retain the animal and treat it, under a veterinarian's supervision. If the new owner selects this second option, the licensee will be liable for veterinary cost, only up to the amount paid for the animal.

Passage of HB 1178 and HB 1179 will complete the consumer protection aspects of our laws relative to the transfer of dogs, cats or ferrets. The other licensees have functioned with these stipulations since the mid 1970s, and have reportedly found them helpful. Private breeders have similar requirements under Chapter 466. Those who seek a family pet from a shelter or rescue, and the animals transferred from these venues, should have the same protections as are now enjoyed by all other pet owners and pets in our state. **Vote 10-4.**

Rep. Christy D Bartlett for the **Minority** of Environment and Agriculture. As with HB 1178, this bill removes other longstanding exemptions that have existed for the benefit of community animal shelters. The bill creates a new requirement that only certain "accredited veterinarians" can sign the health certificates where now it can be any NH licensed veterinarian. Only 1/3 of vets are "accredited" by the state veterinarian, and this list is not publicly available. This requirement will limit the number of veterinarians available to shelters and will increase the cost. The bill also imposes additional health record requirements. Some committee members believed the bill was important for "consumer protection," however there is an existing "lemon law" for pets (NH RSA 437:13) which protects the consumer in the event an adopted animal is found to be unhealthy. This bill does not increase the protection to the state from imported animals, as those animals must already have a health certificate.

HB 1304, relative to the storage of fluorescent lamps at transfer stations. **INEXPEDIENT TO LEGISLATE.**

Rep. Alan J Turcotte for Environment and Agriculture. Current federal (EPA) and state (DES) laws and rules require that fluorescent lamps at transfer stations be stored in closed containers at all times. This current procedure is imposed because fluorescent lamps are considered dangerous, are easily broken, and they contain hazardous mercury gas. This bill proposed to exempt transfer stations from storing fluorescent lamps in closed containers when the storage time was for less than one week. However, the bill failed to address the risks, even short term, associated with this form of solid waste including breakage and the exposure of workers and public to hazardous materials and gas. Additionally, the bill would modify the NH storage requirement to the extent that the NH DES program would then fail to be in compliance with preemptive federal EPA rules. For these reason the majority recommended inexpedient to legislate. **Vote 14-3.**

HB 1305, relative to the definition of asbestos abatement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Christy D Bartlett for the **Majority** of Environment and Agriculture. This bill would exempt the state requirement for asbestos abatement inspections for buildings constructed after 1994 and smaller than 750 square feet in size. The concerns included how the year of construction could be determined for many buildings in NH that have had additions built at different times, what the repeated effects could be to employees who may be have repeated exposures, the OSHA requirements that may be in conflict with this bill, and whether the state can exempt contractors from federal inspection requirements. In committee discussion, this committee is sympathetic to the building contractors, but we would want to review the federal vs state requirements through the department of environmental services' acting as a delegate for the environmental protection agency, which would protect the NH environment and citizens from contamination, and also, the OSHA requirements to protect the employees from asbestos exposure. **Vote 10-7.**

Rep. Warren J Groen for the **Minority** of Environment and Agriculture. While the federal government exempts buildings as large as four unit apartments from asbestos inspections, NH DES applies our asbestos regulations to all projects performed by a contractor or business. Any job to renovate or demolish a small building or shed is caught up in the DES dragnet of inspections and testing fees. This bill exempts buildings under 750 square feet and those built after 1994, the year asbestos building materials were banned. The whole asbestos removal regime has led to exorbitant charges for doing safe, routine and uncomplicated work. This bill would allow a measure of relief for very small projects and those where asbestos is not present.

HB 1570-FN, establishing a paint stewardship program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Scott A Burns for the **Majority** of Environment and Agriculture. The committee believes the adoption of the paint stewardship program is good for the state. The amendment replaces the entire bill, including the fiscal note, since it was placed under the wrong RSA. Oil-based paint comprises 48% of the hazardous waste collection days. Latex paints are now 75-80% of paint sales, but cannot be included in hazardous waste collections, though disposal is still not easy. Homes have many unused paint cans in basements and garages across NH with an average of 17 cans per household. This program will make disposal of paint more accessible and convenient than the collection once a year now in many towns and cities. This bill will dispose of an estimated 278,000 gallons of paint and generate about \$1 million from the program. There is no cost to the state and will save an estimated \$2.2 million for municipalities that now collect some paint through the hazardous waste collection days. The NH Municipal Association, Statewide Regional Planning Commissions, Northeast Resource Recovery Association, the Department of Environmental Services, Sherwin Williams, Aubuchon & Ace Hardware stores, plus Casella and Waste Management are supporting this initiative. The Retail Merchants and Retail Lumber Association also approve of the language in the bill. The program is managed by a non-profit organization which has been operating in Canada for 20 years, in Oregon for 3 years, and recently added CA, CT, MN, VT, RI and ME. MA is also reviewing the program for possible implementation. **Vote 8-4.** Rep. John T O'Connor for the **Minority** of Environment and Agriculture. Conceptually the attempt to recover and recycle liquid paint is commendable, but this bill comes with some unintended consequences, including increased costs, to many small retailers as well as small professional paint contractors.

It has been stated that sellers could absorb the fee/tax - currently 75 cents per gallon in the three states where the program is in effect. Maybe large box stores, with deep pockets can, but those small town and regional hardware stores cannot.

The current bill as proposed is not ready for prime time and has many weaknesses. There are three major items that have yet to be vetted by the AG's office: 1) anti-trust language, 2) safe harbor review, and 3) an entity doing business as a 501(c)(3) by the charitable trust division.

A free market issue is that any paint manufacturer not willing to sign on with the trade association's program will not be allowed to sell their products in NH.

A recent review of the State of Oregon's annual report, the first state to sign on to the program, shows that they had sales of 7 million gallons with a fee of .75 cents, resulting in a revenue of \$5.5 million. Their recovery rate was 7.2%, which equates to 581,000 gallons at a dollar value of \$436,000, leaving a balance with the trade association's 501(c) 3 organization of \$5.1 million. The minority commends the sub-committee's attempt to put this through, but there are still too many unanswered questions to pass a bill as complicated as this, and recommends interim study.

HB 1608-FN, relative to hydraulic fracturing. **INEXPEDIENT TO LEGISLATE.**

Rep. David P. Miller for Environment and Agriculture. The committee feels this bill is before its time. Testimony before the committee reminds us that New Hampshire is based upon a bedrock of granite. Geologists point out that natural gas and oil is found in shale and is not naturally found in granite. Thus, the concern that hydraulic fracturing would be applied in New Hampshire is moot at this time. (The only application of fracking in the state is during the drilling of an artisan well for water.) The second part of the bill expressed a concern that polluted fracking wastewater would be imported into the state and run through a public or private wastewater treatment plant leaving our citizens to worry about what chemicals could be entering our water systems. Currently, such waste water would mostly likely have to be trucked, piped or delivered by rail from such states as Pennsylvania or New York. However, testimony revealed that large fracking sites have their own wastewater treatment facility and that transporting of wastewater long distances is cost-prohibitive. **Vote 17-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION**HB 1126**, establishing a committee to study alternative public employee retirement plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C Hansberry for Executive Departments and Administration. Presently, the committee has an ongoing ad hoc committee on retirement in place studying alternative retirement plans. The meetings of the ad hoc committee are noticed in the House Calendar and open to all who wish to attend. Creating a second committee charged with the same purpose is unnecessarily redundant. **Vote 15-3.**

HB 1244, relative to the disclosure of the names of lottery winners. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard M Moffett for Executive Departments and Administration. Current law (RSA 287-F:10,I-i) provides that "...Upon written request, the commission may release the name, town or residence, date of prize, and the gross and net amounts of the annual prize payment of a winner," and the commission's current policy is to release such information upon written request by the media or a member of the public. This bill would

prohibit public disclosure of a lottery winner's name unless authorized by the winner. Although the committee recognized that a lottery winner may have a privacy interest in avoiding unwanted publicity, a clear majority felt that this personal interest is outweighed by the public's interest in transparency, accountability, and public confidence in the integrity of lottery operations. The public has a right to know how a state agency is distributing lottery revenues collected from the public. **Vote 13-5.**

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council. **OUGHT TO PASS.**

Rep. Dianne E Schuett for Executive Departments and Administration. This bill adds the chairman of the adult parole board and the executive director of the New Hampshire Coalition Against Domestic and Sexual Violence, or their designees to the existing statutory committee. The bill also changes the reporting deadline for the committee from annual to biennial. **Vote 12-5.**

HB 1564-FN, relative to escheat proceedings. **OUGHT TO PASS.**

Rep. Jeffrey P Goley for Executive Departments and Administration. This bill establishes an owner outreach and reunification unit within the Abandoned Property Division at the Department of Treasury.

The committee heard that on average only 40 percent of property and money received at the treasury is returned to the rightful owners. Currently the Abandoned Property Division does not have someone dedicated to find the rightful owners of abandoned property. The majority of the committee felt that the state should be more proactive in returning property and money it receives to the rightful owners. This would allow the treasury to begin that process. **Vote 8-5.**

FINANCE

HB 1394-FN-A, relative to funds for chartered public school facilities and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan M Ford for the **Majority** of Finance. This bill would transfer funding to charter schools so they can make additional payments for leasing space. The additional allocations to these chartered public schools would be equal to 30% of their annual leased space. Members of the majority believe that this would clearly be an unequal distribution of funds. Towns and cities have not been eligible to apply for new building aid for the last 3 budget cycles due to lack of funding. This new allocation, directed only to charter schools, would create two classes of schools - those with support for leasing and those without. The proposed funding has been made available only because four charter schools, anticipated to open this past fall, did not open. The majority is also concerned that this would open the door to any department within the state budget to reopen negotiations for new initiatives whenever there is a funded program that will not be completed within the original time frame. The majority of the committee concluded that charter schools should be asked to live within their original contracts and that no additional money be allocated. **Vote 13-10.**

Rep. Kenneth L Weyler for the **Minority** of Finance. Almost all of our public schools received construction money when they were built. Because the regular public schools are encountering a decline in enrollment, no money for new construction is in the present budget. The charter schools are seeing substantial growth, even though they are presently educating less than 2% of our total students. We have several new schools planning to open as they receive their charters. Delays in opening 4 new charters that were planned for the first year of this biennium resulted in enough surplus in the charter school budget line that will allow for funding this proposal without new appropriations. In sum, treat charters the same as other public schools, recognize that they are where the growth is, overturn the ITL, and give charters a 30% stipend for leases.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1501-FN, requiring licensing of outpatient abortion facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas M Sherman for Health, Human Services and Elderly Affairs. This bill would require further restrictions on abortion at the level of licensing, credentialing and privileging of facilities. Abortion at the level performed in outpatient clinics and offices is legal and, per the peer reviewed medical literature, safe. Current oversight is standard of practice for this level of procedure, including licensing of all providers and inspection of facilities. **Vote 17-0.**

HB 1539, relative to the repeal date of the certificate of need law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie Harding for the **Majority** of Health, Human Services and Elderly Affairs. The configuration of the new board was drastically changed in 2013. The appointments to the new board were made in the fall of 2013. The new board is also responsible for developing a state health plan. There is currently a repeal for the certificate of need board in the law for 2016. Considering the need for the highest quality of care in New Hampshire and with an increasing need to manage health care costs, it is undesirable to move up the repeal date to 2015. **Vote 10-2.**

Rep. Stephen J Schmidt for the **Minority** of Health, Human Services and Elderly Affairs. The certificate of need board has outlived its' usefulness in the opinion of the minority. Seventeen states have repealed it with no negative impact on their health care costs. Free market principles and competition should also apply to the health care profession. With an increasing requirement for billing transparency and competition the board should be abolished.

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. **OUGHT TO PASS WITH AMENDMENT.**

Rep. E. Elaine Andrews-Ahearn for Health, Human Services and Elderly Affairs. This bill, as amended, permits qualifying patients and caregivers to cultivate cannabis for therapeutic use. This bill also extends the qualifying conditions to include epilepsy, lupus, Parkinson's disease and dementia associated with Alzheimer's disease as well as Crohn's disease. For patients who were previously ill and dying, this bill also provides an affirmative defense for the use of therapeutic cannabis. **Vote 13-3.**

HR 26, honoring and recognizing the Cadet Nurse Corps. **OUGHT TO PASS.**

Rep. Barbara C French for Health, Human Services and Elderly Affairs. The Cadet Nurse Corps was established in 1943 to meet a critical need during WWII. The corp was comprised of approximately 80% of American hospital nurse staffing at the height of the war and they were credited with sustaining the hospital infrastructure. These women, including a number of New Hampshire residents, have never been recognized for their service. HR 26 honored the courage and contribution of the Cadet Nurse Corps, especially those from New Hampshire. **Vote 17-0.**

JUDICIARY

CACR 14, relating to disqualifying sheriffs by age. Providing that the age disqualification for sheriffs shall be abolished. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the **Majority** of Judiciary. This proposed amendment seeks to remove the age limitation of 70 years for sheriffs. Sheriffs, unlike judges, are elected so the public can weigh in on their qualifications. There did not seem to the committee sufficient interest among the sheriffs for this constitutional amendment to justify amending the constitution. **Vote 14-4.**

Rep. Timothy O Horrigan for the **Minority** of Judiciary. Currently, Part 2nd Art. 78 of the state constitution mandates a 70-year age limit for the office of county sheriff, which is an elected constitutional office. No person over 70 can be elected sheriff. A sitting sheriff who turns 70 during his or her two-year term must give up his or her office, even when he or she is still fully capable of meeting the many demands of this office. This arbitrary age restriction may have made sense in 1792 when this article was established, but today many citizens live active lives, and continue working, long past the age of 70. The minority believes that the people of your county should be allowed to choose the best candidate for the office of sheriff regardless of any arbitrary age restriction. This amendment leaves the age requirement for judges and probate judges in place: those offices are fundamentally different from the office of sheriff, because judgeships are appointed offices with terms of indefinite length.

HB 1156-FN-L, making certain changes to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie K Smith for Judiciary. The majority of the Judiciary Committee concludes that the principles of the public's right to know about the workings of our government are central to our efforts to achieve transparency. These are complex matters, as attested to by the years of work that our predecessors on the Judiciary Committee have invested in these matters. This year we considered six bills relating to various aspects of Right-to Know. After hours of hearings and work sessions we identified a number of adjustments that could be made now, primarily in clarifying questions about non-public sessions. We also agreed with sponsors that a number of issues raised in other bills needed to be addressed, but required detailed analysis in order to best balance competing demands. Therefore the amendment to this bill creates a Right-to-Know Oversight Commission with significant representation from the public in order to ensure that the public's perspectives are clearly heard. In addition to any other issues that may arise, the commission is specifically charged to develop fair standards and procedures to enable public entities to recover costs related to right-to-know; to determine how to treat private and quasi-public entities carrying out public functions; to establish guidelines for members to participate electronically as technology rapidly outpaces existing practices; and to consider how best to handle grievances that arise out of application of right-to-know issues. The commission would sunset in 2018, giving it one term to further define the problems and identify fair and equitable solutions, and one term to draft legislation and see the bills through the process. The public involvement in our hearings and work sessions was invaluable in helping the committee identify the areas of right to know that needed to be revisited. **Vote 12-3.**

HB 1226, establishing a committee to study end-of-life decisions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick H Watrous for the **Majority** of Judiciary. The preamble of our existing medical directive law, RSA 137-J, proclaims: "The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care."

As New Hampshire is rapidly aging, and modern medicine becomes more intrusive, end of life care should be periodically examined by the legislature so that our citizens maintain control over their lives and determine what medicine and procedures they wish to receive. This bill would establish a legislative committee to review New Hampshire's medical directive law, investigate the positive and negative effects of legislation in states that have enacted aid in dying laws, conduct open deliberations about this complex and emotional issue, and study any other matters the committee deems relevant to its objective. The committee shall report its findings and any recommendations for proposed legislation by November 1, 2014. **Vote 9-7.**

Rep. Lenette M Peterson for the **Minority** of Judiciary. There is not enough time left in our term for a study committee to adequately study such an emotional and serious topic.

HB 1274, relative to the quarterly or semi-annual payment of rent. **OUGHT TO PASS WITH AMENDMENT.** Rep. David Woodbury for Judiciary. This bill permits a landlord to offer leases calling for quarterly or less often payments. This is most common in college/university communities. At the same time, this bill assures tenants that only one month's worth of rent is to be considered as security deposit. This clarifies the rights and obligations of both landlords and tenants. **Vote 13-5.**

HB 1325-FN, relative to death with dignity for certain persons suffering from a terminal condition. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lenette M Peterson for the **Majority** of Judiciary. The majority of the committee realizes that suicide in New Hampshire is not against the law, but believes that assisted suicide is the incorrect approach and would lead to elder abuse and abuse of disabled individuals. It is also putting doctors in a situation that goes against their oath. They are in the business of saving lives, not taking them; they aren't trained to kill their patients. **Vote 9-8.**

Rep. Larry R Phillips for the **Minority** of Judiciary. The bi-partisan minority believe that this bill offers a choice to persons who have been diagnosed with a terminal illness and a prognosis of six months to live by two corroborating physicians. The terminal patient must of her/his own free will seek a lethal prescription from a physician willing to cooperate. In addition to offering choice to the patient this bill allows the physician to legally write the lethal prescription. Once the prescription is obtained the patient has a choice to use or not use depending on his/her perception of quality of remaining life. This bill is not about euthanasia or mercy killing of anyone including those with disabilities.

HB 1345-FN, relative to forfeiture of items used in connection with a drug offense. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul S Berch for the **Majority** of Judiciary. This bill seeks to change provisions relating to forfeiture in drug cases. The committee felt that barring initiation of forfeiture proceedings until after a conviction is achieved is neither practical nor wise. **Vote 13-6.**

Rep. Lenette M Peterson for the **Minority** of Judiciary. This bill would protect innocent families from having their homes being taken by law enforcement. Law enforcement agencies should not benefit from sales of forfeited property.

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sylvia E Gale for the **Majority** of Judiciary. This bill updates our state housing discrimination law. It prohibits discrimination because part of the household's monthly rent will be paid with federal housing assistance, or because someone in the household has been victimized by domestic violence, stalking, or sexual assault. These two shortcomings in our state housing discrimination law have existed for some time, including as identified by the 2010 Statewide Analysis of Impediments to Fair Housing. The bill does NOT prevent landlords from rejecting tenants based on any other lawful reason (like lack of income to pay the rent, or prior evictions), it simply prohibits housing discrimination based on being a victim or for receiving housing assistance. The bill does NOT require any new enforcement agency or add any new remedies for housing. It will help prevent victims from being victimized twice – once by their abuser, and once by a housing provider. It helps give the opportunity to poor persons with housing assistance to be able to live and raise a family in a good neighborhood. The state housing discrimination law already provides some exemptions from the law for small landlords, including owner occupied buildings with 3 separate units or less. While some landlords oppose the bill, some major landlords support it. Existing law makes it a misdemeanor for anyone to make a false report to a law enforcement officer, thereby landlords would not have to consider the unlikely circumstance in which some might claim domestic violence.

This bill reinforces the fundamental freedom to live where you choose, so long as you are otherwise qualified. This bill provides those seeking housing to be judged on their own merit, not based on assumptions about victims and survivors of violence and persons receiving housing assistance. **Vote 11-7.**

Rep. Joseph M Hagan for the **Minority** of Judiciary. The minority disagrees that domestic violence victims and recipients of federal housing and urban development (HUD) housing vouchers (Section 8)) should be

added as a protected class with all privileges related to same. The business community states that Section 8 vouchers require higher levels of bureaucratic compliance and higher insurance costs both which could ultimately decrease the inventory of affordable housing. The reporting alone of domestic violence would entitle an individual to special treatment and terms of entitlement have no time limitations. When taxes can support action against housing providers, adding unnecessary protected classes is unfair.

HB 1442, relative to mental health courts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry R Phillips for the **Majority** of Judiciary. This bill can be viewed in the same way as the drug courts program. They function similarly. In fact, drug and mental health issues are frequently co-occurring with dual diagnoses. When an offender has committed a crime that is a result of or related to mental illness, this bill substitutes a requirement of accountability and rehabilitative treatment for incarceration. A team that includes criminal justice, mental health and social work professionals address the offender and monitors the case. In addition to a focus on the crime and the diagnosis, other related circumstances that may contribute to the cause of crimes are also addressed: such as issues regarding housing, employment and physical health. There are nine mental health courts already in operation in the state and they have been highly successful. The committee heard from several witnesses who had been through the mental health court and testified that their success was due to the accountability the court demanded and the help they received. **Vote 15-3.** Rep. Joseph M Hagan for the **Minority** of Judiciary. "All offenders must be held accountable for their actions" is clearly stated in the purpose of this bill. Unless an individual is legally incompetent to stand trial, they should be treated exactly as their peers.

HB 1474, relative to persons held in civil contempt. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy O Horrigan for the **Majority** of Judiciary. This bill would have made it harder to collect civil judgments. The losing defendant would be able to delay the collection process by demanding a hearing to find that he had sufficient liquid assets. The bill would do nothing to prevent defendants from diverting their liquid assets. The bill would also exempt principal residences and sole motor vehicles which especially complicates family law cases.

Under current law the court has to conclude whether or not the individual has the means to comply with the order. **Vote 15-3.**

Rep. Lenette M Peterson for the **Minority** of Judiciary. Civil contempt presumes that the individual to be incarcerated has the power to free themselves; Supreme Court of the United States, *Felock v Felock*. Furthermore, the Supreme Court of the United States (*Williams v IL 1970, Tate v Short 1971*) has determined debtors prison to be unconstitutional.

Therefore, we need to be sure that no one is incarcerated under civil contempt pursuant to our laws without ability to free themselves. This requires that there be a finding of fact and a source of fund without borrowing before incarceration.

LEGISLATIVE ADMINISTRATION

HB 1207, relative to identification of the source of legislative bill proposals. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Legislative Administration. This bill would require the identification of a private organization responsible for distributing a model act used by a legislator to propose legislation. The committee is supportive of the concept of full disclosure and transparency in legislation. Just as we require lobbyists to identify themselves with orange badges because we believe that legislators are entitled to know where the information is coming from, we believe that legislators are entitled to know when legislation is being proposed by outside interests, whether that special interest is a state agency or an out of state PAC. However, we believe that this issue is better addressed through House Rules rather than a statute. Accordingly, the committee recommends that this bill be found Inexpedient to Legislate, but urges the House to adopt a rule next session to require the disclosure of all sources of proposed legislation that is being offered by a member. **Vote 12-0.**

HB 1440-FN, including the writing, promoting, or distributing of model legislation to elected officials as lobbying and requiring disclosure of scholarship funds, money, or other financial support received from such lobbyists by elected officials. **REFER FOR INTERIM STUDY.**

Rep. Gary B Richardson for Legislative Administration. This bill would require registration, as a lobbyist for any entity who provides financial support to an elected official to attend an event whose purpose is to promote legislation. While the committee supports full disclosure and transparency, this bill appears overly intrusive as drafted and raises important questions relating to our authority to require out of state organizations to register as lobbyists and disclose proprietary information. Because the bill raises important issues that merit additional consideration, the majority of the committee recommends Interim Study. **Vote 11-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1195, establishing a commission to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for the **Majority** of Municipal and County Government. This bill would establish a Property Tax Study Committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities and the state's economy. HB 1195 is not a back-door attempt to implement broad based taxes, such as an income or sale tax. HB 1195 states that the committee shall study the impacts of the property tax and evaluate options, limited exclusively to alternatives for structuring the property tax as listed. The majority of the committee felt HB 1195 is a pro-active means of enhancing long-term land-use management and tax policy to ensure that businesses not only want to remain in New Hampshire but also seriously consider moving to New Hampshire. In addition, the current property tax policies are resulting in far too many of our elderly citizens being forced out of their homes due to ever increasing property taxes; this results in increased financial and social costs in other areas. New Hampshire is an aging state; we must be more pro-active to ensure that our young people remain here after graduation; to do so we need to provide more job opportunities and make the cost of owning a home and raising a family more competitive. An important issue is the effect of land easements and the permanence of those easements on the property tax rates and the future growth of businesses and residents in many municipalities. New Hampshire has placed a great deal of importance on renewable energy but this has resulted in numerous issues over how the property taxes and payment in lieu of taxes should be divided between municipalities. Hopefully, this study committee would begin to address these issues. **Vote 14-1.**

Rep. James E Coffey for the **Minority** of Municipal and County Government. New Hampshire relies on the property tax more than almost any other state to fund the operation of state and local government. A fixed amount of revenue needs to be raised each year and attempts to "fix" perceived issues will simply gore someone else's ox. For each proposed winner, with lower taxes, there must be a corresponding loser paying more. The charge being proposed to the study committee is totally amorphous: to "study the impacts of the property tax on New Hampshire residents, businesses, municipalities, and the economy, and evaluate options, limited exclusively to alternatives for structuring the property tax" including a laundry list of references to tax rates, exemptions, incentives and valuation. With no focus, it is highly doubtful that even one of these topics could be adequately addressed in such a short time frame. It furthermore goes on to remove any consideration of education property taxes in the context of education funding policy. For many of us, that removes the lion's share of the property taxes taken from us. This bill, as amended, proposes a committee of three representatives appointed by the Speaker of the House, and two Senators appointed by the President of the Senate, with its findings and recommendations for proposed legislation to be completed in an election year by November 1, 2014. We should not create a study that cannot be adequately performed, and given the short time to complete and the politically charged nature of the study it should be left for another time with a better focus.

TRANSPORTATION

HB 1448, relative to vessel registration. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation. This bill allows the marine patrol to enforce state vessel registration requirements on any vessel 12 feet in length or longer put, placed, or operating on any waters of the state. Current law is worded in such a way that a boat must be in motion on the water before a marine patrol officer can cite the owner for failure to register the boat. This bill closes that loophole. **Vote 9-2.**

HB 1601, relative to mandatory headlamp use. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gladys Johnsen for the **Majority** of Transportation. This bill is relative to mandatory headlamp use. Every vehicle, or combination of vehicles, shall have a light or set of lights that shall be visible from the front and rear during the period from sunset to sunrise and whenever fog or precipitation in the form of rain or snow is present. These lights shall be displayed using at least two lamps on the front; one lighted lamp on the front of a motorcycle shall be sufficient. Headlights should be visible within a distance of 200 feet, and 150 feet for motorcycles. **Vote 8-3.**

Rep. Tim O'Flaherty for the **Minority** of Transportation. The existing law on headlight usage allows drivers some leeway from 30 minutes after sunset and before sunrise to activate their lights. The committee heard no testimony other than from the sponsor for the need for this bill.

WAYS AND MEANS

HB 1339, relative to "table stakes games." **INEXPEDIENT TO LEGISLATE.**

Rep. Mary R Cooney for Ways and Means. This bill would have expanded the amount wagered on poker games where chips have monetary value by playing under "table stakes" rules. This bill is silent on the number of

times an individual can have an “all chips in” during a single game. This would mean that a single individual would have the potential of losing hundreds of dollars in an evening. The majority believes this is not in keeping with the overall purpose of the mission of charitable gambling. **Vote 14-6.**

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 1436, relative to unlawful possession of alcoholic beverages. (Pending question: Recommit)

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 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

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Subcommittee work session on **HB 1281-FN**, relative to copayments for certain specialists.

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

10:00 a.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Rescheduled public hearing on **HB 1196**, allowing town and cities to waive a portion of the interest due on late property tax payments in special or extraordinary circumstances.

10:30 a.m. Rescheduled public hearing on **HB 1171**, relative to eligibility for the veterans' property tax credit.

11:30 a.m. Rescheduled public hearing on **HB 1610-FN**, relative to the excavation tax.

1:00 p.m. Rescheduled public hearing on **HB 1310**, allowing towns and cities to terminate the application of the property tax exemption for water and air pollution control facilities within the town or city.

1:30 p.m. Rescheduled public hearing on **HB 1311**, relative to the exemption period for the property tax exemption for water and air pollution control facilities.

2:00 p.m. Rescheduled public hearing on **HB 1333**, relative to the elderly property tax exemption.

2:30 p.m. Rescheduled public hearing on **HB 1139**, repealing authority for granting of property tax abatements for watering troughs and shade trees.

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.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Subcommittee work session on **HB 1600**, relative to reporting of energy production for net metering.
- 11:00 a.m. Subcommittee work session on **HB 1265**, relative to coordinating and funding broadband infrastructure information by the enhanced 911 system.
- 1:00 p.m. Subcommittee work session on **HB 1540**, relative to least cost integrated resource plans filed by an electric utility.
- 2:00 p.m. Subcommittee work session on **HB 1129**, establishing a committee to study energy efficiency.

STATE PARK SYSTEM ADVISORY COUNCIL (RSA 216-A:3-k), Department of Resources and Economic Development, 172 Pembroke Rd., Concord

- 1:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

- 1:00 p.m. Subcommittee work session on **HB 492-FN-L**, relative to the legalization and regulation of marijuana.

TUESDAY, MARCH 4**CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB**

- 2:00 p.m. Regular business.

CHILDREN AND FAMILY LAW, Room 206, LOB

- 9:30 a.m. Subcommittee work session on **HB 1260-FN-L**, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents. *Please note Room 208, LOB*
- 10:00 a.m. Executive session on **HB 1176**, relative to grounds for termination of parental rights, **HB 1206**, relative to juvenile placement in shelter care facilities and at the youth development center, **HB 1236**, establishing a committee to study supervised visitation centers, **HB 1260-FN-L**, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents, **HB 1316-FN**, requiring the use of metal detection devices in court-ordered, supervised visitation, **HB 1343**, relative to guardian ad litem fees and complaints.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:30 a.m. Subcommittee work session on **HB 1532**, relative to notification of radon level prior to sale or lease of property.
- 9:45 a.m. Subcommittee work session on **HB 1353**, relative to recovery under uninsured motorist coverage.
- 10:00 a.m. Subcommittee work session on **HB 1276**, relative to alcoholic beverage advertising restrictions.
- 10:15 a.m. Subcommittee work session on **HB 1242-FN**, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies.
- 10:20 a.m. Subcommittee work session on **HB 1416**, establishing a state economic development plan and process.
- 10:30 a.m. Subcommittee work session on **HB 1282-FN**, relative to consumer protection for propane fuel users.
- 11:00 a.m. Subcommittee work session on **HB 1233**, allowing a claimant to take possession of his or her lost or stolen property under certain circumstances.
- 11:30 a.m. Subcommittee work session on **HB 1215**, relative to the rights of franchisees.
- 1:15 p.m. Executive session on **HB 1158-FN-L**, relative to insurance incentives to lower costs of health care, **HB 1193**, relative to flood coverage notification, **HB 1194**, relative to student coverage, **HB 1215**, relative to the rights of franchisees, **HB 1242-FN**, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies, **HB 1276**, relative to alcoholic beverage advertising restrictions, **HB 1281-FN**, relative to copayments for certain specialists, **HB 1328-FN**, relative to licensure of insurance exchange navigators, **HB 1353**, relative to recovery under uninsured motorist coverage, **HB 1532**, relative to notification of radon level prior to sale or lease of property, **HB 1612**, relative to health insurance cost-reduction incentives, **HJR 12**, requesting that Anthem extend its coverage to include one hospital in every county in New Hampshire and continued executive session on **HB 1233**, allowing a claimant to take possession of his or her lost or stolen property under certain circumstances, **HB 1282-FN**, relative to consumer protection for propane fuel users, **HB 1416**, establishing a state economic development plan and process, **HB 1546**, relative to insurance coverage for tractors, **HB 1568-FN**, relative to service animals.

COMMISSION TO STUDY AND UPDATE RULES AND PROCEDURES OF THE LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:11), Room 104, LOB

- 3:00 p.m. Regular meeting.

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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on **HB 1503-FN**, including “fetus” in the definition of “another” for the purpose of certain criminal offenses, **HB 1536-FN**, relative to penalties for driving under the influence of drugs or liquor, **HB 1567-FN**, requiring a warrant to obtain electronic device location information, **HB 1607-FN**, relative to limited driving privileges after revocation for certain financial obligations, **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

9:00 a.m. Subcommittee work session on **HB 1508-FN**, terminating state participation in the common core educational standards, **HB 1239-FN-L**, relative to the implementation of new educational standards.

10:30 a.m. Subcommittee work session on **HB 1587-FN-L**, relative to the collection and disclosure of pupil data, **HB 1586-FN**, relative to student and teacher information protection and privacy.

11:00 a.m. Subcommittee work session on **HB 1238**, relative to access to assessment materials, **HB 1432**, delaying implementation of certain statewide assessments and studying the effects of delaying implementation of certain curriculum changes in the public schools.

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 and continued executive session on **HB 1488-FN**, adopting the interstate compact on educational support for military children.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1636**, relative to eligibility guidelines for participation in the reduced fee companion animal population control program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

11:00 a.m. Executive session on **HB 1101-FN**, relative to the recovery of overpayments by the retirement system and establishing a committee to study the policies and procedures of the retirement system for benefits wrongfully paid, **HB 1130-FN-L**, relative to the Northeastern Interstate Forest Fire Protection Compact, **HB 1152-FN**, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system, **HB 1219**, relative to the work schedules of pharmacists, **HB 1241**, relative to the sale of consumer fireworks, **HB 1351**, prohibiting tanning facilities from tanning persons under 18 years of age, **HB 1493-FN-L**, relative to members of the retirement system working after retirement, and relative to membership of political subdivision officials appointed for fixed terms, and continued executive session on **HB 1155-FN**, relative to state retiree health coverage premium contributions, **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 1399-FN**, relative to the application for a vested deferred retirement allowance in the retirement system, **HB 1603**, relative to renewal of emergency medical technician-intermediate licenses.

1:00 p.m. Continued executive session on **HB 1327**, *establishing a commission to review the security of data collected by the state of New Hampshire*.

FINANCE – (DIVISION I), Room 212, LOB

10:00 a.m. Work session on **HB 1494-FN**, relative to administration of the New Hampshire retirement system and authority of the board of trustees.

10:30 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

10:00 a.m. Work session on **HB 650-FN-A**, making an appropriation to start a bus service between Claremont and Lebanon.

1:00 p.m. Work session on **HB 1105-FN-L**, relative to aid to school districts for costs of special education.

1:30 p.m. Work session on **HB 1114-FN**, relative to limits on state expenditures for school building aid.

- 2:00 p.m. Work session on **HB 1581-FN-A**, relative to the bonding of project costs for certain department of transportation bridge capital projects.

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

- 10:00 a.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

- 9:30 a.m. Subcommittee work session on **HB 1615**, relative to emergency prescriptions.
- 10:30 a.m. Subcommittee work session on **HB 1434**, relative to surrogate health care decision making by a family member or friend.
- 11:30 a.m. Continued public hearing on **HB 1446**, relative to synthetic marijuana.
- 1:00 p.m. Subcommittee work session on **HB 263**, (New Title) relative to reporting a person as medically unfit to drive.
- 2:00 p.m. Executive session on **HB 263**, (New Title) relative to reporting a person as medically unfit to drive, **HB 1213-FN**, prohibiting the purchase of alcohol or tobacco products with electronic benefit transfer (EBT) cards, **HB 1434**, relative to surrogate health care decision making by a family member or friend, **HB 1446**, relative to synthetic marijuana, **HB 1484-FN**, relative to newborn DNA sequencing, and continued executive session **HB 1615**, relative to emergency prescriptions and **HB 1391**, relative to blood drawn from patients with hemochromatosis,

JOINT HEALTH CARE REFORM OVERSIGHT COMMITTEE (RSA 420-N:3), Room 305, LOB

- 4:00 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **SB 249**, relative to judicial performance evaluations.
- 10:30 a.m. Executive session on **HB 1504**, providing that life begins at conception and continued executive session on **HB 1293**, establishing a civil right of action for victims of human trafficking, and **HB 1591-FN**, establishing the right-to-know grievance commission.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:15 a.m. Executive session on **HB 1189**, relative to temporary worker rights, **HB 1228**, establishing a commission to investigate the procedure for public employee collective bargaining, **HB 1468**, establishing a committee to study the effects of increasing workers' compensation benefits and to study payment schedules for medical reimbursement, **HB 1499-FN**, making changes in the maximum weekly benefit amount of unemployment compensation, **HB 1571-FN-L**, relative to breastfeeding, **HB 1349**, relative to the definition of independent contractor.

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), Room 206, LOB

- 4:00 p.m. Regular meeting.

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

- 2:30 p.m. Regular business.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. Executive session on **HB 1134**, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits, **HB 1139**, repealing authority for granting of property tax abatements for watering troughs and shade trees, **HB 1171**, relative to eligibility for the veterans' property tax credit, **HB 1196**, allowing town and cities to waive a portion of the interest due on late property tax payments in special or extraordinary circumstances, **HB 1285**, relative to recommendations by the department of revenue administration regarding municipal fund balance retention, **HB 1310**, allowing towns and cities to terminate the application of the property tax exemption for water and air pollution control facilities within the town or city, **HB 1311**, relative to the exemption period for the property tax exemption for water and air pollution control facilities, **HB 1333**, relative to the elderly property tax exemption, **HB 1350**, relative to prior public hearings for acceptance of unanticipated funds, **HB 1354**, relative to municipal appropriations for certain capital projects, **HB 1458**, authorizing towns and cities to establish special assessment districts, **HB 1466**, relative to modification of a tax increment financing plan, **HB 1471-L**, relative to the proration of payments in lieu of taxes for renewable generation facilities among school districts, **HB 1472**, relative to equalized property valuation used to apportion expenses in cooperative and multi-town school districts, **HB 1549**, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement, **HB 1590-L**, relative to payments in lieu of taxes for renewable generation facilities in unincorporated places, **HB 1610-FN**, relative to the excavation tax, and a continued executive session on **HB 1110**, relative to the penalty for sales chasing by certified assessors, **HB 1560-FN-L**, prohibiting the use of funds received from a political subdivision of the state to lobby.

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 and a continued executive session on **HB 1250**, relative to security at state-owned park-and-ride facilities.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:15 a.m. Executive session on **HB 1100**, establishing a committee to study the ownership by public entities of land for conservation purposes, **HB 1258**, relative to fill and dredge permitting applications, **HB 1271**, establishing a committee to study the powers and duties of conservation commissions, **HB 1286**, relative to youth safety regarding mooring and rafting of boats at or near youth camps, **HB 1348**, relative to the community development finance authority.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Executive session on **HB 1352**, establishing a committee to explore public-private partnerships to coordinate energy transmission corridors with rapid transit, **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, **HB 1456**, relative to the issuance of certificate for energy facilities by the site evaluation committee, **HB 1540**, relative to least cost integrated resource plans filed by an electric utility, **HB 1600**, relative to reporting of energy production for net metering, **HB 1602**, relative to the divestiture of PSNH assets, **HB 1129**, establishing a committee to study energy efficiency, **HB 1167**, relative to exemptions from boiler inspection requirements, **HB 1181**, relative to the provision of services to electricity suppliers by an electric utility, **HB 1192-FN**, eliminating the threshold price on the use of proceeds from the regional greenhouse gas initiative program, **HB 1220**, relative to limitations on ethanol in gasoline, **HB 1224-FN**, relative to best practices for the transmission of energy, **HB 1265**, relative to coordinating and funding broadband infrastructure information by the enhanced 911 system and continued executive session on **HB 1385**, relative to changes and additions to energy facilities.
- 12:00 p.m. or at session lunch break, Informational Powerpoint presentation on Atlantic Bridge Project.
- 1:15 p.m. **HB 1314**, relative to approval of a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 10:00 a.m. Executive session on **HB 1136**, establishing a committee to study the laws relating to the New Hampshire veterans' home, **HCR 12**, 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, **HR 24**, urging Congress to investigate the Benghazi incident, **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, **HCR 10**, applying to the Congress of the United States to call for a convention under Article V of the United States Constitution, **HB 1451**, establishing a canine veterans day, **HCR 11**, commemorating the ratification of the seventeenth amendment to the United States Constitution, **HR 20**, urging Congress to support a statewide veterans' medical identification card, **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.

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.
- 11:00 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*

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

12:00 p.m. or at session lunch break. Executive session on **HB 1636**, relative to eligibility guidelines for participation in the reduced fee companion animal population control program.

NEW HAMPSHIRE BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Walker Building, Room 100, 21 South Fruit St., Concord

2:00 p.m. Regular meeting.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

12:00 p.m. or at session lunch break. Executive session on **HB 1314**, relative to approval of a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission.

TRANSPORTATION, Room 203, LOB

12:00 p.m. or at session lunch break. Executive session on **HB 1359-FN**, establishing Bronze Star and Silver Star number plates.

THURSDAY, MARCH 6

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1135-FN**, relative to penalties for driving without a license.

10:30 a.m. **HB 1555-FN**, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation.

11:00 a.m. **HB 1122-FN**, (New Title) relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property.

11:30 a.m. **HB 366-FN**, relative to showing a ballot.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **HB 650-FN-A**, making an appropriation to start a bus service between Claremont and Lebanon, **HB 1105-FN-L**, relative to aid to school districts for costs of special education, **HB 1114-FN**, relative to limits on state expenditures for school building aid, **HB 1372-FN-A**, making an appropriation for the ongoing training and education of pediatric sexual assault nurse examiners, **HB 1406-FN**, relative to red list bridges, **HB 1494-FN**, relative to administration of the New Hampshire retirement system and authority of the board of trustees, **HB 1581-FN-A**, relative to the bonding of project costs for certain department of transportation bridge capital projects, **HB 1624-FN**, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights.

JUDICIARY, Room 208, LOB

11:00 a.m. Executive session on **SB 249**, relative to judicial performance evaluations.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

9:00 a.m. Continued executive session if needed.

WAYS AND MEANS, Room 202, LOB

9:30 a.m. **HB 292-FN-A**, (New Title) relative to registration fees for commercial, private, and pleasure vessels.

10:00 a.m. Full committee work session on **HB 1595-FN**, establishing a condominium dispute resolution board, **SB 116-FN**, relative to the licensure of liquefied propane installation and service technicians, **HB 658-FN**, relative to registration for medical technicians, and a rescheduled work session on **HB 1229-FN**, relative to the oil discharge and gasoline ether cleanup fund.

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.

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

1:00 p.m. Special meeting regarding tabled items FIS 14-014.

NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2), Rooms 302-304, LOB
1:30 p.m. Regular meeting.

MONDAY, MARCH 10

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

3:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

10:30 a.m. Rescheduled full committee work session on **HB 456-FN**, (New Title) relative to liquor manufacturers and relative to samples of alcoholic beverages, **HB 1157**, relative to establishment of fees by certain regulatory boards, **HB 1415-FN**, establishing a robotics education fund in the department of education, **HB 1232-FN**, relative to insurance filing fees, **HB 495-FN**, relative to titles for motor vehicles.

1:30 p.m. Full committee work session on **HB 1160-FN**, relative to the sale of Lucky 7 tickets, **HB 1142-FN-A**, relative to the road toll for alternative fuels, **HB 1161-FN**, relative to the definition of slot machines and the duties of game operators and game operator employers, **HB 1487-FN**, relative to the uniform fine schedule for the division of forests and lands.

TUESDAY, MARCH 11

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.

1:00 p.m. Full committee work session on **HB 2014**, relative to the state 10-year transportation improvement program.

THURSDAY, MARCH 13

COMMITTEE TO STUDY NEW HAMPSHIRE ELECTION LAWS AND PROCEDURES (HB 521, Chapter 220, Laws of 2013), Room 308, LOB

10:00 a.m. Regular meeting.

FRIDAY, MARCH 14

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

10:00 a.m. Child and Family Services Subcommittee.

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.

TUESDAY, MARCH 18

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

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

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.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Executive session on **HB 292-FN-A**, (New Title) relative to registration fees for commercial, private, and pleasure vessels, **HB 456-FN**, (New Title) relative to liquor manufacturers and

relative to samples of alcoholic beverages, **HB 492-FN-L**, relative to the legalization and regulation of marijuana, **HB 495-FN**, relative to titles for motor vehicles, **HB 658-FN**, relative to registration for medical technicians, **HB 1157**, relative to establishment of fees by certain regulatory boards, **HB 1160-FN**, relative to the sale of Lucky 7 tickets, **HB 1161-FN**, relative to the definition of slot machines and the duties of game operators and game operator employers, **HB 1229-FN**, relative to the oil discharge and gasoline ether cleanup fund, **HB 1232-FN**, relative to insurance filing fees, **HB 1415-FN**, establishing a robotics education fund in the department of education, **HB 1487-FN**, relative to the uniform fine schedule for the division of forests and lands, **HB 1595-FN**, establishing a condominium dispute resolution board, **SB 116-FN**, relative to the licensure of liquefied propane installation and service technicians.

THURSDAY, MARCH 20

COMMITTEE TO STUDY NEW HAMPSHIRE ELECTION LAWS AND PROCEDURES (HB 521, Chapter 220, Laws of 2013), Room 308, LOB

10:00 a.m. Regular meeting.

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.

FRIDAY, MARCH 21

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular business.

THURSDAY, MARCH 27

COMMITTEE TO STUDY NEW HAMPSHIRE ELECTION LAWS AND PROCEDURES (HB 521, Chapter 220, Laws of 2013), Room 308, LOB

10:00 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. Susan Emerson, c/o Navy Lodge, Room 509, 8901 Wisconsin Ave., Bethesda, MD 20889

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

Rep. James Aguiar, 21 Depot St., Campton, NH 03223-4524

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

Karen O. Wadsworth, Clerk of the House

COUNTY DELEGATION NOTICE

The **Carroll** County Delegation will meet on **Monday, March 3rd** at **9:00 a.m.** for continuation of presentations on the 2014 budget by subcommittees, in addition to updates on other issues of concern. To be held in the Carroll County Administration Building, Delegation Room, 95 Water Village Road, Ossipee.

Rep. Ed Butler, Clerk

Carroll County Delegation

COUNTY DELEGATION NOTICE

The **Coos** County Delegation will meet at the Northern Correctional Facility (Berlin State Prison) for a tour **Friday, February 28th** at **10:00 a.m.** Following the tour lunch will be provided at the Berlin Nursing Home Facility.

Rep. Robert Theberge, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

The **Coos** County Delegation will meet **Wednesday, March 12th** during the lunch break in LOB Room 203. The purpose of the meeting is to discuss the final subcommittee reports prior to the annual budget meeting.

Rep. Robert Theberge, Chairman

Coos County Delegation

COUNTY DELEGATION NOTICE

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

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 Executive Committee of the **Merrimack** County Delegation will meet on **Friday, March 7th** at **1:00 p.m.** in the Lower Level Conference Room located at the McDonnell Building 4 Court Street, Concord, NH. The purpose of the meeting is as follows: 1. 2014 Budget Review/Approval. 2. Any other business that may appropriately come before them.

Rep. Stephen Shurtleff, Chairman

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 292, HB 404, HB 424, HB 439, HB 435, HBB 456, 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 1160, HB 1161, HB 1163, HB 1216, HB 1229, HB 1335, HB 1368, HB 1372, HBB 1406, HB 1411, HB 1494, HB 1557, HB 1595, HB 1609, HB 1618, HB 1626, HB 1627, HB 1628, HB 1630, HB 1631, HB 1635, 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.

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 **Wednesday, March 5th** from **11:00 a.m. to 2:00 p.m.** 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

On **Wednesday, March 5th** at **lunch time**, the National MS Society's Greater New England Chapter and the Governor's Commission on disability will have information tables set up on the LOB cafeteria.

Rep. Peter Hansen

SKI NH cordially invites all members of the New Hampshire House and their staff to the 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

The OWLS will meet at lunch time on **Wednesday, March 5th** in the Sergeant At Arms conference room on the State House third floor. Everyone welcome, please bring a bag lunch.

Rep. Laura Pantelakos

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

All legislators are invited to attend Bobby Stephen's 36th Annual St. Patrick's Day Dinner Event to be held at the Executive Court Banquet Facility on 1199 Mammoth Road in Manchester on **Monday, March 17th** at **5:30 p.m.** Tickets can be purchased at the door. The event will feature live entertainment with proceeds going toward scholarships for disadvantaged students in New Hampshire.

Rep. Gene Chandler

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

The American Lung Association of New Hampshire will be hosting a Legislative Breakfast on **Wednesday, March 26th** from **8:00 to 9:30 a.m.** in the State House Cafeteria. We cordially invite all members of the New Hampshire House and Senate to attend. Members of the ALA Leadership Board will be present to discuss pending legislation, the mission of the ALA and the annual Cycle the Seacoast.

Rep. James Coffey

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
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 5	3:30	Open World Program – World Affairs Council	
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 11	12:45	Goshen-Lempster Co-op Middle School	33/7&8
March 12	10:30/12:00 SH/HM	Milford Elementary School	96/4
March 13	9:30	Woodman Park School – Dover	50/4
March 13	10:30/12:00 SH/HM	Milford Elementary School	96/4
March 14	9:30	Christa McAuliffe School – Concord	40/4
March 14	10:30	Sunapee Middle High School	12/8
March 14	12:30	J D Perkins School – Marlow	13/2-4
March 14	3:00	AmeriCorps Volunteers	100
March 17	10:45/12:15 SH/HM	Highbridge Hill Elementary School – New Ipswich	100/4
March 18	9:30	Surry Village Charter School	24/4
March 18	10:30/11:45 SH/HM	Charlotte Avenue School – Nashua	66/4
March 19	9:30/11:00 SH/HM	Barnstead Elementary School	57/4
March 20	9:45	Villa Augustina School – Goffstown	14/4
March 20	10:30	Charlotte Avenue School – Nashua	44/4
March 20	1:15	Vesta Roy for Excellence Women Leaders	
March 21	9:30/10:45	Highland Goffes Falls School – Manchester	100/4
March 21	11:15	Sandwich Central School	21/4
March 24	9:00	Bow Elementary School	40/4
March 24	10:00/11:15	Paul Smith School – Franklin	88/4
March 25	9:00	Bow Elementary School	20/4
March 25	9:30	Greenland Central School	43/4
March 25	11:00	New Franklin School – Portsmouth	46/4
March 26	9:00	Bow Elementary School	40/4
March 26	9:30/11:00 SH/CC	Rindge School	60/4
March 26	1:00	Sant Bani School	15/4
March 26	10:15	American Lung Association (board members)	
March 27	9:30/11:00 SH/HM	Alton Central School	60/4
March 27	10:30	Walter F. Haigh School – Salem	44/4
March 28	9:15/10:30 SH/HM	Hanover St. School – Lebanon	60/4
March 28	11:30	Pierce School at Bennington	20/4
March 28	3:15	Cub Scouts – Bedford	
March 31	10:30/12:00 SH/HM	North Hampton Elementary School	56/4
March 31	10:45	St. John's Regional School – Concord	29/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 461-FN (2014-0426h)

Proposed by the Committee on Finance -c

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

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

II-a. Subject to written approval by the Center for Medicare and Medicaid Services, financial eligibility rules in paragraph II shall include eligibility if the person's countable income is at or below the nursing facility special income standard, as defined in 42 C.F.R. 435.236, for the Medicaid program or the person incurs allowable medical expenses each month, including the anticipated cost of waiver services, which when deducted from the individual's income would reduce the individual's income to an amount that is no higher than the nursing facility special income standard. The department shall submit a request for such approval within 30 days of the effective date of this paragraph.

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

2014-0426h

AMENDED ANALYSIS

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

Amendment to HB 1104-FN (2014-0508h)

Proposed by the Committee on Fish and Game and Marine Resources- c

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

1 New Paragraph; Off Highway Recreational Vehicles; Definition; Railroad Motorcar. Amend RSA 215-A:1 by inserting after paragraph XXII the following new paragraph:

XXIII. "Railroad motorcar," also known as section car, track car, and putt putt, means any vehicle propelled by mechanical power with flanged wheels that is designed and specifically manufactured for use on standard railroad tracks, and that does not exceed 70 inches in width and 1950 pounds.

2 New Paragraph; OHRV Operation and License; Railroad Motorcars. Amend RSA 215-A:29 by inserting after paragraph XIX the following new paragraph:

XX. (a) No person shall operate a railroad motorcar on railroad tracks for recreational purposes that has not been approved by the department of resources and economic development, bureau of trails, and the department of transportation, bureau of rail and transit.

(b) No person shall operate a railroad motorcar under subparagraph (a) at a speed in excess of 10 miles per hour.

(c) Notwithstanding RSA 215-A:21, II, no registration shall be required for a railroad motorcar that is operated on railroad tracks which are privately owned or which are under an exclusive lease agreement with the state of New Hampshire where the lease holder is the only authorized user of the track and the railroad motorcar operator has the track owner's or track lessee's permission.

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

Amendment to HB 1132-FN (2014-0454h)

Proposed by the Committee on Education - r

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

AN ACT relative to school building security.

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

1 New Subdivision; School Boards; School Building Security Inventory and Database. Amend RSA 189 by inserting after section 64 the following new subdivision:

School Building Security Inventory and Database

189:65 School Building Security Inventory and Database.

I. The commissioner of the department of education shall conduct a statewide school building security inventory to gather and compile security information and building schematic floor plan diagrams for all public schools, including chartered public schools, from kindergarten through grade 12 (K-12). The commissioner shall submit a report summarizing statewide security conditions in New Hampshire's public schools to the speaker of the house of representatives, the president of the senate, the chairman of the house education committee, the chairman of the senate education committee, and the governor on or before September 1, 2015, and at least every 3 years thereafter.

II. The department shall establish and maintain a school building security information and building schematic floor plan diagram inventory database for all K-12 public schools including chartered public schools. The department shall identify data elements to be included in the database that support the 3 core standards for increasing physical security at existing facilities. These core standards as identified by the department of safety, division of homeland security and emergency management include: surveillance, access control, and emergency alerting. The building schematic floor plan diagram need not be an engineered floor plan or blueprint, but may be a schematic diagram that includes, but is not limited to: room numbers, building entries and exits, interior doors, main office, and locations for: main power control, sprinkler shutoff controls, emergency generator, and utility shutoffs. The department shall submit a copy of the most recent school building security information and building schematic floor plan diagrams to the director of the division of homeland security and emergency management, in order to support the development of emergency response plans. Comprehensive, standardized data collected on K-12 facilities pursuant to this section shall enable the state to better prepare, respond, and mitigate potentially dangerous conditions in K-12 facilities by centrally coordinating school building security information and making school building schematic floor plan diagrams accessible to local, regional, and statewide emergency responders. Copies of building security information and school building schematic floor plan diagrams shall not be governmental records pursuant to RSA 91-A.

III. The school district shall submit the completed school building inventory security information and schematic floor plan diagram to the department no later than July 1, 2015. The department shall update school building inventory security information and schematic floor plan diagrams every 3 years thereafter.

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

2014-0454h

AMENDED ANALYSIS

This bill requires the commissioner of the department of education to conduct a statewide school building security inventory to gather and compile security information and building schematic floor plan diagrams for all K-12 public schools, and to establish a school building security information and building schematic floor plan diagram inventory database for all K-12 public schools.

Amendment to HB 1145

(2014-0621h)

Proposed by the Committee on Public Works and Highways- c

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

AN ACT relative to the proposed Sewalls Falls Bridge in the city of Concord and the Riverdale Road Bridge in the town of New Boston.

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

1 Findings. The general court hereby affirms its long-term commitment to preserving the natural beauty, landscape, rural character, and natural resources of New Hampshire consistent with the enabling legislation of the land conservation investment program. The general court, however, recognizes in this specific instance, in the interest of public safety and welfare, that transfer of interest in 0.22 acres as well as a temporary transfer of 0.22 acres for construction of the Sewalls Falls Bridge of protected lands to the City of Concord is necessary to reconstruct the bridge to current standards. The impacted areas run along the edge of existing roads and have been designed to minimize the environmental impact so as not to impair the conservation values for which the original conservation lands were acquired. Therefore, the general court hereby finds that in this instance, section 2 of this act balances the public purposes of providing safe travel along Sewalls Falls Road with the need to ensure that the public's investment in conservation lands is not diminished over time.

2 Certain Land in the City of Concord, New Hampshire. Notwithstanding any other law to the contrary, interest in an approximately 0.22 acre portion of land along Sewalls Falls Road, acquired by the state under the land conservation investment program, shall be transferred to the city of Concord for the purpose of reconstructing the Sewalls Falls Bridge. The city shall also be authorized to temporarily encumber an approximately 0.22 additional acre of land along Sewalls Falls Road throughout the construction phase of the Sewalls Falls Bridge. Compensation due to the state shall be the full fair market value of those property interests at the time of conveyance as determined by the city of Concord assessing department, in consultation with the office of energy and planning. Alternative forms of compensation such as replacement land with comparable conservation value, or a combination of monetary compensation and replacement land may be considered provided all parties owning an interest in the property agree to such terms. Any monetary compensation due to the state under this section shall be deposited in the land conservation endowment fund administered by the council on resources and development pursuant to RSA 162-C:7 and used for the purposes of the land conservation investment program.

3 Findings. The general court hereby affirms its long-term commitment to preserving the natural beauty, landscape, rural character, and natural resources of New Hampshire consistent with the enabling legislation

of the land conservation investment program. The general court, however, recognizes in this specific instance, in the interest of public safety and welfare, the transfer of interest in 0.08 acres is necessary to reconstruct the Riverdale Road Bridge to current standards. The impacted areas run along the edge of existing roads and have been designed to minimize the environmental impact so as not to impair the conservation values for which the original conservation lands were acquired. Therefore, the general court hereby finds that in this instance, section 4 of this act balances the public purposes of providing safe travel along Riverdale Road with the need to ensure that the public's investment in conservation lands is not diminished over time.

4 Certain Land in the Town of New Boston, New Hampshire. Notwithstanding any other law to the contrary, interest in an approximately 0.08 acre portion of land along Riverdale Road, acquired by the state under the land conservation investment program, shall be transferred to the town of New Boston for the purpose of reconstructing the Riverdale Road Bridge. Compensation due to the state shall be the full fair market value of those property interests at the time of conveyance as determined by the town of New Boston assessing department, in consultation with the office of energy and planning. Alternative forms of compensation such as replacement land may be considered provided all parties owning an interest in the property agree to such terms. Any monetary compensation due to the state under this section shall be deposited in the land conservation endowment fund administered by the council on resources and development pursuant to RSA 162-C:7 and used for the purposes of the land conservation investment program.

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

2014-0621h

AMENDED ANALYSIS

This bill authorizes the transfer of interest in certain state-owned lands to allow for reconstruction of the Sewalls Falls Bridge in Concord, New Hampshire and the Riverdale Road Bridge in the town of New Boston.

AMENDMENT TO HB 1156-FN

(2014-0546h)

Proposed by the Committee on Judiciary-r

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

AN ACT making certain changes to the right-to-know law and establishing the right-to-know oversight commission.

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

1 Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, II(e) to read as followS:

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed **by or** against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

2 New Subparagraphs; Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (j) the following new subparagraphs:

(k) Consideration of written advice or information from the public body's legal counsel.

(l) Consideration of individual pupil matters, including but not limited to student discipline, hearings, and other matters relative to a pupil's education.

3 Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, III to read as follows:

III. Minutes of meetings in nonpublic session shall be kept **as provided in RSA 91-A:2, II** and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, **taken in public session**, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

4 New Section; Right-to-Know Oversight Commission. Amend RSA 91-A by inserting after section 9 the following new section:

91-A:9-a Right-to-Know Oversight Commission.

I.(a) There is established the right-to-know oversight commission to study and oversee the right-to-know law. The members of the commission shall be as follows:

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

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

(3) The attorney general, or designee.

(4) A representative of the New Hampshire Municipal Association, appointed by the association.

(5) A public information officer, appointed by the governor.

(6) Five public members, one of whom shall be an attorney who has knowledge of and experience with the right-to-know law and one of whom shall be an information technology professional, all appointed by the governor.

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

III.(a) The commission shall study:

(1) The development of standards and procedures to enable public entities to recover costs relative to complying with the right-to-know law.

(2) The treatment under the right-to-know-law of private and quasi-public entities carrying out public functions.

(3) The establishment of guidelines for members of public bodies to participate electronically.

(4) The consideration of how best to handle grievances about application of right-to-know issues.

(5) Any other matter deemed relevant by the commission.

(b) The commission may solicit information from any person or entity the commission deems relevant to its study.

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

V. The commission shall make an annual report beginning on November 1, 2014, together with 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.

5 Repeal. RSA 91-A:9-a, relative to an oversight commission to study and oversee the right-to-know law, is repealed.

6 Effective Date.

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

II. Section 5 of this act shall take effect November 1, 2018.

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

2014-0546h

AMENDED ANALYSIS

This bill clarifies the nonpublic session of the right-to-know law and adds 2 new matters which shall be considered in nonpublic session. This bill also establishes the right-to-know oversight commission to study and oversee the right-to-know law.

Amendment to HB 1179

(2014-0668h)

Proposed by the Committee on Environment and Agriculture- r

Amend RSA 437:10, II as inserted by section 1 of the bill by replacing it with the following:

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee ***with the animals full medical history, if known, and*** if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness that has caused it to fail its examination by a licensed veterinarian for an official health certificate under paragraph I; the transferee shall sign a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian. ***A person who buys or adopts an animal subject to this section shall have 14 days after the transfer to take the animal to a licensed veterinarian of his or her choice for examination. If such veterinarian states that the transferred animal does not meet the criteria necessary to receive a health certificate under this section due to the existence of an infectious or contagious condition, then the new owner may return the animal to the licensee for a full refund. The new owner may elect to keep the animal and provide treatment under the direction of a licensed veterinarian. In this case, the licensee will reimburse the new owner for the cost of veterinary care only up to the original purchase price of the animal.***

**Amendment to HB 1195
(2014-0610h)**

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

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

AN ACT establishing a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.

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

1 Property Tax Study Committee Established. There is established a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.

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

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

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

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

III. The committee shall solicit testimony from persons or organizations with expertise or information relevant to property tax impacts on business, state, regional and municipal economics, municipal and regional land use planning, housing, and municipal governance.

IV. The committee shall study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy, and evaluate options, limited exclusively to alternatives for structuring the property tax, including:

(a) Options for establishing tax rates.

(b) Options for a broader range of exemptions that are consistent with the New Hampshire constitution including a more robust homestead exemption.

(c) Property tax incentives to achieve public benefit goals.

(d) An evaluation of the costs and effectiveness of property tax incentives as a tool for promoting economic development on both a local and statewide basis.

(e) Enabling municipal or inter-municipal taxation and revenue sharing structures.

(f) Evaluating the impact of property taxes on capital-intensive businesses.

(g) Evaluating the use of property taxation on land value versus the market value of the entire property.

V. The committee's work shall not focus on education property taxes in the context of education funding policy.

VI. 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.

VII. 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.

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

2014-0610h

AMENDED ANALYSIS

This bill establishes a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.

**Amendment to HB 1249
(2014-0660h)**

Proposed by the Committee on Public Works and Highways - c

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

AN ACT relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card.

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

1 New Section; Refund of Road Toll; Eligible Credit and Fuel Card Issuers. Amend RSA 260 by inserting after section 52-f the following new section:

260:52-g Refunds to Eligible Credit and Fuel Card Issuers.

I. If the sale of motor fuel upon which the road toll has been paid is made to an exempt governmental entity, as defined by RSA 260:32, and occurs at a fixed retail pump available to the general public, and the price of the of the motor fuel including the road toll is charged to a credit or fuel card issued to the exempt governmental entity, the issuer of the card shall be entitled to a refund of that road toll if the terms of the contract between the card issuer and the exempt governmental entity provide that the exempt

governmental entity shall not be billed for the road toll. No credit or fuel card issuer under this section shall be entitled to a refund for an amount less than \$10, and no payment of any refund shall be made to any person other than the credit or fuel card issuer entitled to it. The application for a refund filed by the credit or fuel card issuer shall be accompanied by such documentary evidence as the commissioner may require.

II. All applications for refunds shall be made under penalty of unsworn falsification pursuant to RSA 641:3, and shall be filed with the department no later than the deadline provided under RSA 260:47, III, and the records of such applicants shall be open to audit by the department at any time.

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

2014-0660h

AMENDED ANALYSIS

This bill provides for the refund of the road toll paid by an exempt governmental entity at a fixed retail pump available to the general public and which is charged to a credit or fuel card issued to the exempt entity by an eligible issuer.

This bill is a request of the department of safety.

Amendment to HB 1274

(2014-0285h)

Proposed by the Committee on Judiciary -r

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

AN ACT relative to the payment of rent and security deposits.

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

1 Payment of Rent; Amount of Security Deposit Limited. Amend RSA 540-A:6, I(a) to read as follows:

I.(a) A landlord shall not demand or receive any security deposit in an amount or value in excess of one month's rent or \$100, whichever is greater. ***Nothing in this section shall prohibit a landlord from entering into a written lease that requires the quarterly or less frequent payment of rent; provided, however, that the security deposit received in addition to the initial rent payment may not exceed the equivalent of one month's rent.***

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

2014-0285h

AMENDED ANALYSIS

This bill permits a landlord to require the payment of rent on a quarterly or less frequent basis; provided that the security deposit may not exceed the equivalent of one month's rent.

Amendment to HB 1283

(2014-0506h)

Proposed by the Committee on Commerce and Consumer Affairs-c

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

AN ACT relative to revival of a charter by a voluntary corporation or association.

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

1 Voluntary Corporations and Associations; Revival of Charter. Amend RSA 292:30, I-III to read as follows:

I. Any corporation whose charter has been repealed, revoked, and annulled pursuant to this subdivision may at any time ~~[procure a]~~ ***apply for*** revival of its certificate of incorporation, together with all the rights, franchises, privileges, and immunities and subject to all of its duties, debts, and liabilities which have been secured or imposed by its original charter and all amendments thereto; provided, that if the corporation name is no longer available under the terms of RSA 292:3, the corporation shall file with its ***application for*** revival an amendment changing its name or a consent to use its original name.

II. The ***application for*** revival of the charter may be procured by filing ~~[a certificate of]~~ ***an application for*** revival in the office of the secretary of state, which ~~[certificate]~~ ***application*** is signed under oath and under penalties of perjury by an officer of the corporation and which certificate states:

(a) The name of the corporation, which shall be the name it bore when its certificate of incorporation expired;

(b) The address at which the business of the corporation is to be carried on;

(c) The names and addresses of all the officers and directors or governing board of the corporation;

(d) That the corporation desiring to be revived and so reviving its charter was organized under the laws of this state;

(e) The facts as may show that the charter has been forfeited pursuant to this subdivision;

(f) That the [certificate] **application** is filed by authority of those who were directors or members of the governing body of the corporation at the time its charter was repealed, revoked, and annulled, or who were elected directors or members of the governing body of the corporation as provided in paragraph VI of this section;

(g) [Repealed.]

(h) That the corporation has, as of the date of its application for revival, continued to operate consistent with its charter since such charter was repealed, revoked, and annulled; and

(i) That such revival will materially benefit one or more of the corporation's legal constituents and will be in the public good.

III. Upon the filing of the [certificate of] **application for revival, the secretary of state shall determine the completeness and accuracy of the application and schedule a hearing on such application pursuant to RSA 293-A:14.22-a. When the revival is effective,** the corporation shall be revived with the same force and effect as if its charter had not been forfeited pursuant to this subdivision. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its charter by the corporation, its officers and agents during the time when its charter was forfeited pursuant to this subdivision, with the same force and effect and to all intents and purposes as if the charter had at all times remained in full force and effect, except as provided in paragraph IX. All real and personal property, rights and credits, which belonged to the corporation at the time its charter became forfeited pursuant to this subdivision and which were not disposed of prior to the time of its revival shall be vested in the corporation after its revival as fully and amply as they were held by the corporation at and before the time its charter became forfeited pursuant to this subdivision; and the corporation after its revival shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to its reinstatement, as if its charter had at all times remained in full force and effect.

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

2014-0506h

AMENDED ANALYSIS

This bill permits a voluntary corporation or association whose charter has been repealed, revoked, and annulled to apply for revival of its certificate of incorporation. The bill authorizes the secretary of state to hold a hearing to determine the completeness and accuracy of the application for revival.

Amendment to HB 1290-FN

(2014-0518h)

Proposed by the Committee on Fish and Game and Marine Resources -c

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

AN ACT allowing nonresident full-time students to purchase licenses for hunting and fishing.

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

1 New Section; Fish and Game Licenses; Residency; Nonresident Full-time Students. Amend RSA 214 by inserting after section 5-a the following new section:

214:5-b Nonresident Full-time Students. A nonresident full-time student in a public or private high school, postgraduate program, or postsecondary educational institution in this state, may purchase a nonresident student license for hunting or fishing issued under the provisions of title, if qualified for such license, at the fee charged to a resident for the respective license. For purposes of this paragraph, a full-time student in a postsecondary educational institution means a student who is registered for at least 12 credit hours per semester. A nonresident full-time student shall, when requested, show proof of his or her status by furnishing a valid student identification card.

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

2014-0518h

AMENDED ANALYSIS

This bill provides that nonresident full-time students at a public or private high school, postgraduate program, or postsecondary educational institution in this state may purchase a hunting and fishing license at the fee charged to residents for the license.

Amendment to HB 1296

(2014-0410h)

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

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

AN ACT relative to membership of the therapeutic use of cannabis advisory council.

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

2 Therapeutic Use Of Cannabis Advisory Council; Public Member. Amend RSA 126-X:9, I(k) to read as follows:

(k) One member of the public, ***who is not a law enforcement officer, employee of a government agency, contractor for a government agency, elected official, or healthcare provider***, appointed by the governor.

2014-0410h

AMENDED ANALYSIS

This bill adds a member of the New Hampshire Association of Chiefs of Police to the therapeutic use of cannabis advisory council. The bill also limits eligibility of public members appointed to the council.

Amendment to HB 1330-FN

(2014-0606h)

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

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

AN ACT relative to the protection from disclosure of privileged individual medical records.

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

1 New Section; Medical Records; Right to Privacy; Protection From Disclosure to the State. Amend RSA 332-I by inserting after section 4 the following new section:

332-I:4-a Medical Records; Right to Privacy; Protection from Disclosure to the State.

I. A patient has a right to privacy in his or her medical records. All medical information contained in individual patient medical records shall be confidential and privileged and shall be subject to disclosure to the state, its agencies, or its political subdivisions by search warrant only.

II. A search warrant for access to medical records shall order a hospital, medical provider, or any other holder of such records to comply within a reasonable time by producing such portion of the records as the search warrant may specify under seal for in camera review by a judge. The patient shall be provided notice that such records were produced and shall be given an opportunity to object to their disclosure in full or in part. Whether or not the patient objects, the state, its agencies, or its political subdivision must prove:

(a) That the information sought is unavailable from another source;

(b) That there is a compelling justification for its disclosure; and

(c) That no more of the patient's medical record than is absolutely essential shall be disclosed.

III.(a) A search warrant shall not be required, and this section shall not apply, where the patient affirmatively consents to disclosure.

(b) This section shall not apply to:

(1) Health oversight entities under federal law in furtherance of their oversight responsibilities; and

(2) Access to medical records specifically authorized by state law.

IV. The provisions of RSA 329:26 shall apply to this section.

2 Controlled Drug Act; Authority for Inspection; Purpose. Amend RSA 318-B:25 to read as follows:

318-B:25 Authority for Inspection. All officers, agents, inspectors, and representatives of the department of health and human services who are charged with the responsibility to enforce this chapter; all officers, agents, inspectors, and representatives of the pharmacy board who are charged with the responsibility to enforce this chapter; all peace officers within the state ***who are charged with the responsibility to enforce this chapter***; the attorney general and all county attorneys ***who are charged with the responsibility to enforce this chapter***; and federal, state, county, and municipal law enforcement officers ***who are charged with the responsibility to enforce this chapter***, are authorized to enter during normal business hours upon the premises used by a practitioner for the purpose of his ***or her*** practice and to inspect such original records or prescriptions or both for controlled drugs as defined herein ***for the purpose of enforcing this chapter only***. Every practitioner, his ***or her*** clerk, agent, or servant shall exhibit to such person on demand every such original record or prescription or both so kept on file.

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

2014-0606h

AMENDED ANALYSIS

This bill prohibits the disclosure to the state of medical information contained in an individual's medical records except by search warrant, unless the individual consents or disclosure is required by law. The bill also limits the inspection authority of records under the controlled drug act to the purpose of enforcement of the controlled drug act only.

Amendment to HB 1370

(2014-0304h)

Proposed by the Committee on Municipal and County Government -c

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

AN ACT providing for minority party membership on the executive committee of the county convention.

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

1 County Convention; Officers. Amend RSA 24:2 to read as follows:

24:2 Officers and Executive Committee. At its first regular meeting, or at any subsequent meeting when necessary, the county convention shall elect a chairperson, vice-chairperson, clerk, and an executive committee, ***provided at least one member of such executive committee shall be a member of a political party which is in the minority of the county convention unless a membership of the county convention does not include any members of a minority party.*** The chairperson, vice-chairperson, and clerk shall be members of the executive committee, ex officio. The county convention may designate the executive committee to act as a subcommittee to consider the budget, or other matters, and make recommendations to the county convention.

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

2014-0304h

AMENDED ANALYSIS

This bill requires that in county conventions which there is at least one minority party member, the county executive committee shall contain at least one member of a minority party.

Amendment to HB 1386

(2014-0348h)

Proposed by the Committee on Municipal and County Government -c

Amend RSA 28:2 as inserted by section 1 of the bill by replacing it with the following:

28:2 Clerk. The clerk shall ***compose, or be responsible for the composition of, and*** keep a record of, the proceedings of the commissioners, the claims allowed by them, the annual report of the county treasurer and the proceedings of the county convention, and shall keep on file, in a [county safe] ***secure location***, all original papers, claims and accounts acted upon by the board.

Amendment to HB 1394-FN-A

(2014-0120h)

Proposed by the Minority of the Committee on Finance- r

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools; Funding for Lease of Space. The commissioner of the department of education shall expend up to \$600,000 from any unexpended funds appropriated to the department of education for chartered public schools in the fiscal year ending June 30, 2014 for the purpose of making payments for the lease of space for chartered public schools. Such payment to a chartered public school shall be equal to 30 percent of the annual cost of the leased space. If the amount of unexpended funds is insufficient to meet the 30 percent payment requirement for all chartered public schools, the remaining funds shall be prorated proportionally among the chartered public schools.

2014-0120h

AMENDED ANALYSIS

This bill requires the commissioner of the department of education to expend funds for the lease of space for chartered public schools

Amendment to HB 1435

(2014-0196h)

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

Amend the bill by replacing section 1 with the following:

1 Sobriety Checkpoints; Information Required. Amend RSA 265:1-a to read as follows:

265:1-a Sobriety Checkpoints.

I. Notwithstanding any provision of law to the contrary, no law enforcement officer or agency shall establish or conduct sobriety checkpoints for the purposes of enforcing the criminal laws of this state, unless such law enforcement officer or agency petitions the superior court and the court issues an order authorizing the sobriety checkpoint after determining that the sobriety checkpoint is warranted and the proposed method of stopping vehicles satisfies constitutional guarantees.

II. ***One week prior to conducting any checkpoint authorized under paragraph I, the law enforcement officer or agency shall give public notice of the date, time, duration, and location of the checkpoint, the name of any agency working with the law enforcement agency, and the purpose for establishing the checkpoint.***

2014-0196h

AMENDED ANALYSIS

This bill requires law enforcement officials to disclose specific information to the public regarding sobriety checkpoints.

**Amendment to HB 1442
(2014-0451h)**

Proposed by the Majority of the Committee on Judiciary -r

Amend RSA 490-H:2, I as inserted by section 1 of the bill by replacing it with the following:

I. Any superior or circuit court may establish one or more mental health courts under which the courts monitor offenders with mental illnesses for compliance with individual services to change behavior which would otherwise result in criminal conduct. In this chapter "mental health court" means a judicial intervention process that incorporates the following elements:

(a) Planning and administration guided by a broad-based group of stakeholders representing the community, criminal justice, mental health, substance abuse treatment, and related systems;

(b) A target population is established that takes into account eligibility criteria that addresses public safety and considers a community's treatment capacity, in addition to the availability of alternatives to pre-trial detention for defendants with mental illnesses. The eligibility criteria shall also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered;

(c) Participants are identified, referred, and accepted into mental health court and linked to community based service providers as quickly as possible;

(d) The terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program;

(e) Informed choice occurs, meaning that defendants fully understand the program requirements before agreeing to participate in a mental health court. Defendants are provided legal counsel to inform them regarding this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency whenever they arise;

(f) The mental health courts connect participants to available comprehensive and individualized treatment supports and services in the community. They strive to use and increase the availability of treatment and services that are evidence-based;

(g) Health and legal information is shared in a way that protects potential participants' confidentiality rights and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services are safeguarded in the event that participations are returned to traditional court processing;

(h) Criminal justice staff, mental health staff and services, and treatment providers receive special, ongoing training and help mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process;

(i) Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery; and

(j) Data is collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically and procedures are modified accordingly, court processes are institutionalized, and support for the court in the community is cultivated and expanded.

**Amendment to HB 1447
(2014-0565h)**

Proposed by the Committee on Education-c

Amend the bill by replacing section 1 with the following:

1 State Board of Education; Duties. Amend RSA 186:11, XXXIII to read as follows:

XXXIII. Discrimination. ~~Insure~~ **Ensure** that there shall be no unlawful discrimination in any public school against any person on the basis of sex, race, creed, color, marital status, or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, race, creed, color, marital status ~~or~~, national origin, **or economic status** of the benefits of educational programs or activities.

2014-0565h

AMENDED ANALYSIS

This bill prohibits a school district from discriminating against students based on economic status.

**Amendment to HB 1457
(2014-0288h)**

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

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

AN ACT establishing a committee to study the use of the sex offender registry.

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

- 1 Committee Established. There is established a committee to study the use of the sex offender registry.
- 2 Membership and Compensation.

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

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

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

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

- 3 Duties. The committee shall:

- I. Study the use of the sex offender registry as established under RSA 651-B and evaluate whether any changes to the law governing the registry should be made.

- II. Determine whether certain offenders should be permitted to petition the court to be removed from the registry after a period of time.

- III. Study any other issue deemed relevant to the committee's objective.

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

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

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

2014-0288h

AMENDED ANALYSIS

This bill establishes a committee to study the use of the sex offender registry.

Amendment to HB 1533-FN

(2014-0595h)

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

Amend RSA 644:21, II as inserted by section 1 of the bill by replacing it with the following:

II. No information contained in a portable electronic device shall be subject to search by a government entity, including a search incident to a lawful arrest, except pursuant to a warrant signed by a judge and based on probable cause, or pursuant to a legally-recognized exception to the warrant requirement. A portable electronic device searched pursuant to this paragraph shall be returned to its owner as expeditiously as possible.

Amend RSA 644:21, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A government entity that purposely violates the provisions of this section shall be guilty of a misdemeanor. A person injured by a government entity as a result of a violation of this section may file civil suit against the government entity.

Amendment to HB 1543

(2014-0117h)

Proposed by the Committee on Election Law - c

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

AN ACT relative to filing for state representative special elections and relative to processing absentee ballots.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

[E.] Processing of previously received absentee ballots shall **not** begin [at 1:00 p.m.] **earlier than 2 hours after the opening of the polls. When the polls open, the moderator shall post in a conspicuous place and announce the time at which the processing of absentee ballots shall begin.** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed [at any time during the] **for the purpose of** processing of such ballots. Absentee ballots which are received after [1:00 p.m.] **the polls open** and prior to 5:00 p.m. [shall] **may** be processed as soon after receipt as possible. Under no circumstances shall absentee [ballots] **ballot votes** be counted prior to the closing of the polls.

[H.] Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]

3 Repeal. RSA 659:46, relative to delivery of absentee ballots to moderator, is repealed.

2014-0117h

AMENDED ANALYSIS

This bill clarifies the filing period for state representative special elections. This bill also eliminates certain restrictions relating to when absentee ballots may be processed.

Amendment to HB 1548-FN**(2014-0159h)****Proposed by the Committee on Criminal Justice and Public Safety -r**

Amend RSA 318-B:26,I(a)(3) as inserted by section 3 of the bill by replacing it with the following:

(3) Heroin or its analog [~~or crack cocaine~~] in a quantity of 5 grams or more, including any adulterants or dilutants.

Amend RSA 318-B:26,I(a)(4) as inserted by section 5 of the bill by replacing it with the following:

(4) Heroin or its analog [~~or crack cocaine~~] in a quantity of one gram or more, including any adulterants or dilutants;

Amend RSA 318-B:26,I(c)(4) as inserted by section 7 of the bill by replacing it with the following:

(4) Heroin or its analog [~~or crack cocaine~~] in a quantity of less than one gram, including any adulterants or dilutants;

Amendment to HB 1570-FN**(2014-0618h)****Proposed by the Majority on the Committee on Environment and Agriculture - r**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Paint Stewardship Program. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Paint Stewardship Program

149-M:61 Purpose.

I. The general court recognizes that it is unusual for any painting project to use all of the paints purchased for the project, and that current disposal practices for the remaining paints are inefficient and can be costly. The general court thus establishes a paint stewardship program to support and encourage the collection and recycling of latex paint and of oil-based paints and stains that can be exempt from regulation as hazardous waste if properly managed.

II. The goals of the paint stewardship program are:

(a) To reduce the amount of unwanted paint generated and promote the reuse and recycling of such paint;

(b) To establish collection points for post-consumer paints that are convenient and accessible to all areas of the state;

(c) To manage post-consumer paint collected at the collection points established under the program using environmentally-sound management practices;

(d) To manage post-consumer paint and paint containers using environmentally-sound management practices in an economically sound manner, while adhering to the waste management hierarchy of source reduction, reuse, recycling, energy recovery, and disposal; and

(e) To generate sufficient revenues to cover all costs of the paint stewardship program.

149-M:62 Definitions. In this chapter:

I. "Architectural paint" or "paint" means any interior or exterior architectural coating sold in containers of 5 gallons or less which is either latex-based paint, oil-based paint, or stain that, if properly managed, can be exempt from regulation as hazardous waste under RSA 147-A and has been exempted by rules adopted by the commissioner under RSA 147-A.

II. "Collection point" means a location that is under the direct supervision and control of a retailer, producer, or political subdivision at which there is a suitable container dedicated to collecting and consolidating post-consumer paint.

III. "Consumer" means a purchaser or user of architectural paint.

IV. "Costs of the paint stewardship program" means the actual costs incurred by the stewardship organization to establish and maintain the program plus the actual costs of the department for program oversight and compliance assurance.

V. "Distributor" means a business that has a contractual relationship with one or more producers to market and sell architectural paint to retailers in the state.

VI. "Energy recovery" means recovery in which all or a part of solid waste materials is processed in order to use the heat content or other forms of energy of or from the materials.

VII. "Environmentally-sound management practices" means procedures for the collection, storage, transportation, reuse, recycling, and disposal of post-consumer paint to be implemented to ensure compliance with all applicable federal, state, and local laws, regulations, rules, and ordinances and protection of human health

and the environment. Such procedures shall include adequate recordkeeping, tracking, and documentation of the final disposition of collected materials both within the state and beyond, as well as adequate environmental liability coverage for professional services and for the operations of the contractors working on behalf of the stewardship organization.

VIII. "Final disposition" means the point after which no further processing takes place and the paint has been transformed for reuse as a feedstock in producing new products or is disposed of, including for energy recovery, at permitted facilities.

IX. "Paint stewardship assessment" means the amount added to the purchase price of architectural paint sold in the state to cover the costs of the paint stewardship program.

X. "Paint stewardship program" or "program" means a program for management of post-consumer paint to be operated by a stewardship organization.

XI. "Post-consumer paint" means architectural paint that was purchased by or for a consumer that was not used and is no longer wanted by the consumer.

XII. "Producer" means a manufacturer of architectural paint that sells, offers for sale, or distributes such paint in the state under the producer's own name or brand.

XIII. "Recycling rate" means the percentage of the total amount of post-consumer paint collected by a stewardship organization in a calendar year that is recycled within 12 months of being collected.

XIV. "Recycling" means any process by which discarded products, components, and byproducts are transformed into new, usable, or marketable materials in a manner in which the original products may lose their identity but does not include energy recovery or energy generation by means of combusting discarded products, components, and by products with or without other waste products, for purposes of this subdivision.

XV. "Representative organization" means a nonprofit organization created by producers to operate a paint stewardship program that is open to all producers on a nondiscriminatory basis.

XVI. "Retailer" means a person that offers architectural paint for sale directly to consumers in the state, whether from a physical location or through catalogs or electronically via the Internet or similar conduits.

XVII. "Reuse" means the return of a product into the economic stream for use in the same kind of application as originally intended.

XVIII. "Stewardship organization" means a producer or representative organization that has submitted a paint stewardship program plan in accordance with RSA 149-M:63 and has received approval for the plan pursuant to RSA 149-M:64, II.

149-M:63 Proposals to Establish a Paint Stewardship Program.

I. Any producer or representative organization that wishes to become a stewardship organization shall, by January 1, 2015, submit a plan for the establishment of a paint stewardship program to the department for approval, together with a non-refundable application fee as specified in paragraph III.

II. The plan required by paragraph I shall include:

(a) A description of the applicant, including whether it is a producer or a representative organization, how it is managed and operated, how it is funded, and whether it is operating or has operated a paint stewardship program or similar product stewardship program in another jurisdiction and, if so, a description of that program.

(b) A description of how the applicant proposes to collect, transport, recycle, and process post-consumer paint covered by the program to meet the goals stated in RSA 149-M:61, II, including the number and location of proposed collection points, which shall be situated so as to ensure that at least 90 percent of state residents have a permanent collection point within a 15-mile radius of their residence.

(c) A description of how containers used to collect and consolidate post-consumer paint will be managed and protected against damage that could result in a spill, leak, or other discharge.

(d) The proposed initial amount of the paint stewardship assessment and the information on which the initial amount was determined, together with a description of the process by which the applicant will review and adjust the assessment, the frequency of such review and adjustment, and whether any amounts collected in excess of the actual program costs will be used to reduce future assessments or make improvements to the program.

(e) A description of the financial assurance mechanism the applicant proposes to use as required by RSA 149-M:67.

III. The non-refundable application fee paid by an applicant for review of a paint stewardship plan shall be \$5,000 plus any department costs exceeding that amount by \$100 or more. To collect excess costs of \$100 or more, the department shall send an invoice to the applicant with documentation of such costs. The applicant shall pay such costs prior to the department issuing a decision under RSA 149-M:64.

149-M:64 Approval of Plan.

I. The department shall review a plan submitted under RSA 149-M:63 as provided in RSA 541-A:29. The department shall publish a notice on its web site that the plan is available for public review at least 30 days prior to making a determination of whether to approve the plan.

II. The department shall approve a plan and send written notification of such approval to the organization that submitted the plan upon determining that:

- (a) The organization submitting the plan appears capable of implementing the plan;
- (b) The proposed methods of collecting, transporting, and processing post-consumer paint appear adequate to meet the goals stated in RSA 149-M:61, II;
- (c) The funding mechanism proposed in the plan appears adequate to meet the requirements of RSA 149-M:65, I; and
- (d) The proposed financial assurance mechanism meets applicable requirements.

III. If the department does not approve the plan, the department shall provide written notification to the organization that submitted the plan of the reason for the denial. Such denial shall not preclude the organization from submitting an amended plan.

149-M:65 Paint Stewardship Program Funding.

I. The stewardship organization shall administer the paint stewardship assessment for all architectural paint sold in the state. The amount of the assessment shall be set so as to recover the costs of the paint stewardship program without exceeding such costs, based on a good faith estimate of those costs. If the funds generated by the assessment exceed the amount necessary to recover the costs of the program, the excess funds shall be used by the stewardship organization as stated in the approved plan to reduce future paint stewardship assessments and to improve services under the program.

II. All producers shall add the paint stewardship assessment to the cost of all architectural paint sold for sale or other distribution in the state. Each producer shall remit the assessments collected to the stewardship organization. Collection of the paint stewardship assessment shall commence no later than July 1, 2015.

III. A retailer or distributor shall add the paint stewardship assessment to the consumer's purchase price of the architectural paint sold by that retailer or distributor. However, nothing in this section shall be construed to require the retailer or distributor to itemize or otherwise display the assessment on a customer receipt or bill of sale.

IV. No charge of any type shall be made at the time of post-consumer paint collection by a retailer or distributor.

V. To recover costs of program oversight and compliance assurance, the department shall send an invoice to the stewardship organization in each quarter that accrued costs exceed \$100, with documentation of the costs being invoiced. The stewardship organization shall pay such costs within 30 days of the date of the invoice. In any quarter that the department's costs do not exceed \$100, the amounts shall continue to accrue and be invoiced when the total exceeds \$100. All funds received at the department as recovered costs shall be deposited to the hazardous waste cleanup fund established under RSA 147-B:3.

149-M:66 Operation of Paint Stewardship Program.

I. The stewardship organization shall implement the approved plan within 3 months of receiving approval under RSA 149-M:64, II.

II. Upon implementation of the plan, no producer shall sell or offer for sale architectural paint in the state unless the producer participates in a paint stewardship program. The stewardship organization shall notify the department within 30 days of which producers are participating in that organization's paint stewardship program.

III.(a) The stewardship organization shall provide consumers and retailers with educational materials regarding the paint stewardship assessment and paint stewardship program. Such materials shall include information regarding available end-of-life management options for architectural paint offered through the paint stewardship program; promote waste prevention, reuse and recycling; and notify consumers that the assessment to fund the paint stewardship program is included in the purchase price of architectural paint sold in the state and that state law prohibits consumers from being charged any fee at the point of collection of waste paint.

(b) The materials provided pursuant to subparagraph (a) may include the following:

- (1) Signage that is prominently displayed and easily visible to consumers;
- (2) Printed materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery;
- (3) Advertising or other promotional materials that include references to the paint stewardship program; and
- (4) A manual for the operator of a collection point to ensure the use of environmentally-sound management practices when handling architectural paints.

IV. The stewardship organization shall notify the department in writing within 30 days of establishing any additional collection points, changing the location of a collection point, or terminating a collection point.

V. If the stewardship organization wishes to change the paint stewardship assessment, the stewardship organization shall submit a request to change the assessment to the department. The organization shall explain in detail the basis for the change and include audited financial reports to support the request. The department shall approve the request if it determines that the change is necessary to cover the actual reasonable costs of the program.

VI. A stewardship organization that organizes the collection, transportation, and processing of post-consumer paint, in accordance with a paint stewardship program approved by the department under this subdivision, shall be exempt from RSA 356 with respect to any claims of a violation of antitrust arising from conduct undertaken in accordance with the paint stewardship program.

149-M:67 Financial Assurance Required.

I. Upon receiving approval of a proposed paint stewardship program, the stewardship organization shall take such steps as are necessary to ensure that financial assurance is in place. No post-consumer paint shall be collected until financial assurance is in place.

II. Financial assurance shall be in the form of a bond, letter of credit, or some other financial mechanism, with or without a trust or standby trust, provided that whatever mechanism is used shall:

(a) Be in an amount sufficient to remove all collected post-consumer paint if the stewardship organization terminates the program unexpectedly or fails to provide collection services that are consistent with the approved plan;

(b) Insure to the benefit of, and be payable to, the state of New Hampshire, department of environmental services, upon presentation of appropriate documentation; and

(c) Require at least 120 days prior notice to the department prior to termination.

149-M:68 Annual Report Required.

I. The stewardship organization shall submit a report to the department annually, with the first report due 90 days after completion of the first year of program implementation, and in no case later than 18 months from the date the plan was approved pursuant to RSA 149-M:64, II. Thereafter, annual reports shall be submitted within 90 days after the end of each operating year. Such reports shall include:

(a) A description of the methods used to collect, transport, reduce, reuse, and process post-consumer paint in the state, including the location of each collection point;

(b) The volume and type of post-consumer paint collected in the state by method of disposition, including reuse, recycling, and other methods of processing;

(c) Whether the recycling rate has increased, decreased, or remained the same;

(d) The total costs of the paint stewardship program, as determined by an independent financial audit which may be funded from the paint stewardship assessment, that includes a breakdown of administrative, collection, transportation, disposition, and communication costs;

(e) A summary of all outreach and educational activities undertaken and samples of educational materials provided to consumers of architectural paint;

(f) The total volume of post-consumer paint collected by the paint stewardship program and a breakdown of the volume collected at each collection site;

(g) Based on the paint stewardship assessment collected by the paint stewardship program, an estimate of the total volume of architectural paint sold in the state during the preceding year;

(h) An evaluation of the effectiveness of the paint stewardship program compared to prior years and anticipated steps the stewardship organization plans to take to improve performance throughout the state, if needed; and

(i) A report on how the stewardship organization has ensured environmental compliance at all collection points within the program.

II. Reports submitted to the department under this section shall be made available to the public, except that proprietary information submitted to the department in a plan, in an amendment to a plan, or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information shall be subject to the exception for confidential information in RSA 91-A. As used in this paragraph, "proprietary information" means information that is a trade secret or production, commercial, or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

149-M:69 Retailers.

I. Beginning July 1, 2015 or 3 months after a plan is approved by the commissioner under RSA 149-M:64, whichever occurs later, no retailer shall sell architectural paint unless, on the date the retailer ordered the architectural paint from the producer or the producer's agent, the producer or the paint brand is listed by the department's as implementing or participating in an approved paint stewardship program.

II. Any retailer may serve as a paint collection point under the paint stewardship program provided the retailer complies with all applicable requirements of the paint stewardship program, including using environmentally-sound management practices.

149-M:70 List of Producers and Brands. The department shall maintain a list of producers participating and the brands included in a paint stewardship program. Such list shall be made available to the public on the department's web site and by other means as the department deems appropriate.

149-M:71 Liability for Discharges.

I. Any person who causes or suffers a spill, leak, or other discharge of materials collected under this program shall be liable for all costs of containment and removal of the discharged paint and, if the spill, leak,

or discharge was onto or into any land surface, sewer or storm water collection network, surface water, or wetland, or in any area where the paint could reach surface water or groundwater, also shall be liable for the costs of cleanup and restoration of the site and surrounding environment.

II. Any person who causes or suffers a spill, leak, or other discharge of materials collected under this program due to gross negligence or reckless disregard, or by intention, shall be subject to the applicable penalty provisions of RSA 149-M and RSA 147-A.

III. Any person who agrees to operate a collection point and who responsibly implements environmentally-sound management practices in good faith shall not be subject to penalties for the acceptance or storage of, or for any spill, leak, or discharge of collected paint, or other materials that are inadvertently accepted pursuant to the program, and which occurs despite the implementation of such practices.

149-M:72 Rulemaking. The commissioner may adopt rules pursuant to RSA 541-A relative to:

I. The content and structure of applications under RSA 149-M:63, including information and other materials to be submitted by an applicant.

II. The types of financial assurance that may be used to comply with RSA 149-M:67.

III. The content and structure of annual reports under RSA 149-M:68, including information and other materials to be submitted by a stewardship organization.

IV. Procedures for filing and review of requests to change the paint stewardship assessment.

V. Environmentally-sound management practices at collection points.

VI. Definitions of terms not defined in this chapter.

VII. Standards for granting any waivers from RSA 149-M:61-71.

Amendment to HB 1572-FN

(2014-0298h)

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

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

AN ACT establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

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

1 New Section; Health and Human Services Oversight Committee; Permanent Subcommittee on Alzheimer's Disease and Other Related Dementia. Amend RSA 126-A by inserting after section 15 the following new section:

126-A:15-a Subcommittee on Alzheimer's Disease and Other Related Dementia.

I. In addition to the subcommittees established under RSA 126-A:15, II, the health and human services oversight committee shall create a permanent subcommittee on Alzheimer's disease and other related dementia.

II. Members of the subcommittee shall be as follows:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

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

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

(d) The attorney general, or designee.

(e) A representative of the Alzheimer's Association, appointed by the association.

(f) A representative of the New Hampshire Medical Society, appointed by the society.

(g) The following persons appointed by the governor:

(1) A person who has Alzheimer's disease.

(2) A caregiver of a person who has Alzheimer's disease.

(3) A representative of the nursing facility industry.

(4) A representative of the assisted living industry.

(5) A representative of the adult day care services industry.

(6) A researcher with Alzheimer's-related expertise in basic transitional, clinical, or drug development science.

(h) A representative of the New Hampshire Nurse Practitioner Association, appointed by the association.

(i) A representative of the Home Care Association of New Hampshire, appointed by the association.

(j) A representative of the board of nursing, appointed by the board.

III. The subcommittee shall:

(a) Review other states' plans for Alzheimer's disease.

(b) Survey individuals with Alzheimer's disease to more accurately estimate the number of persons in the state with the disease.

(c) Study existing services and resources, including but not limited to:

- (1) The type, cost, and availability of dementia services.
- (2) Dementia-specific training requirements for long-term care staff.
- (3) Quality care measures across all care settings.
- (4) Capacity of public safety and law enforcement to respond to persons with Alzheimer's disease.
- (5) Availability of home and community-based resources for persons with Alzheimer's disease and respite care to assist families and caregivers.
- (6) Inventory of long-term care dementia care units and beds.
- (7) Adequacy and appropriateness of geriatric-psychiatric units for persons with behavior disorders associated with Alzheimer's disease and related dementia.
- (8) Assisted living residential options for persons with dementia.
- (9) State support of Alzheimer's disease research through New Hampshire universities and other resources.

(d) Determine state policies and responses that are necessary to provide clear and coordinated services and supports to persons, families, and caregivers living with Alzheimer's disease and develop strategies to address any identified gaps in service.

(e) Establish a New Hampshire state plan for Alzheimer's disease and other related dementia as approved by the health and human services oversight committee.

IV. Beginning November 1, 2014, and each November 1 thereafter, the health and human services oversight committee shall submit an annual report to the chairperson of the health, human services, and elderly affairs committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library relative to:

(a) The status of implementation of the New Hampshire state plan for Alzheimer's disease and other related dementia.

(b) The subcommittee's findings and recommendations, including any recommendations for legislation.

2 New Paragraph; Commissioner of Health and Human Services; Alzheimer's Disease and Other Related Dementia. Amend RSA 126-A:5 by inserting after paragraph XXII the following new paragraph:

XXIII. The commissioner, in collaboration with the commissioner of the department of safety, the director of the police standards and training council, and the local chapter of the Alzheimer's Association, shall develop an educational program on Alzheimer's disease and other related dementia, for both the general public and special interest groups, including law enforcement. Depending upon available resources, additional information and input may be sought from the fish and game department, the adjutant general's department, the board of medicine, the New Hampshire Medical Society, and other interested parties. The commissioner shall provide an interim report on or before January 1, 2015 with a final report on or before July 1, 2015 on the status of the implementation of the educational program to the oversight committee on health and human services established in RSA 126-A:13 and the subcommittee on Alzheimer's disease and other related dementia established in RSA 126-A:15-a. The commissioner shall post a link to the local chapter of the Alzheimer's Association on the department's website.

3 New Section; Police Standards and Training Council; Alzheimer's Disease and Other Related Dementia Training. Amend RSA 188-F by inserting after section 28 the following new section:

188-F:28-a Alzheimer's Disease and Other Related Dementia Training. The director of the police standards and training council shall provide education and training to the law enforcement community on Alzheimer's disease and other related dementia. The director may use the educational program developed in conjunction with the department of health and human services under RSA 126-A:5, XXIII and may include such additional components as may be appropriate to effectively assist law enforcement officers in responding to incidents involving persons with Alzheimer's disease and other related dementia.

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

2014-0298h

AMENDED ANALYSIS

I. Establishes a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other dementia.

II. Requires the department of health and human services to develop an educational program on Alzheimer's disease and to include a link to the Alzheimer's Association on the state website.

III. Requires the police standards and training council to provide training to the law enforcement community on Alzheimer's disease.

Amendment to HB 1601

(2014-0265h)

Proposed by the Majority of the Committee on Transportation-r

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

1 Use of Lights. Amend RSA 265:109 to read as follows:

265:109 Period of Lighting. Every vehicle or combination of vehicles, whether stationary or in motion, on any way or bridge, shall have attached to it a light or lights, which shall be so displayed as to be visible from the front and rear, during the period from ~~[1/2 hour after]~~ sunset to ~~[1/2 hour before]~~ sunrise.

2 Headlamps; When Use is Required. Amend RSA 266:31 to read as follows:

266:31 Front Lights. Every motor vehicle driven during the period from ~~[1/2 hour after]~~ sunset to ~~[1/2 hour before]~~ sunrise, and whenever ***fog or precipitation in the form of rain[,] or snow[,] or fog shall interfere with the proper view of the road so that persons and vehicles on the way are not clearly discernible at a distance of 1000 feet ahead*** ***is present***, shall display at least 2 lighted lamps on the front; provided, however, that one suitable lighted lamp on the front of a motorcycle shall be sufficient. The headlamp shall throw sufficient light ahead within the travelled portion of the way to make clearly visible all vehicles, persons, or substantial objects within a distance of 200 feet, except that the headlamps of motorcycles shall be sufficient if they make clearly visible objects within a distance of 150 feet. No headlamp shall be used unless it is approved by the director and is equipped with a proper lens or other device designed to prevent glaring rays. All headlamps on every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground on an unladen vehicle. The measurement shall be made from the ground to the center of the lens. No device which obstructs, reflects, or alters the beam of such headlamp shall be used in connection therewith unless approved by the director. Every lens or other device to prevent glaring rays, the use of which on motor vehicles has been approved by the director, shall be arranged, adjusted, and operated in accordance with the requirements of the certificate approving the use thereof. Every lamp, bulb, or light used in any headlamp shall be of such candle power as may be specified for the approved device in the certificate approving the use thereof. Every reflector which is used as a part of such headlamp shall have a reflecting surface approved by the director after satisfactory tests have been made, and every reflecting surface shall be free from dents, rust, and other imperfections. The driver of every motor vehicle shall permit any properly authorized person to inspect the headlighting equipment of such motor vehicle and to make such tests as he ***or she*** may deem necessary to determine whether the provisions of this section are being complied with.

Amendment to HB 1622-FN

(2014-0548h)

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

Amend the bill by inserting after section 2 the following and renumbering sections 3-7 to read as 4-8, respectively:

3 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 1630-FN-A

(2014-0409h)

Proposed by the Committee on Ways and Means - c

Amend the bill by replacing section 1 with the following:

1 Games of Chance. RSA 287-D is repealed and reenacted to read as follows:

CHAPTER 287-D

GAMES OF CHANCE

287-D:1 Definitions. In this chapter:

I. "Applicant" means an individual applying for a license under this chapter.

II. "Bona fide member" means a person who has held full and regular membership in the charitable organization for a period of not less than 60 days immediately prior to the games of chance in which such person intends to participate. To qualify as a bona fide member of a charitable organization, a person shall:

(a) Satisfy all criteria for membership in the charitable organization.

(b) Pay all lawful fees or dues required by the charitable organization.

(c) Not have become a member solely for the purpose of operating games of chance.

III. "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, VI.

IV.(a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations which shall have been registered with the secretary of state for at least 2 years.

(b) A charitable organization shall not include auxiliary units, committees, or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting games of chance.

V. "Commission" means the racing and charitable gaming commission established under RSA 284:6-a.

VI. "Ice-out contest" means a contest conducted by a charitable organization whereby a marker is placed on a frozen lake and the person most closely estimating the day and time the marker falls through the ice wins 1/2 the contest proceeds collected by the charitable organization.

VII. "Game operator" means a primary game operator or a secondary game operator.

VIII. "Game operator employer" means a primary game operator or a business entity who employs, supervises, and controls game operators and who is hired by a charitable organization to operate games of chance on its behalf. The owner of 10 percent or more of the entity, partner, managing member, or chief executive of a business entity who serves as a game operator employer must be licensed as a primary game operator.

IX. "Gaming equipment" means a collective reference to table game devices and their associated equipment.

X. "Primary game operator" means any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running games of chance.

XI. "Secondary game operator" means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, handling chips, or providing accounting services or security functions.

XII. "Wager" means a monetary agreement between 2 or more persons that a sum of money or other valuable thing shall be paid to one of them on the happening or not happening of an uncertain event. Wager may be used synonymously with the term "bet."

287-D:2 Enforcement. The commission, with the assistance of the attorney general and the chief of police of any city or town where games of chance are held, shall administer and enforce the provisions of this chapter.

287-D:3 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for games of chance licenses for charitable organizations.

II. Information to be required on license applications for games of chance licenses for charitable organizations.

III. The application procedure for games of chance licenses for game operators.

IV. Information to be required on license applications for games of chance licenses for game operators.

V. Procedures for a hearing following revocation or denial of any license issued pursuant to this chapter.

VI. The operation of games of chance.

VII. The rental or lease of facilities and the leasing or purchasing of equipment for use in games of chance.

VIII. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense and financial reporting, and recordkeeping to be implemented by licensed charitable organizations and licensed game operators in addition to requirements set forth in RSA 287-D:22.

IX. Enforcement of this chapter pursuant to RSA 287-D:23 and RSA 287-D:24.

X. Background and criminal records checks pursuant to RSA 287-D:11 and RSA 287-D:12.

XI. The issuance of subpoenas pursuant to RSA 287-D:25.

XII. Administrative orders and fines pursuant to RSA 287-D:23.

XIII. Badge specifications, requirements, and fees pursuant to RSA 287-D:9, RSA 287-D:10, and RSA 287-D:13.

XIV. License applications pursuant to RSA 287-D:5 through RSA 287-D:10.

XV. Surveillance requirements pursuant to RSA 287-D:15.

XVI. Gambling machine investigation and enforcement under RSA 287-D:28.

XVII. Other matters related to the proper administration of this chapter.

287-D:4 Games of Chance Authorized.

I. A charitable organization may conduct games of chance to promote the purpose for which it was organized, and shall be licensed as provided in this chapter.

II. The license shall authorize games of chance of a specified type on specified dates at specified times and at a specified location including agricultural fairs and other locations where nonprofit fundraising activities are conducted.

III. No license shall be transferable.

IV. No person shall be a party to, engage in, or supervise others in the operation of games of chance in any capacity, unless that person is licensed under this chapter.

287-D:5 License Applications; General Requirements and Process.

I. All license applications shall be made on the forms supplied by the commission and shall be submitted to the commission by the individual applicant or an officer, director, or duly authorized official of the entity seeking a license.

II. Proof of authority to submit the application on behalf of the entity may be required by the commission.

III. The applicant shall provide written notice of an application submission to the chief of police of each city or town where games of chance are held.

IV. All applications shall include:

(a) The type of license for which applied.

(b) The name, address, and telephone number of the applicant.

(c) A notarized criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the commission.

(d) A complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check.

(e) The requisite fee for each license.

(f) the requisite fee for the criminal records check and the fingerprint check as established by the department of safety.

(g) Certification by the applicant under oath that the information provided on the application is accurate.

(h) Certification under oath that the applicant has not, in any jurisdiction, been convicted of a felony within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court, nor violated the statutes or rules governing charitable gambling.

V. Incomplete applications shall be returned to the applicant for completion.

VI. Applicants for facilities and game operator employer licenses shall comply with the provisions of RSA 287-D:12.

287-D:6 Charitable Organization License Application; Specific Requirements.

I. In addition to the general requirements under RSA 287-D:5, a charitable organization license application shall include, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) The name of each bona fide member of the charitable organization who will participate in the operation of the games of chance who shall comply with the provisions of RSA 287-D:5.

(b) A list of the names and addresses of the current bona fide members of the charity.

(c) The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

(d) If known, the date or dates and location or locations of each game of chance to be sponsored by the charity.

(e) The identity of the licensed primary game operator who will operate the games of chance for the charity, if applicable.

(f) The identity of the licensed facility at which the proposed games will be held, if applicable.

(g) The identity of the licensed game equipment dealer from whom the charitable organization is buying or renting any equipment, if applicable.

(h) Documentation of exemption from federal income tax.

(i) Proof that the religious, civic, fraternal, veterans', or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the state.

(j) Documentation of registration with the director of charitable trusts, if required under RSA 7:19 through RSA 7:32.

II. Applications shall be received by the commission no fewer than 60 days before the first game date of the year. This requirement may be waived by the commission for good cause shown.

III. In addition to the certifications under RSA 287-D:5, the applicant shall certify under oath that:

(a) Only bona fide members of the charitable organization or persons complying with the requirements of RSA 287-D:14, III, will operate the games of chance.

(b) The applicant or any member of the charitable organization who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of games of chance.

IV. Only one license shall be issued to each applicant per year to operate games of chance for 10 days, which 10 days need not be consecutive.

V. Licenses shall expire on December 31 of each year.

287-D:7 Facilities License Application; Specific Requirements.

I. Any person or entity other than a charitable organization or governmental subdivision with a facility at which games of chance are held for 5 or more game dates per calendar year shall be licensed.

II. In addition to the general requirements under RSA 287-D:5, a facilities license application shall include, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) Certification of compliance with all of the requirements of RSA 287-D:5.

(b) A certificate of good standing from the department of revenue administration.

(c) Two passport quality photographs, if the applicant is an individual.

III. Only one facilities license shall be issued to each applicant per year.

IV. Licenses shall expire on December 31 of each year.

287-D:8 Game Operator Employer License Application; Specific Requirements. Any person or entity other than a charitable organization that employs primary game operators shall be licensed under this section. In addition to the general requirements under RSA 287-D:5, a game operator employer license application shall include, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:

I. Certification of compliance with all of the requirements of RSA 287-D:5.

II. A certificate of good standing from the department of revenue administration.

III. Federal tax identification number.

IV. Two passport quality photographs, if the applicant is an individual.

V. A description of the licensed premises.

VI. A list of the known game dates on which the game operator employer will participate including the name of the game, the location of the game, and the charitable organization holding the game.

VII. A bond for each location where the game operator employer is conducting games of chance, conditioned upon the licensees running games of chance in conformity with this chapter and with the rules and regulations prescribed by the commission, in the amount of up to \$500,000 but not less than \$25,000. The amount of the bond in excess of \$25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes.

287-D:9 Primary Game Operator License Application; Specific Requirements.

I. Other than members of a charitable organization, any person who supervises, manages, advises, or provides consulting to secondary game operators or other primary game operators shall be licensed under this section. In addition to the general requirements under RSA 287-D:5, a primary game operator license application shall include, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) The identity of the game operator employer for whom the applicant works.

(b) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(c) Whether a registration or license listed in subparagraph (a) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending.

(d) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business.

(e) The name of the financial institution with at least one branch in New Hampshire and the corresponding bank account number for the account in which money from the game of chance will be deposited and withdrawn.

(f) Two passport quality photographs.

II. The bank account identified in subparagraph I(e) shall be the only account in which the primary game operator shall deposit and withdraw moneys from games of chance.

III. Concurrent with the charitable organization, primary game operators who operate games of chance on behalf of a charitable organization shall be responsible for all requirements for which the charitable organization is responsible when a charitable organization operates games of chance itself.

IV. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the charitable organization and the game operator or game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than 5 business days following the date on which a game was conducted. Notwithstanding the provisions of any agreement with the charitable organization, the game operator or game operator employer shall pay over all moneys due to the charitable organization no later than 15 business days following a game date.

V. The provisions of RSA 7:28-c shall not apply to primary game operator licensees.

VI. Nothing in this section shall prevent a licensee from working for another game operator employer. A licensee who works for more than one game operator employer during the licensed period shall submit a supplemental application with a separate licensing fee, have a separate badge for each game operator employer, and pay a separate fee for each badge.

VII. The primary game operator license shall expire on the last day of the month of the licensee's birthday.

287-D:10 Secondary Game Operator License Application; Specific Requirements.

I. Other than members of a charitable organization, any person who is employed by a game operator employer or a primary game operator shall be licensed under this section.

II. In addition to the general requirements under RSA 287-D:5, a secondary game operator license application shall include, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(b) A statement of whether a registration or license listed in subparagraph (a) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending.

(c) The identity of the primary game operators for whom the applicant works.

(d) Two passport quality photographs.

III. A secondary game operator license shall expire on the last day of the month of the licensee's birthday.

IV. The provisions of RSA 7:28-c shall not apply to secondary game operator licensees.

V. Nothing in this section shall prevent a licensee from working for different licensed entities. A licensee who works for more than one game operator employer during the licensed period shall submit a supplemental application with a separate licensing fee, have a separate badge for each game operator employer, and pay a separate fee for each badge.

287-D:11 Background Investigations.

I. This section shall apply to applicants for a:

(a) Facilities license.

(b) Game operator employer license.

II. Any person, association, corporation, or other type of entity applying for or holding a license under paragraph I shall file, with an initial application and every 5 years thereafter, with the attorney general a complete and detailed written statement, signed under oath by the applicant or holder of such license if an individual, or by the officers of the entity, containing the following information:

(a) The name, residence address, and nature of the ownership interest including, where applicable, the number of shares of stock held and if known, how obtained, of every person who possesses an ownership interest in such entity;

(b) The name, address, present principal occupation or employment, and name and principal business of any corporation or other organization in which such employment is carried on of every director, officer, and holder of 10 percent or more ownership interest in such entity;

(c) Such information as the attorney general may prescribe by rule.

(d) Each licensee shall notify the attorney general and the commission of any change of information required by this paragraph within 10 days of such change.

III.(a) The commission shall refer all applications to the attorney general who shall conduct a background investigation of the license applicant or holder, any person included in paragraph I, or any person or entity upon whom the license applicant or holder relies for financial support. Any appropriate state or federal law enforcement system may investigate the subject's financial, criminal, or business background, or any other information which the attorney general, in the attorney general's sole discretion, may find to bear on the subject's fitness to be associated with charitable gaming in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. When the commission requests such an investigation, the attorney general shall report the results of such investigation to the commission within 90 days after the receipt of the request. Notwithstanding RSA 91-A, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general shall have sole discretion to determine the extent to which and the manner in which the results may be reported to the commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such an investigation, the attorney general shall notify the commission whether or not in the attorney general's opinion such person is fit to be associated with charitable gaming in New Hampshire. No person shall be issued or hold a license if in the opinion of the attorney general such person is not fit to be associated with charitable gaming in this state.

(b) The attorney general may conduct a background investigation described in subparagraph (a) on the attorney general's motion.

IV. The expenses of the office of attorney general in conducting any investigation authorized in this section, including the services of consultants, experts, accountants, and other assistants, shall be a direct charge against the applicant or holder. Total expenses for each investigation under this paragraph shall not exceed \$5,000, except with the approval of the fiscal committee of the general court.

V. In any investigation conducted pursuant to paragraph III, the attorney general may require, by subpoena or otherwise, the attendance of witnesses and the production of such correspondence, documents, books, and papers as the attorney general deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses. No person shall be excused from testifying or from producing any book or paper in any investigation conducted pursuant to paragraph III upon the ground that such testimony or documentary evidence might tend to incriminate such person; provided that if, after a claim of privilege, the attorney general, in writing, orders such person to testify or produce documentary evidence, that person shall not be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing which such person, under oath, disclosed or produced. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in such testimony.

287-D:12 Background and Criminal Records Check.

I. All applicants for a license pursuant to this chapter shall submit to the commission a New Hampshire department of safety, division of state police, notarized criminal record release authorization form.

II. Upon receipt of an applicant's criminal record information, the commission shall make a determination of eligibility for licensure and whether the applicant is fit to be associated with games of chance in New Hampshire.

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

IV. The commission shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the commission. The commission shall maintain the confidentiality of all criminal history records information received pursuant to this section.

V. The commission shall bill the applicant for any fee associated with the criminal or background record check to cover any fee charged by the department of safety for the criminal records check in paragraph I or by the Federal Bureau of Investigation for the background check in paragraph IV.

VI. For purposes of licensees, under RSA 287-D:7 or RSA 287-D:8 each owner, partner, or trustee of the underlying property, or in the case of a corporation, each officer, director, or shareholder, or in the case of a limited liability company, each manager or member, shall comply with all of the requirements of this section.

287-D:13 License Fees. The application fee for:

I. A charitable gaming license shall be \$25 per game date.

II. A facility license shall be \$250 per year.

III. A game operator employer license shall be \$750 per year.

IV. A primary game operator license shall be \$500 per year.

V. A secondary game operator license shall be \$30 per year.

VI. Each original or replacement identification badge shall be \$10.

287-D:14 Operation of Games of Chance.

I. No more than 2 licensed charitable organizations may conduct games of chance at any one location on any date.

II. No agreement between a charitable organization and any other licensee shall be valid unless such agreement is in writing and has been approved by the commission. The commission shall create standardized contracts.

III.(a) Only persons licensed under this chapter shall operate games of chance; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required for any person not subject to licensure.

(b) Notwithstanding subparagraph (a), if, by reason of the established criteria for membership, all bona fide members of the charitable organization are physically or mentally disabled, or both, the officers, directors, or authorized officials of the charitable organization may designate individuals to conduct the operation of games of chance on behalf of said charitable organization. Individuals so designated are subject to all applicable provisions of this chapter, and the designation of such individuals is subject to the approval of the commission.

(c) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may allow spouses, sons, and daughters of bona fide members who are at least 18 years of age to assist with the operation of the games of chance. These spouses, sons, and daughters are subject to all applicable provisions of this chapter, and are subject to the approval of the commission.

(d) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may employ, by means of a written agreement, a licensed game operator employer or a licensed primary game operator.

IV. No compensation shall be paid to any operator of a game of chance unless agreed to in advance in writing by the charitable organization.

V. No operator shall require additional fees not specifically allowed under this chapter as a condition of contracting with the operator for game dates.

VI. No one under the age of 18 years shall be admitted to the premises on which games of chance are being conducted, except when the games are being conducted at a carnival. Proof of age shall be produced upon request of the commission or commission's agents. When games of chance are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play games of chance at a carnival.

VII. Games of chance may be conducted Monday through Saturday between the hours of 11:00 a.m. and 1:00 a.m. the following day, and on Sunday between the hours of noon and 1:00 a.m. Monday.

VIII. No person operating a game of chance and no person who has leased a facility or sold or leased game of chance paraphernalia or related equipment to a charitable organization for use during games of chance shall participate or play in any game conducted at that location on that date.

IX. No person who has in any jurisdiction been convicted of a felony within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court, or who has violated the statutes or rules governing charitable gambling in the past year shall operate a game of chance licensed under this chapter, or rent, lease, sublease, or otherwise provide any hall or game of chance paraphernalia for the conduct of games of chance licensed under this chapter.

X. Only the treasurer of the charitable organization or a bona fide member of the charitable organization designated by the treasurer shall handle any monetary transactions related to the game of chance.

XI. A member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator.

XII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required under this chapter. All expenses, including prizes of \$500 or more and equipment and hall rental fees shall be paid by check from said account. The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the commission.

(b) On game dates when the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required under this chapter. All expenses, including equipment and hall rental fees shall be paid by check or electronic fund transfers from the account described in RSA 287-D:9, I(f). The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the commission. Prizes of \$500 or more shall be paid by check from the account described in RSA 287-D:9, I(f).

XIII. All game of chance paraphernalia or related equipment used in conducting games of chance shall be subject to inspection and approval by the commission.

XIV. The charitable organization shall keep a record of all persons participating in the operation of a game of chance, including but not limited to, the date and location of the game and the person's name, address, telephone number, and type of participation in the game.

XV. For games of chance where chips have no monetary face value, the charitable organization may offer any number of games per licensed event in which each player may spend up to \$150 per game including buy-ins and re-buys.

XVI. Notwithstanding paragraph XV, the charitable organization may offer one game per licensed event in which each player may spend up to \$250 for the game including buy-ins and re-buys.

XVII. For games of chance where chips have no monetary face value, the payback in prizes shall not exceed 80 percent of the total amount collected from players.

XVIII. A games of chance licensee shall not play any games of chance on a licensed game date unless all games of chance to be played have been approved by the commission and have been identified on an approved game schedule.

XIX. The charitable organization may amend or supplement the list of members who will participate in the operation of a game of chance up to 10 working days prior to any particular game.

XX. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the commission under RSA 287-D:6, I(d).

XXI. Every game operator employer shall develop house rules and submit such rules to the commission for approval.

XXII. Every game operator employer shall maintain list of manufacturers and distributors detailing the type of gaming equipment purchased from each. The information shall be detailed enough to permit the commission to research the origin and any piece of gaming equipment.

287-D:15 Surveillance Requirements.

I.(a) A game operator employer conducting games of chance at a facility that is required to be licensed pursuant to RSA 287-D:7 shall conduct and record, at the expense of the game operator employer, video surveillance that allows clear, unobstructed views of cashier transactions, table games where cash wagers are accepted, and the counting of money from storage boxes removed from a gaming table. A game operator employer shall be exempt from this provision if the games of chance are conducted in a temporary location for 4 days or fewer, provided that an alternative method of surveillance is approved by the commission.

(b) Surveillance shall include the customer, the employee, and the surrounding area and shall monitor and record with sufficient clarity to identify employees and customers in all areas where currency is counted, verified, sorted, stacked, or stored, including monitoring and recording all table game drop boxes, safes, and counting surfaces, and all cashier personnel. The counting surface area shall be continuously monitored and recorded by a dedicated camera during the count.

(c) Access to the surveillance equipment shall be limited to management personnel, designated employees, state regulators, and other persons authorized in accordance with the surveillance policy.

(d) The game operator employer shall ensure at least one person at the facility while games of chance are being conducted is trained in the use of the equipment, knowledge of the games, and all applicable regulations.

(e) Each camera required by these regulations shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by customers or employees.

(f) Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within 72 hours after the malfunction is discovered, provided any such malfunction shall be reported to the commission immediately.

(g) In the event of a dedicated camera malfunction, the game operator employer or the surveillance person shall immediately provide alternative camera coverage or other security measures.

II. The surveillance system, at a minimum, shall:

(a) Have an auxiliary or backup power source available and capable of providing immediate restoration of power to all elements of the surveillance system.

(b) Include date and time generators that possess the capability to display the date and time of recorded events on all digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

(c) Utilize cameras that possess the capability of having a picture displayed on a monitor and recorded.

(d) Include sufficient numbers of monitors and recorders to simultaneously display and record multiple table games and count room activities, and record the views of all dedicated cameras and motion-activated cameras.

(e) Record at 30 frames per second or its equivalent.

III.(a) All digital records of coverage provided by cameras required by this section shall be retained for a minimum of 45 days except as otherwise provided in this paragraph.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of investigations by management personnel shall be retained indefinitely until released by the commission and a copy of any report and video shall be forwarded to the commission.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(f) All recordings not otherwise required to be retained may be destroyed after a period of 45 days, unless the commission provides written notice to retain certain video recordings.

287-D:16 Wagers. No single wager by a player, on any game of chance, shall exceed the amount of \$4.

287-D:17 Equipment; Inspection.

I. All devices and equipment used to conduct games of chance shall be subject to inspection by duly authorized law enforcement or commission officials.

II. No mechanism or device, which can be used to regulate odds, shall be permitted to operate games of chance and no progression in any form shall be permitted in the operation of any such game.

287-D:18 Equipment; Ownership and Rental.

I. If a charitable organization operates games of chance itself, such games of chance shall be conducted with equipment that is:

- (a) Owned absolutely;
- (b) Used without payment or any compensation therefor by the charitable organization; or
- (c) Rented at a fixed fee only from a dealer in such equipment who has his or her principal place of business in this state and who is licensed by the commission.

II. Any contract for the rental of equipment for games of chance shall be independent of any contract for the rental of a facility. No contract for the rental of equipment for games of chance shall be contingent upon the charitable organization's agreement that it will contract with a particular business for a particular facility or equipment.

III. If a charitable organization's games of chance are operated through a primary game operator, the charitable organization shall not be charged for the use of any equipment.

287-D:19 Facilities; Rental.

I. If a charitable organization operates games of chance itself, such games of chance shall be conducted within a facility that is:

- (a) The charitable organization's primary meeting place, whether owned absolutely or rented;
- (b) Used by the charitable organization without payment or any compensation; or
- (c) Rented by the charitable organization for the express purpose of conducting games of chance; provided that:

(1) The charitable organization shall only rent a facility by means of a fixed rental payment, and such agreement shall be approved by the commission.

(2) The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use, not only as a place to hold a game of chance.

(3) Any contract for the rental of a facility for a game of chance shall be independent of any contract for the rental of equipment. No contract for the rental of a facility for a game of chance shall be contingent upon the charitable organization's agreement that it will contract with a particular business for a particular facility or equipment.

II.(a) If a charitable organization contracts for services from a game operator employer licensed under RSA 287-D:8, the game operator employer shall provide equipment and shall not charge the charitable organization for such equipment. No charitable organization shall receive less than 35 percent of the gross revenues from any games of chance minus any prizes paid and rental charge under subparagraph (b).

(b) If a game operator employer charges rent, such charge shall be by written agreement and shall be a fixed payment, not based on a percentage of what the charitable organization receives from the game of chance, and shall reflect fair rental value of the property for any use, not only as a place to hold a game of chance.

(c) Any service or rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the commission.

(d) Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid, and any rent paid or due, is less than zero dollars, during a license period with a single game operator.

(e) All contracts between a game operator employer and a charitable organization to conduct games of chance under this chapter shall contain the following language: "This agreement represents the entire agreement between the parties. No charge or fee of any kind that is not contained in this agreement shall be paid by the charity."

(f) No fee for any service which is required by or provided by the game operator employer or primary game operator shall be allowed.

287-D:20 Prizes.

I. In games where chips have no monetary value, 3 percent of all funds collected from players, less moneys used by the commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer to be deposited into the special fund established in RSA 284:21-j. Such payments shall be made once per month not later than the 5th day of the month for the funds collected in the previous month.

II. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the special fund established in RSA 284:21-j. Such payments shall be made once per month not later than the 5th day of the month for the funds collected in the previous month.

287-D:21 Agency Not Permitted. No charitable organization shall act as an agent for conducting a game of chance, where it is unlawful for the charitable organization's principal to conduct such a game.

287-D:22 Financial Reports, Inspections, and Other Records.

I.(a) A charitable organization shall submit a complete financial report for all game dates licensed under RSA 287-D:4 to the commission on forms approved by the commission within 15 days of the end of each month during which a game of chance was held. Such report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify such accounting under oath; or

(b) A licensed primary game operator under contract to conduct games of chance on behalf of a charitable organization shall prepare and submit the financial reports required under subparagraph (a). In such case the charitable organization shall not be required to submit such report. Such report shall be completed by the primary game operator who shall certify such accounting under oath.

II. The financial report shall include:

(a) A complete statement of all revenues and expenses.

(b) A record of the amount of prizes awarded.

(c) The names and addresses of the members who participated in the games of chance.

(d) The name and address of any fundraising counsel or game operator involved in conducting the games of chance.

III. The charitable organization shall retain canceled checks for the payment of expenses and prizes for a period of 2 years.

IV. All financial reports filed by charitable organizations shall be maintained by the commission for a period of one year from the date of filing and shall be open to public inspection.

V. All records pertaining to the games of chance shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer, or official of the charitable organization and shall be made available to the commission, the attorney general, or the chief of police of any city or town where games of chance are held upon request. The commission may audit, review, or inspect any and all financial records, books, documentation, and bank accounts in the name of the charitable organization that pertain to games of chance.

VI. A charitable organization shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

VII. For the purpose of this section "records pertaining to the games of chance" means at a minimum, the following information, provided that the commission may, by rule, establish additional items:

(a) A policies and procedures manual governing gaming activities, procedures related to the operation of a game, including play, surveillance, security, revenue collection, and accounting for, reporting, and auditing the results produced.

(b) Documentation of information technology procedures and controls, including monitoring systems for security incidents, data back-up, and maintenance of systems to ensure integrity of games.

(c) A formal bookkeeping system.

(d) Bank statements, check registers, reconciliations, and cancelled checks for games of chance bank accounts.

(e) Bank deposit slips for the games of chance bank account.

(f) Invoices for all games of chance related purchases.

(g) Pre-numbered 3-part, table credit and fill slips.

(h) Pit game table reconciliation sheets.

(i) Cash poker table reconciliation sheets.

(j) Cage accountability form summarizing daily cage activities.

(k) Cage inventory count sheets supported by employee signatures.

(l) Inventory transfer to and from cage documentation sheets.

(m) Chip inventory documentation forms, including purchase, receipt, balances on hand, storage, and destruction.

(n) Tournament sign-in or registration sheets, buy-in, re-buy, and add-on documentation slips.

(o) Tournament reconciliation sheets.

(p) Documentation for all prize and promotional payouts.

(q) Digital surveillance logs.

(r) Documentation of the calculation of charity allocation and state tax.

(s) All written contracts, agreements, leases, rental agreements, or any other statement of understanding regarding the operation of games of chance.

(t) Employee information, work schedules, sign-in sheets, time cards, and table assignments.

(u) Written manuals for surveillance systems, gaming computer programs, and accounting programs.

(v) Organization chart listing titles, roles, and responsibilities.

287-D:23 Penalties.

I. In addition to any other penalties provided by law, any person who violates RSA 287-D shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Each day on which a game of chance is played in violation of RSA 287-D shall constitute a separate offense.

III. The commission may suspend or revoke the license of any licensee who violates any provision of this chapter or for just cause shown. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

IV.(a) Any person who purposely or knowingly makes a false entry in any report required under this chapter which results in a reduction of revenues due to a charitable organization shall be guilty of a class A felony.

(b) Any person who recklessly or negligently makes a false entry on any report required under this chapter which results in a reduction of revenues due to a charitable organization shall be guilty of a class A misdemeanor.

(c) Any game operator employer or game operator who fails to remit to a charitable organization all revenues due under this chapter shall be guilty of a class A felony.

V. Any game operator employer or game operator who fails to pay the charitable organization all moneys required by this chapter shall be guilty of a class B felony for any amount less than \$500, and a class A felony for any amount equal to or greater than \$500.

VI. Any person who violates any provision of RSA 637 in a manner that deprives the charitable organization of any moneys required by this chapter, notwithstanding the penalties set forth in RSA 637:11, shall be guilty of a class B felony for any amount less than \$500, and a class A felony for any amount equal to or greater than \$500.

VII. In addition to any other penalty imposed under this chapter, a charitable organization that suffers a loss caused by the violation of any provision of this chapter may bring a civil action for actual damages suffered. If the court finds that the violation was committed purposefully or knowingly, it shall award enhanced compensatory damages of not less than 2 times the amount of actual damages suffered, and may award up to 3 times the amount of actual damages suffered. In any civil action, the prevailing party shall be awarded court costs and reasonable attorney's fees. No waiver of the provisions of this paragraph shall be enforceable.

VIII. The commission may issue an order requiring any person or organization to comply with this chapter or any rule adopted pursuant to this chapter, and may require such remedial measures as may be necessary.

IX. The commission may impose an administrative fine scaled to reflect a violator's prior history of non-compliance with laws pertaining to games of chance and the scope and severity of the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of this chapter, any rule adopted under this chapter, any license issued pursuant to this chapter, or any order issued pursuant to this chapter, or upon any person who makes or certifies to a material false statement relative to any application or report required by this chapter. In determining the amount of a fine, the commission may take into consideration all relevant circumstances, including: the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the investigation by the state, and the economic impact of the violation on the state or the charitable organization conducting or sponsoring the game. No administrative fine imposed under this paragraph shall preclude the imposition of other penalties as provided by law. Rehearings and appeals from a decision of the commission under this paragraph shall comply with RSA 541. Fines imposed by the commission shall be as follows:

(a) The fine for a minor violation shall be not less than \$25 and not more than \$500 per violation. A minor violation shall be one where the commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is minor and may include, but is not limited to, the failure of a game operator, a game operator employer, charitable organization, or charitable organization member to:

- (1) Wear a properly issued badge;
- (2) Post 2 copies of the laws and rules;
- (3) Have a diagram available for each table where games of chance are being played indicating the type of game being played, the bet amount, the buy-in amount, and the re-buy amounts as applicable; or
- (4) Publicly display the name of the charitable organization.

(b) The fine for a moderate violation shall be not less than \$250 and not more than \$1,500 per violation. A moderate violation shall be one where the commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is moderate and may include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:

- (1) Filing a late financial report;
- (2) Operating a game not specifically listed on the game schedule;
- (3) Operating a game on a different date than licensed without approval of the commission;
- (4) Committing 3 or more minor violations within 2 years; or
- (5) Knowingly operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:14, XI.

(c) The fine for a major violation shall be not less than \$1,000 and not more than \$5,000 per violation. A major violation shall be one where the commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is major and shall include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:

- (1) Operating a game of chance without a license;
 - (2) Operating a game of chance without having the personnel or officials required;
 - (3) Purposely operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:14, XI;
 - (4) Operating a game of chance with game operators who are not licensed;
 - (5) Failing to establish or maintain a New Hampshire bank account; or
 - (6) Committing 5 or more minor violations or 3 or more moderate violations within 2 years.
- (d) The commission may suspend any part of a fine for just cause.

X. All fines imposed by the commission shall be deposited in the special fund established pursuant to RSA 284:21-j.

287-D:24 Rehearing and Appeal. Any person aggrieved by a decision of the commission issued pursuant to this chapter may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

287-D:25 Subpoenas. The commission may issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings held by the commission. The attorney general shall assist the commission in matters pertaining to the enforcement of subpoenas.

Unlawful Gambling Machines

287-D:26 Purpose. The general court finds use of gambling machines is pervasive statewide with little or no oversight by the state. The general court also finds that redemption slot machines are frequently a front for unlawful gambling, and the use of such machines siphons money away from legal, charitable gambling to the detriment of the state's charities. Therefore the general court is establishing an administrative investigation and enforcement ability in addition to existing criminal prosecution.

287-D:27 Definitions. For purposes of this subdivision:

I. "Antique gambling machine" means any device or equipment at least 25 years old which is in the possession of a collector and which is not maintained or operated for gambling purposes.

II. "Collector" means a person who for nostalgic reasons, monetary investment, or personal interest acquires antique gambling machines as defined in paragraph I for personal display or retention.

III. "Family entertainment center" means a place of business having at least 50 games or devices designed and manufactured only for bona fide amusement purposes on premises which are operated for the entertainment of the general public and tourists as a bona fide entertainment facility and not having more than 15 percent of the total games or machines being redemption slot machines or redemption poker machines.

IV. "Gambling" means to risk something of value upon a future contingent event not under one's control or influence, upon an agreement or understanding that something of value will be received in the event of a certain outcome. For the purposes of this paragraph, the phrase "something of value" shall include a sweepstakes ticket or other item obtained in conjunction with the purchase of goods or services that entitles the holder to a share or chance in a sweepstakes where, but for the opportunity to enter the sweepstakes, the value of purchased goods or services is insufficient to justify the purchase or the inducement to purchase the goods or services.

V. "Gambling machine" means any device or equipment that is capable of being used to play sweepstakes or games of chance and which discharges money, or anything that may be exchanged for money, cash equivalent, debit card, merchandise credit card, or opportunities to enter sweepstakes or play games of chance, or displays any symbol entitling a person to receive such a prize.

VI. "Redemption slot machine" or "redemption poker machine" means any device or equipment that operates by means of the insertion of a coin or token and that may entitle the person playing or operating the game or machine to additional chances or free plays, or to receive points or coupons which may be exchanged for merchandise only, excluding alcoholic beverages, money, cash equivalent, debit card, merchandise credit card, or opportunities to enter sweepstakes or play games of chance, and provided the value for such points or coupons does not exceed 2-1/2 cents for each credit on the game or machine.

VII. "Sweepstakes" means any game, advertising scheme or plan, or other promotion which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance. For purposes of this chapter, the term includes only those sweepstakes that an entrant can enter, play, or otherwise interact with using a gambling machine furnished by the sweepstakes operator or an affiliate or person under contract with the operator, in an establishment controlled by, affiliated with, or contracting with the operator.

287-D:28 Investigation and Enforcement. The commission shall investigate and enforce this subdivision relating to gambling machines and shall have statewide jurisdiction whether or not persons or entities are licensed by the commission. The commission may seek administrative search warrants as required, and may issue subpoenas as provided in RSA 287-D:25.

287-D:29 Gambling Machines Not Authorized. A person shall be in violation of this subdivision if such person conducts, finances, manages, supervises, directs, or owns all or part of a business, and such person or business possesses or promotes gambling on a gambling machine.

287-D:30 Fines and Forfeiture. Any person who violates this subdivision shall be fined not less than \$5,000 per day for each gambling machine used or intended for use, and all implements, equipment, and apparatus used in violation of this subdivision shall be forfeited.

287-D:31 Exceptions. This subdivision shall not apply to:

I. Dispenser devices approved by the commission which are located at the regular meeting place of, or at a facility owned, leased, or utilized by, a charitable organization licensed under RSA 287-E:20.

II. Bona-fide redemption slot machines or redemption poker machines at a family entertainment center.

III. Cruise ships which are equipped with gambling machines whose primary purpose is touring. Any such cruise ship shall be allowed to temporarily enter New Hampshire coastal waters and ports for up to 48 hours, provided that all gambling machines on board are not in use or capable of being used while in New Hampshire coastal waters and ports. For the purposes of this paragraph "cruise ship" means any vessel which is capable of providing overnight accommodations for 500 or more people.

IV. An antique gambling machine in the possession of a collector which is not maintained or operated for gambling purposes.

Amendment to HB 1634-FN

(2014-0397h)

Proposed by the Committee on Executive Departments and Administration - c

Amend the bill by deleting sections 5 and 6 and renumbering the original section 7 to read as 5.

Amendment to SB 223

(2014-0639h)

Proposed by the Committee on Municipal and County Government - c

Amend RSA 149-I:4-a, IV(d) as inserted by section 2 of the bill by replacing it with the following:

(d) The contract shall contain a clause stating that no municipal general funds shall be appropriated for the repayment obligations under the contract.

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